

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

REF NO: M/100/24/HH

LOCATION: 1 Elmer Court
Elmer
Middleton-on-Sea
PO22 6JT

PROPOSAL: Single storey rear pergola and first floor rear balcony with sliding doors. (Part retrospective).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION As above.

RELEVANT SITE HISTORY

ENF/465/24 Alleged unauthorised first floor rear balcony with sliding doors.

REPRESENTATIONS

Middleton Parish Council - objection, key points summarised below.

- Overdevelopment of the site and if agreed will establish an undesirable precedent.
- Will impinge on the privacy of adjoining properties.
- Unneighbourly.
- The appearance and design of the balcony is out of keeping with the surrounding area and the construction materials are not in keeping with surrounding properties.
- Overall mass, height and scale is out of keeping with surrounding properties.

11 representations received from nearby occupiers, key points summarised below -

- Submission of inaccurate site plans.
- Solid, substantial structure gives the impression of a permanent extension to the property.
- Terrace-like structure feels imposing, overbearing and perpetual feeling of being overlooked.
- This roof terrace is essentially too large and too close to the neighbouring properties.
- Breach of the surrounding neighbour's privacy, and the setting of an unwelcome precedent for the rest of the estate.
- The new doors are not central to the roof but at each end, causing unacceptable lost privacy to both neighbour's immediate rear private spaces.
- The height at the boundaries is 3.2m. With the addition of necessary safety railings /privacy screen of a minimum 1.8m, this would result in a 5m high structure built up to both boundaries.
- No railings around the edges.

Comments noted, amended site plans were sought but inaccurate site plans were submitted. Details of the railings were initially not submitted but on request, amended plans were submitted detailing the location of balustrading.

The rest of the comments will be addressed in the conclusions section.

CONSULTATION RESPONSES RECEIVED:

None.

POLICY CONTEXT

Within an area with potentially high groundwater levels.
National Flood Zone 2 and 3.

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:

SPD13	Arun District Design Guide (SPD) January 2021
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CONCLUSIONS

DESIGN AND VISUAL AMENITY

The site is a detached dwelling with the rear of the property facing the beach. The application seeks permission for a single storey rear pergola and first floor rear balcony with sliding doors. The application is part retrospective as the pergola structure has been erected, however the balcony has not been installed. The works are not be visible from the street scene but given its nature, is a prominent addition to the rear of the property.

The balcony would measure 5m in depth and it would extend along the entire width of the dwelling (approx. 11.2m). It is noted that there are 2 sets of casement windows to the rear elevation of the house which serve the bedrooms of the property. It is proposed to increase the windows serving the bedrooms to allow for 2 sets of patio doors. Objections have been received from nearby occupiers stating that the proposal would be out of character with the area and that the scale of the proposal is overbearing. On discussion, plans were amended to reduce the depth of the balcony to 2.7m.

It is accepted that the amended plans would be an improvement on what was initially proposed. Due to the submission of inaccurate site plans it is not possible to fully and accurately assess the impact of the development on the host dwelling or wider area. A 1.8m wood panel side screening is proposed at first floor level, the wooden panelling will appear extremely overbearing in its context and will alter the character of rear elevation of the dwelling significantly.

The Arun Design Guide states rear extensions should respond to the distinctive characteristics of the

building and surrounding area, preserve external garden amenity space and exploit opportunities for innovative and contemporary design where appropriate. Rear extensions which project up to 3.3m are generally acceptable. This rear extension would exceed the guidance depth and due to its scale in terms of width and depth at first floor level.

The proposal conflicts with both D DM1 and D DM4 of the Arun Local Plan. Part a of D DM4 which requires that 'the extension or alteration sympathetically relates to and is visually integrated with, the existing building in siting, massing, design, form, scale and materials'. The proposal conflicts these criteria as it does not provide sufficient visual improvement or integration to the property in order to warrant its scale or design and is harmful to both the visual appearance and character of the dwelling which is further exacerbated with the submission of inaccurate site plans.

Having regard to the design and visual amenity, the proposal conflicts with D DM1 and D DM4(a) and (b) of the Arun Local Plan and Part M Arun Design Guide.

RESIDENTIAL AMENITY

The proposed balcony primarily provides a front facing viewpoint onto the beach.

In terms of overlooking, the first-floor balcony by virtue of its size and location when in use will give rise to significant overlooking of neighbouring properties. The balcony will offer direct views into the rear gardens of neighbouring properties. To counter this, a 1.8m high wooden panelling is proposed on both sides (east and west) to protect the residential amenities of neighbours and mitigate any overlooking. However, this screening would result in a scheme detrimental to the character and appearance of the host dwelling contrary to D DM4 of the Arun Local Plan (ALP).

The two sets of patio doors proposed on the rear (south) elevation at first floor level will not have any additional overlooking impact as these are proposed in the same location as additional windows and are acceptable.

The proposal is contrary to D DM4 of the Arun Local Plan (ALP) in that the proposed side screening would have a detrimental impact to the character and appearance of the host dwelling.

FLOOD RISK

The site is located within Flood Zone 2 and 3. The proposed development would be elevated approx. 2.5m above the ground level and as such, it would not increase the risk of flooding.

The proposal is in accordance with policy W DM2 of the Arun Local Plan.

SUMMARY

The first floor balcony and pergola is considered to result in a scheme detrimental to the character and appearance of the host dwelling which is further exacerbated with the submission of inaccurate site plans to assess the actual impact on the neighbouring dwellings in its entirety, contrary to D DM1, D DM4(a) and (b) of the Arun Local Plan, Part M Arun Design Guide and the National Planning Policy Framework and as such the application is recommended for refusal for the below reason.

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

REFUSE

- 1

The proposal by reason of its scale and design is not well integrated with the host dwelling and would be harmful to the visual appearance and character of the dwelling. The proposed balcony screening would result in a scheme detrimental to the character and appearance of the host dwelling. In the absence of accurate site plans which clearly show the impact of the existing rear pergola and proposed first floor rear balcony on the neighbouring dwellings, it has not been demonstrated that the development would not result in demonstrable harm by reason of overbearing or overlooking to neighbouring properties. Therefore, the development is contrary to Arun Local Plan policies D DM1 and D DM4, the Arun Design Guide and the NPPF (2024).
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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 identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm, which has been clearly identified within the reason(s) for the refusal, approval has not been possible.