

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

REF NO: M/103/18/HH

LOCATION: 46 Southdean Drive
Middleton
PO22 7TB

PROPOSAL: The modification of an existing balcony with the addition of privacy walls.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks to construct privacy walls to the Eastern and Western sides of an existing balcony.
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REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Middleton Parish Council
Parish Council - No objection.

No representations received from occupiers of nearby dwellings.

CONSULTATION RESPONSES RECEIVED:

None.

POLICY CONTEXT

Designation applicable to site:
Within built up area boundary

DEVELOPMENT PLAN POLICES

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
SDSP2	SD SP2 Built-up Area Boundary

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

MDS	Middleton-on-Sea Village Design Statement by Middleton PC
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CONCLUSIONS

PRINCIPLE

The application site is located within the built up area boundary, where the principle of development is acceptable subject to accordance with the relevant development plan policies, as stated in SD SP2 of the Arun Local Plan. In this case, the key policies are deemed to be D DM1 and D DM4 of the Arun Local Plan. Additionally, the National Planning Policy Framework.

Policy SD SP2 of the Arun Local Plan states that development should be focused within the Built Up Area Boundary, and will be permitted subject to consideration against other policies in the Local 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

Resultant of the siting of the balcony at the rear, the proposed walls will not be visible within the street scene. Resultantly, the proposed development is deemed to be in accordance with D DM1 of the Arun Local Plan. Additionally, due to the proposed design and materials of the development, the proposal is considered to appear subservient and well integrated with the host dwelling, in accordance with policy D DM4 (a) and (b) of the Arun Local Plan.

NEIGHBOURING RESIDENTIAL AMENITY

The balcony is location to the rear of the property, and therefore it is considered that it has the potential to give rise to unacceptably adverse overlooking of neighbours. However, the proposed walls are deemed to alleviate potential for loss of privacy to the occupiers of these adjacent dwellings. 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

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:

- Location & Block Plan - 696/06 - Aug '17
- Proposed First Floor Plan - MOS/1
- Proposed Side (East) Elevation - MOS/2
- Proposed Side (West) Elevation - MOS/3
- Proposed Rear (South) Elevation - MOS/4
- Proposed Roof Plan - MOS/6

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 Prior to use of the balcony, height and details of the proposed wall materials are to be submitted to, and approved by the Local Planning Authority and the materials and height so approved shall be used in the construction of the walls and retained as such thereafter.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity and character and appearance of the dwelling by endeavouring to achieve a building of visual quality 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 assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.