

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

REF NO: M/91/20/HH

LOCATION: 166 Elmer Road
Middleton-On-Sea
PO22 6JA

PROPOSAL: Single storey rear extension with terrace above including demolition of existing conservatory, enlargement of window to west elevation & replacement cladding.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION As above

REPRESENTATIONS

Parish Council - No objection

No representation from nearby occupiers.

CONSULTATIONS**CONSULTATION RESPONSES RECEIVED:**

Drainage Engineers:

No objection due to the scale of development.

POLICY CONTEXT

Designation applicable to site:
Lidsey Treatment Catchment
Within the Built Up Area Boundary

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)

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

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 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

Given the proposal is not visible from the street scene, it is not deemed to have a significantly detrimental impact on the established spatial pattern, or visual amenity of the area. This is predominantly due to the proposed materials and modest, largely open scale of the development allowing it to remain subservient in appearance and sympathetic in style to the host dwelling. There will however be views available from the public realm as the proposed site backs onto the beach where the rear of the proposal can easily be viewed.

The proposed balcony will be bordered by glass, with stainless steel balustrading. This provides a stark contrast to the materials used in the construction of the host dwelling, however, the proposed materials are deemed to remain sympathetic to the character of the host dwelling and similar to those rear balconies neighbouring the site.

The proposed alterations are considered to be acceptable in terms of design and visual amenity, in that they do not have any considerable impact upon the street scene, or the established character of the site.

The proposal is not considered to adversely impact the spatial pattern or character of the area and accord with D DM1 and D DM4 of the Arun Local Plan.

NEIGHBOURING RESIDENTIAL AMENITY

The proposed development is not considered to have any significant impact upon the residential amenities of neighbouring dwellings. The proposed construction would be located 10.8m from the southern boundary, 2.7m from the eastern boundary and 3.3m from the western boundary. The proposed windows and doors are sited on the ground floor where no new views into neighbouring property, other than those existing, can be gained.

The proposed balcony has screening to the east and west at two heights, the majority being approximately 1.3m which will allow for some views of the neighbouring rear amenity space. Due to the location with the beach to the rear of the properties long views from the balcony will be towards the sea and the application sites rear garden. However, views towards the neighbouring properties gardens can be gained from the side of the balcony and to avoid these harmful views a condition will be imposed requiring screening to a height of 1.7m be erected.

Given the location and height of the proposed extension it is not deemed to effect any of the local properties with regards to the 45 degree rule. This is because it is a single storey development that does not cross the view from the neighbouring windows .

The proposal is not considered to result in harm upon amenity by way of overlooking, overshadowing or overbearing and accord with D DM1 and D DM4 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 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

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:
 - Proposed Plans, Proposed Elevations, Proposed Extension Dwg No. 002
 - Existing Plans, Existing Elevations Dwg No 001

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 Solid/obscured balcony screening shall be constructed to a height of 1.7m to the east and western elevation of the proposed balcony to the rear of the property. The screening shall be installed prior to the first use of the balcony and be retained thereafter in perpetuity.

Reasons: In the interests of the amenity of the neighbouring dwelling in accordance with policies 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.