

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

REF NO: M/92/18/HH

LOCATION: 2 Elmer Court
Elmer
Middleton- on- Sea
PO22 6JT

PROPOSAL: Replacement two storey rear extension, balcony & alterations (resubmission following M/62/17/HH).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal seeks to replace an existing rear two storey extension, and construct a balcony on the rear. This application is a re-submission of previous scheme M/62/17/HH, and has been submitted as a result of incorrect installation of the first floor, Western window.
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RELEVANT SITE HISTORY

M/62/17/HH	Replace two storey rear extension & erection of rear balcony & external staircase.	ApproveConditionally 27-09-17
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REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Middleton Parish Council

Parish Council - No objection.

ADC Engineer - Please apply standard condition ENGD2B.

3 letters of objection:

- The footprint of the proposal is slightly larger than the footprint of the existing extension.
- The Westernmost window on the proposed extension is considered to cause an unacceptable loss of privacy to the occupiers of #1 Elmer Court. The objector suggests that this window should be conditioned to be obscure glazed as to prevent available views.
- This window will also cause light pollution issues due to its separation distance from the same window.

1 letter of support (from applicant):

- The applicant objects to any imposition of a condition of which obscures any first floor side windows. They state that the views available are the same as those available originally.

CONSULTATIONS

Engineering Services Manager
 Engineers (Drainage)
 Southern Water Planning

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

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.

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 & VISUAL AMENITY

The proposed two storey rear extension will measure approximately 3.2m in depth with an eaves height of 5.4m and a maximum height of 6m. The proposal will include a balcony which will measure approximately 2.3m in depth and will measure 3.6m in width.

The proposed extension, by virtue of its design and location is considered to appear well integrated with and subservient to the host dwelling, as it can be read as a later addition.

The proposed extension, resultant of its siting and design, is in accordance with D DM4(a) and (b) of the Arun Local Plan. Given the existing two storey extension present on site, the proposed development is not considered to have a significant detrimental impact on the character of the area, in accordance with D DM1(1) of the Arun Local Plan.

NEIGHBOURING RESIDENTIAL AMENITY

The proposed two storey extension will replace an existing extension in this location. This existing extension features significant obscure glazing on the Southern, Eastern and Western elevations, and therefore gives rise to overlooking to the gardens to the East and West. However, the proposal is considered to cause an unacceptable loss of privacy to the occupants of #1 Elmer Court, by way of providing views into a principle room in the South East of the dwelling. It will be conditioned that this window will be obscure glazed below 1.7m in order to prevent this unacceptable loss of privacy.

The proposed balcony will be situated approximately 3m from the Eastern and Western boundaries of the application site. It is considered that the proposed balcony has the potential to give rise to unacceptably adverse overlooking of neighbours and as such a condition has been included with this recommendation report requiring details of 1.8m high obscured screening on the eastern and western edges of the balcony. The proposed screening by virtue of its distance from the boundary is not considered to give rise to any unacceptably adverse overbearing or overshadowing impacts.

Resultant of these factors, 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 below 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 plan:

- Location Plan - 100047474 - 18/07/2018 - 10:04
- Proposed Replacement Two Storey Rear Extension and Alterations - 1645/2010F - Sept 2016

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 materials and finishes of the external walls and roof of the extension hereby permitted shall match in colour and texture those of the existing building.

Reason: In the interests of amenity in accordance with policies D DM1 and D DM4 of the Arun Local Plan.
- 4 The first floor window on the west elevation of the building shall at all times be glazed with obscured glass fixed to be permanently non-opening. The obscure glazed and permanently fixed shut window will be installed within 1 month of completion of the works and shall be retained as such in perpetuity.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policies D DM1 and D DM4 of the Arun Local Plan.
- 5 The balcony hereby approved shall not be installed until full details of 1.8m high obscured screening to the eastern and western edges of the balcony have been submitted to and approved by the Local Planning Authority. The obscured screening hereby approved shall be installed within 1 month of completion of the works and shall be retained in perpetuity.

Reason: In the interests of amenity in accordance with policies D DM1 and D DM4 of the Arun Local Plan.
- 6 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.