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

REF NO: M/17/26/HH

LOCATION: Pirate Haven
24 West Drive
Middleton-on-sea
PO22 7TS

PROPOSAL: Proposed extension to useable first-floor decking area with replacement access staircase and balustrading.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION As above.

RELEVANT SITE HISTORY

M/6/19/HH	First floor front extension & external stair to balcony	ApproveConditionally 12-03-19
M/13/18/HH	Single storey front & side extensions, conversion of garage to part of dwelling & first floor balcony.	ApproveConditionally 05-04-18

REPRESENTATIONS

Middleton Parish Council - No objection.

No representations received from nearby occupiers.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

DRAINAGE ENGINEERS - Objection.

1. Runoff.
3. Extreme rainfall and flooding.

Insufficient information regarding surface water drainage has been submitted to evidence that flood risk will not be increased as due to the proposed development.

1. Runoff destination.

The designer has proposed that surface water falling on the new balcony will filter through the balconies surface infiltrating into the ground below. Whilst infiltration is the highest priority location on the drainage hierarchy (apart from water re-use which would not provide a full design solution) and accords with Standard 1 of the NSfS, no evidence to demonstrate that infiltration is a viable solution has been submitted. For this reason, we object to the proposal. The submission of the required evidence may also have implications for the scale and layout of the development.

The site is within a local flood risk zone identified within the Lidsey surface water management plan, the plan is in place due in part to the recognised history of foul sewer flooding in the area. It states that flood risk within this zone from pluvial water, groundwater and public sewers is high. It states that "hydraulic overload of the foul sewer system has been confirmed." The site is also within the Lidsey Treatment Catchment Area. Therefore, it is important to ensure that future development does not exacerbate this problem.

3. Extreme rainfall and flooding.
The proposed development introduces new built form within an area at risk of flooding. The site is wholly located within flood zone 3a - at high risk of flooding from rivers or the sea.

The area where the balcony extension is proposed is also at risk of surface water flooding and a significant proportion of the front garden sits in an area at high risk.

The drainage for the proposed extension would place SuDS features in a pluvial flood area and the application does not demonstrate that the surface water drainage of the site would function under flood conditions. Therefore, due to the inadequate risk assessment, we object to the application. The applicant has not demonstrated that sufficient storage can be provided on site without increasing flood risk.

DRAINAGE ENGINEERS (COASTAL PROTECTION) - No response received.

POLICY CONTEXT

Built Up Boundary Area.
Within an area with potentially high ground water.
Lidsey Treatment Catchment Area.
Lidsey LFRZ.
Flood Zone 3.
Erosion Risk Statement - 200m mhw.
Risk of Flooding from Surface Water .

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions and alter to exist builds (res and non-res)
WDM1	W DM1 Water supply and quality
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems

Middleton-on-Sea Neighbourhood Plan 2024-2041 Policy MOS6	REFLECTING LOCAL CHARACTER THROUGH HIGH QUALITY DESIGN

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD13	Arun District Design Guide (SPD) January 2021
SPD11	Arun Parking Standards 2020

CONCLUSIONS

DESIGN AND VISUAL AMENITY

The site is a detached two storey dwelling located at Pirate Haven, 24 West Drive. This application seeks planning permission for a proposed extension to the existing useable first-floor decking area with replacement access staircase and balustrade.

The proposed development is sited off a narrow single-track land leading to Elmer beach. The property has a long front garden containing a large impermeable parking area to the front the dwelling. There are a wide variety of detached dwellings within the vicinity and a block of flats to the south of the host dwelling. The proposed design would be visible from the street scene as it would be sited to the front, extending an existing staircase and balcony area, and would be in keeping with the established varying character of the area.

The proposal includes the extension of the existing first-floor decking area to the south and east. The extended first floor decking area would have a width of 4.8m and a depth of 4.2m, extending 1m beyond the existing front elevation of the host dwelling. The extended section would comply with part M of the Arun Design Guide (ADG) as it would not extend the full width of the property and it would project less than 1.5m forward of the principal elevation of the host dwelling. Additionally, whilst the depth and width of the decking area would be increased, the open design would not result in a materially greater impact by way of bulk or appearance when considered against the existing built form and would not be visually intrusive in the street scene.

The proposed balustrade would have a height of 1.8m and use obscure glazed screening within stainless-steel framing along the southern and western sides. To the front (eastern) and northern side elevations there would be clear glazed screening that would have a height of 1.3m within the stainless-steel framing, supported by a metal post that would have a height of 4.2m.

The revised layout would facilitate direct connection to the proposed external staircase to the southern aspect of the front of the raised decking. This would replace the existing centrally position spiral staircase with a more practical and visually coherent access arrangement. The proposed staircase would provide access from ground level to the first-floor decking area and would have a width of 0.9m, depth of 3.2m, and height of 3.1m.

