

Recommendation Report for Planning Permission

REF NO: R/141/15/PL

LOCATION: Flint House
8 Cudlow Garden
Rustington

PROPOSAL: Removal of existing balcony panels & replacement with new glass panels.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	Approximately 382 metres squared.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The application site is situated within a block of 8 flats and features an open boundary to the front with a communal garden to the rear with mature planting approximately 2.5 metres height.
SITE CHARACTERISTICS	The site is occupied by a two storey block of flats constructed from brick with tile hanging at first floor level and a brown tiled roof. The rear elevation of the property features balconies at first floor level which are laid out symmetrically with matching railings.
CHARACTER OF LOCALITY	The character of the locality is predominantly residential in nature and consists of a mixture of dwellinghouses and flats of various designs and styles.

RELEVANT SITE HISTORY

None.

REPRESENTATIONS

Representations received:

Rustington Parish Council

My Council has noted the above application and wishes to raise no objection to it.

12 Letters of Objection:-

- Balcony alteration would undermine the symmetry of the property.
- Proposed alteration would appear incongruous.
- Proposed alteration would be out of keeping with the established character of the building.

4 Letter of rep:-

- No objection on the basis that all balconies were done in uniformity.
- Balcony appears unsafe.

Comments on Representations received:

Comments from the Parish Council noted.

In response to the letters of rep which did not raise an objection in relation to the proposal - the application related to the replacement of the railings at only one balcony and as such can only be considered on its own merits and its impact upon the appearance of the building.

In response to the letters of objection it is acknowledged that the proposal will have a harmful impact upon the appearance, character and symmetry of the building and this matter has been considered at length in the conclusion of this report.

CONSULTATIONS

Consultations responses received:

None.

Comments on Consultation responses:

N/A

POLICY CONTEXT

Designation applicable to site:
Within built area boundary.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	GEN2 GEN7	Built-up Area Boundary The Form of New Development
Publication Version of the Local Plan (October 2014):		D DM1 Aspects of Form and Design Quality SD SP2 Built-Up Area Boundary
Rustington Neighbourhood Plan 2014 Policy 2		Housing Design

PLANNING POLICY GUIDANCE

NPPF National Planning Policy Framework

SUPPLEMENTARY POLICY GUIDANCE

RDS Rustington Design statement by Rustington
Parish Council

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place on 30th October 2014 for six weeks.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Angmering; Arundel; Barnham & Eastergate; Bersted; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; and Yapton.

The Rustington Neighbourhood Plan has been made and Policy 2 is considered relevant to the determination of this application.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to comply with relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

PRINCIPLE

The site is situated within the built-up area boundary where the principle of development is acceptable, subject to accordance with relevant planning policies. The main criteria against which this application will be assessed is contained within the Arun District Local Plan which in this case is policy GEN7.

DESIGN AND VISUAL AMENITY

The application seeks permission for the removal of the existing balcony railings and their replacement with glass panels.

The existing railings present on the first floor balconies of Flint House are constructed from wrought iron and painted white. The building is largely symmetrical in design with two balconies either side of the central projection with the railings being continuous across the joined balconies.

The railings the subject of this application for replacement feature some rust and flaking paint and appear in worse condition than those present on the other balconies to the rear of Flint House. The design of the railings and the symmetry they provide to the rear elevation of the property is an important factor in the character and appearance of the dwelling. Therefore, it is considered that the replacement of the railings on only one of the balconies will adversely impact upon this established character, appearing incongruous and out of keeping with the appearance of Flint House. Therefore, the proposed replacement of the railings with glass panels is considered to be in conflict with Policy GEN7 (ii) of the Arun District Local Plan and Policy 2 of the Rustington Neighbourhood Plan.

RESIDENTIAL AMENITY

The proposed replacement of the existing railings with glass panels is not considered to give rise to any additional overlooking, overbearing or overshadowing impacts upon neighbouring properties. Therefore, the proposal is considered to be in accordance with policy GEN7 (iv) of the Arun District Local Plan.

SUMMARY

It is recommended that planning permission is refused for the proposal 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 for 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 a neutral impact has 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).

RECOMMENDATION

REFUSE

- 1 The proposed replacement of the existing balcony railings with glass panels is considered to appear incongruous resulting in an unacceptable impact on the character and appearance of the building and that of the wider locality. The proposal therefore conflicts with policy GEN7 of the Arun District Local Plan; Policy 2 of the Rustington Neighbourhood Plan; and the National Planning Policy Framework.
- 2 **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 identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.