

Recommendation Report for Planning Permission for Works or Extension to a Dwelling

REF NO: LU/139/21/HH

LOCATION: 5 Shannon Close
Littlehampton
BN17 6PR

PROPOSAL: Installation of a first floor rear balcony

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION Proposed balcony running almost full width to the rear of the house with access from the master bedroom.

RELEVANT SITE HISTORY

LU/27/80	Rear Extension	ApproveConditionally 06-02-80
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REPRESENTATIONS

Parish Council - No Objection

CONSULTATION RESPONSES RECEIVED:

None

POLICY CONTEXT

Designation applicable to site:
2km Buffer Zone for SSSI
BUAB

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards

[Littlehampton Neighbourhood Plan 2014 Policy 1](#)

The Presumption in Favour of Sustainable Development

Littlehampton Neighbourhood Plan 2014 Policy 2

A Spatial Plan for the Town

PLANNING POLICY GUIDANCE:

CONCLUSIONS

PRINCIPLE

Policy D DM1 sets out 13 design aspects of which applications should be assessed against. These include: Character, Appearance, Impact, Innovation, Adaptability, Crime Prevention, Trees, Public realm, Layout, Public Art, Density and Scale.

Policy D DM4 sets out criteria for which applications relating to extensions and alterations of existing buildings must be assessed against. They generally seek to minimise the impact of the proposal on the character of the host dwelling, its neighbours and the locality.

Policy 1 of the Littlehampton Neighbourhood Development Plan states that permission should be granted where applications accord with the relevant policies in the Neighbourhood Plan. It goes on to set out circumstances where an applications conflict with Policy 1 would be acceptable.

Policy 2 of the Littlehampton Neighbourhood Development Plan seeks to focus development in the built up area boundary.

VISUAL AMENITY

The size and scale of the proposed balcony is acceptable when compared to the existing scale of the house. It would be constructed of materials appropriate for its location, although balconies are not common place in this area, it is considered to visually integrate with the host dwelling.

The works would not be visible from the street and do not add bulk to the host dwelling and as such it is deemed to be subservient to the dwelling.

No additional footprint will be created by the proposal and therefore it does not compromise the established spatial pattern of the area.

Having regard to the design and visual amenity, the proposal is deemed to accord with policies D DM1 and D DM4 of the Arun Local Plan.

RESIDENTIAL AMENITY

The proposed balcony would run almost the full width of the existing house to a depth of 2.8m, utilising an existing flat roof to a rear extension. It is noted that there exists 3 sets of casement windows to the rear elevation of the house which serve the bedrooms of the property, including the master suite. It is proposed to increase the depth of the window serving the master bedroom to allow for patio doors and full length side lights to be installed, giving access onto the proposed balcony. The alterations to the fenestration will not increase overlooking to adjacent properties, especially as the neighbouring property to the south-east, nearest the patio doors, is set slightly forward of the rear building line of the host dwelling.

The site sits on an irregular shaped plot at the head of Shannon Close, meaning that the rear boundary is at an acute angle to the rear line of the house. The proposed balcony will provide the applicant with a large viewing platform across the backs of approximately 5 neighbouring properties, some will be affected more than others due to the irregularity of the shape of the site. At right angles from the rear wall of the house the boundary fence is located, at its closest point, approximately 5m away and at its

deepest point approximately 18m. This in turn leads to a direct viewing distance of approximately 4m to the rear boundary of 41 Tideway and a little over 6.5m to 43 Tideway, approximately 18m from the rear wall of No 41 Tideway. No measures have been proposed to lessen the impact on views into the neighbouring gardens of these two properties. As such, it is felt that the ease of viewing and the relatively short distance between the balcony and shared boundaries, that this will lead to unacceptable levels of overlooking and will negatively impact the privacy of No. 41 and 43 Tideway.

As there is to be very little built form, with minimal increase to mass and scale of the property, the provision of the balcony it is not expected to increase overshadowing or be overbearing to neighbours.

It is therefore considered by virtue overlooking neighbouring properties that the proposed extensions conflicts with policies D DM1 and D DM4 (c) of the Arun Local Plan.

HUMAN RIGHTS ACT

The Council in making a decision, should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (Right to respect private and family life), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

CIL DETAILS

This application is CIL Liable therefore developer contributions towards infrastructure will be required (dependant on any exemptions or relief that may apply)

RECOMMENDATION

REFUSE

- 1 The proposed new balcony on the rear elevation will result in unacceptable adverse impact in terms of overlooking of adjoining properties contrary to policies D DM1 and D DM4 of the Arun Local Plan.
- 2 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority

has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.