

Recommendation Report for Planning Permission

REF NO: R/37/18/PL

LOCATION: Flat 8 Fosters
Fosters Close
Angmering Lane
East Preston

PROPOSAL: Installation of bi-fold doors & ballustrade fixed panels to existing open balcony.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The proposal relates enclosing the existing open balcony which comprises railings with bi fold doors. A single panel to the side and 3 door panels to the rear.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Hedging/fencing to site boundaries
SITE CHARACTERISTICS	The flat is part of a 3 storey apartment building comprising painted rendered elevations and a plain tile roof. The balcony above is of similar design.
CHARACTER OF LOCALITY	Predominantly residential comprising large detached dwellings of varying design and materials in significant sized plots.

RELEVANT SITE HISTORY

None

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**Rustington Parish Council
No Objection**COMMENTS ON REPRESENTATIONS RECEIVED:**

None

CONSULTATIONS**CONSULTATION RESPONSES RECEIVED:**

None

COMMENTS ON CONSULTATION RESPONSES:

None

POLICY CONTEXT

Designation applicable to site:
Within Built Up Area Boundary

DEVELOPMENT PLAN POLICES

Arun District Local Plan (2003):

GEN2 Built-up Area Boundary
GEN7 The Form of New Development

Publication Version of the Local Plan (October 2014):

SD SP2 Built -Up Area Boundary
D DM1 Aspects of Form and Design Quality
D DM4 Extensions & Alterations to Existing Buildings

Rustington Neighbourhood Plan 2014 Policy 2 Housing Design

PLANNING POLICY GUIDANCE:

NPPF National Planning Policy Framework
NPPG National Planning Practice Guidance

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.

A new local plan is in preparation and is a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taking place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification. The examination was completed in September 2017.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

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. 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: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton.

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).

Policy NER 2 - Housing Design of the Rustington Neighbourhood Plan applies to 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

The site is located within the built-up area where the principle of development is acceptable, subject to accordance with relevant planning policies. In this instance, the main criteria against which the application will be assessed is contained within Arun District Local Plan Policy GEN7 and policy NER 2 of the Rustington Neighbourhood Plan which seek to prevent development that would have an adverse impact upon visual and residential amenities.

The proposed enclosing of the balcony would not adversely affect the appearance of the building. There is only one other flat above with a similar style balcony and the flat at ground floor has patio doors flush with the outside elevation of the building. The proposal would not therefore adversely affect the symmetry of the building. The character of the area comprises detached dwellings of varying design and the change to the appearance of the building would not adversely affect the character of the area. The use of contemporary aluminium frames would not differ significantly from the appearance of the building. They would be white, colour matched to match the white painted joinery.

The balcony is on the rear elevation of the building and not easily visible from the greensward on the seafront. Given the minimal impact of the development on the wider public access areas and street scene ,subject to a condition regarding use of white frames to match other fenestration colour, the proposed alterations are therefore considered acceptable in design terms and comply with policy

GEN7(ii) of the Arun District Local Plan and policy NER 2 of the Rustington Neighbourhood Plan .

The proposal has been submitted to extend the use of the balcony area throughout the year. The existing balcony has an open rail base and is not enclosed or obscure glazed. The provision of clear glazing to the balcony side and front would not therefore result in a materially adverse increase in overlooking.

The application is therefore recommended for approval subject to the following 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

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 plans :
Location
Floor Plan
Window Detail

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.
- 3 The colour of the windows hereby permitted shall be white to match the colour of those of the

existing building.

Reason: In the interests of amenity in accordance with policies GEN7 of the Arun District 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.