Middleton-on-Sea Neighbourhood Plan (MOSNP) policy 6 states that development proposals should incorporate high quality design which responds and integrates well with its surroundings and minimises the impact on the coastal setting and natural environment. That the scale, form, siting, appearance, and character of the proposal should respect the landscape and its features and should reflect the prevailing architecture found locally, using materials that are in keeping with those used in existing buildings in the immediate locality. The proposed extension to a useable first-floor decking area with replacement access staircase and balustrading would achieve this with a design and use of materials that match the existing.

The proposed development would integrate appropriately with the host dwelling and would not result in

harm to the character, appearance, or visual amenity of the host dwelling, street scene, or surrounding properties of the area, and would therefore be in accordance with Arun Local Plan policies D DM1 and D DM4, the ADG and MOSNP policy 6.

NEIGHBOURING RESIDENTIAL AMENITY

The proposed staircase would be set in approximately 0.8m from the southern side boundary and set back 37.4m from the eastern front boundary. The proposed extended first floor decking area would be set in approximately 0.8m from the southern side boundary. While this would not comply with the minimum guidance of 2m for a first-floor extension outlined in the ADG policy M, the raised decking area is an open structure and would extend over existing built form, thus not diminishing the existing spacing arrangement.

The proposal would maintain the existing outlook and spatial relationship with neighbouring dwellings, and there would be no increase in overlooking. However, it is reasonable and appropriate to attach a condition to secure 1.8m high obscure glazed screening for perpetuity along the southern and western sides of the first-floor decking area. On the front eastern elevation there would be an outlook of the host dwelling's front amenity and any views to the neighbour to the north would be oblique, given the spacing maintained between the decking area and this neighbour. Therefore, the proposed development would not result in harm to neighbouring residential amenity by way of overlooking impacts.

Overall, the proposed development would not result in overbearing, overshadowing, or overlooking impacts to neighbouring properties and would therefore be in accordance with ALP policies D DM1 and D DM4 and the ADG.

LIDSEY TREATMENT CATCHMENT AREA

The site is located within the Lidsey Local Flood Zone and the Lidsey Treatment Catchment Area, and therefore is in an area of increase water capture and surface water flood risk, so the proposed development needs consideration under Arun Local Plan policies W DM1 and W DM3 and the National Planning Policy Framework (NPPF).

Paragraph 181 of the NPPF (2024), states when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that: a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location; b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment; c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate; d) any residual risk can be safely managed; and e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

The Drainage Engineers have been consulted on this proposal and objected on the grounds of insufficient information regarding surface water drainage. The Drainage Engineers objection is noted and that the proposal is not compliant with national standards (Standard 1 of the NSfS). However, given that the proposal would extend an existing first floor decking area by 1m at first-floor level and would replace an existing staircase, and the structure would remain open where it would extend forward of the footprint of the existing dwelling, over existing hardstanding, the proposal would not result in any increase to flood risk, and the proposed development would be in accordance with Arun Local Plan policies W DM1 and W DM3, and the NPFF.

FLOOD RISK

The site is located within the Flood Zone 3 and therefore is in an area of increase flood risk, so the

proposed development needs consideration under Arun Local Plan W DM2.

The proposed extension of an existing first floor decking area and replacement of an existing staircase would result in an increase in the footprint of the dwelling; however, it would extend over existing impermeable hard surfaces to the front of the host dwelling and would remain an open structure.

Therefore, the proposal would not result in an increase to the impermeable areas within the application site and on balance, the proposed development would be acceptable in accordance with Arun Local Plan policies W DM2.

PARKING
Part I of the ADG requires dwellings of four or more bedrooms to provide three parking spaces. The 'Proposed Site Layout PL04' plan submitted with the application indicates that the existing parking area and manoeuvrability would remain adequate following the proposed relocation of the stairs and extension to the balcony. As such, the proposal would not result in a loss of parking provision. Consequently, a condition to secure additional parking is not required in this case. The proposal would, therefore, comply with the Arun Parking Standards SPD.

SUMMARY
The proposed development is in accordance with relevant development plan policies and is recommended for approval subject to the following conditions and informatives.

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.

CIL DETAILS

This application is not CIL liable.

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 Plan PL01.
- Proposed Site Plan PL02.
- Proposed Site Plan PL03.
- Proposed Site Layout PL04.
- Proposed Plans PL05.
- Proposed Elevations PL06.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Arun Local Plan policies D DM1 and D DM4.

3 The extended first floor decking area hereby approved shall not be bought in to use until the 1.8m obscure glazed screening has been erected on the western and southern sides of the balcony. The screening shall be maintained in perpetuity.

Reasons: To protect the amenities and privacy of the adjoining property in accordance with Arun Local Plan policies D DM1 and D DM4.

4 Based on the information available, this permission is exempt from the requirement to provide a biodiversity gain plan under Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990. The following exemption applies:

This planning permission is for development which is a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Reason: In accordance with Schedule 7A of the Town and Country Planning Act 1990 (as amended).

5 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). 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 NPPF.