

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

REF NO: LU/290/19/HH

LOCATION: 62 Parkside Avenue
Littlehampton
BN17 6BJ

PROPOSAL: Formation of balcony over rear elevation flat roof extension (approved under LU/116/19/PDH)

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION As above

RELEVANT SITE HISTORY

LU/116/19/PDH	Notification under extended permitted development rights for proposed single storey rear extension and internal alterations. Measuring 4.0m from beyond the rear wall of the original dwelling house, with maximum height of 3.45m and eaves height of 2.475m.	Prior Approv not req 21-05-19
LU/46/92	Loft conversion including side dormer and roof lights	ApproveConditionally 27-04-92

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Littlehampton Town Council
No objection to the application.

Two letters of objection from both neighbouring properties. The objections are on the following grounds:

- Overlooking into the gardens of the neighbours.
- Overlooking into the bedrooms of neighbouring properties.
- Overshadowing from the proposed extension and potential screens.
- Concerns over the access to the rear for emergency services.

COMMENTS ON REPRESENTATIONS RECIEVED

It is noted that the major concern of the neighbouring residents is that of the overlooking into the gardens and bedrooms. To overcome this issue it has been conditioned that the balcony has panelling to the side that at all times will be obscured. Due to the size of the existing dwelling and the length of garden

available it is considered that overshadowing will not detrimentally effect the proposal. Access for emergency vehicles not relevant to the determination of this application.

CONSULTATION RESPONSES RECEIVED:

None.

POLICY CONTEXT

Designation applicable to site:

Within the Built Up Area Boundary

Within 2km of Site of Special Scientific Interest

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design

[Littlehampton Neighbourhood Plan 2014 Policy 1](#) The Presumption in Favour of Sustainable Development

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

CONCLUSIONS

PRINCIPLE

The key policies are D DM1 and D DM4 of the Arun Local Plan. Additionally, policy 1 of the Littlehampton Neighbourhood Plan.

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.

DESIGN AND VISUAL AMENITY

By virtue of the siting of the property, the proposed development is readily visible from the open space to the rear (South) of the application site. However, the proposed balcony is not considered to have a significantly adverse impact on the established spatial pattern. The proposed development is considered to be in accordance with D DM4(e) of the Arun Local Plan

As a result of the design of the proposal, there is considered to be an impact on the established character of the area, however, it is important to note that the change is not necessarily harmful. The design and style are not considered to have a harmful impact on the established character of the host dwelling as it retains its character as a detached dwelling, and is not considered overdevelopment of the

site. The proposed materials are to match those existing on the property, which is considered to allow the balcony to harmonise with the dwelling in terms of its design and materials. Therefore, the application is deemed to be in accordance with D DM1, D DM4(a) and (b) of the Arun Local Plan.

NEIGHBOURING RESIDENTIAL AMENITY

The proposed development is not considered to have a significantly detrimental impact on residential amenity.

The proposed balcony is not considered to have a significantly detrimental impact on overbearing or overshadowing at neighbouring dwellings. It is noted this proposal could result in a loss of privacy to adjacent occupiers. With the addition of the screening to the east and west it is considered that there will be no detrimental views gained from the balcony. Resultantly, the proposed development is considered to be in accordance with D DM1(3) and D DM4(c) of the Arun Local Plan.

SUMMARY

The proposed development is deemed to accord with relevant development plan policies and as such is recommended for approval subject to the following conditions.

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) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval 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.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as

amended).

- 2 The development hereby approved shall be carried out in accordance with the following approved plans:

- 2018/22/2 (Revision H)
- 2018/22/4 (Revision E)

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.

- 3 The east and western elevations of the balcony at first floor level, shall at all times be obscured to a height of 1.7m with fixed obscured glass and said screening shall be retained in perpetuity.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policy D DM1 of the Arun Local Plan.

- 4 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 within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.