

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

REF NO: R/40/19/HH

LOCATION: 18 Botany Close  
Rustington  
BN16 2BJ

PROPOSAL: Alterations to balcony

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| <b>SITE AND SURROUNDINGS</b> |
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|----------------------------|---------------------------------------------------------------------------------------------------------|
| DESCRIPTION OF APPLICATION | The application seeks to alter the existing balcony, sited on the front elevation of the host dwelling. |
|----------------------------|---------------------------------------------------------------------------------------------------------|

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| <b>RELEVANT SITE HISTORY</b> |
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|            |                          |                       |
|------------|--------------------------|-----------------------|
| PAA/89/18/ | Change balcony materials | Withdrawn<br>24-09-18 |
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| <b>REPRESENTATIONS</b> |
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**REPRESENTATIONS RECEIVED:**

Rustington Parish Council  
Parish Council - No objection.

No representations received from occupiers of nearby dwellings.

**CONSULTATION RESPONSES RECEIVED:**

None.

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| <b>POLICY CONTEXT</b> |
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Designation applicable to site:  
Within built up area boundary

**DEVELOPMENT PLAN POLICES**

[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) |
| 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. Additionally, Policy 2 of the Rustington Neighbourhood Development 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.

Policy 2 of the Rustington Neighbourhood Development Plan states that development proposals will be supported providing that their scale, density, massing, height, landscape design, layout and materials reflect and enhance the established character of the area.

**DESIGN AND VISUAL AMENITY**

The application seeks to change the size, and the proposed materials for the balcony. This is considered to be a suitable change for the locality, in that the proposal is considered to complement both the character of the host dwelling, and the wider locality. The proposal is a reduction in proposed floor area, when compared to what is consented at the site, additionally, the proposed materials retain the light and open construction that is demonstrated by the railings. Therefore, the proposed development is considered to be in accordance with D DM1, D DM4(a) and (b) of the Arun Local Plan.

**NEIGHBOURING RESIDENTIAL AMENITY**

The proposed development is not considered to result in any significant overbearing or overshadowing impact on neighbouring dwellings. This is as a result of the light construction of the proposal and its siting. With regard to loss of privacy, the enclosure of the balcony is not considered to result in any change in views to those currently available from the balcony as current, this is because the floor area that is designated as 'balcony' is a reduction that consented. Therefore, 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 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**

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:

- Block Plan - Drawing No. 5
- Proposed First Floor Plan - Drawing No. 2
- Proposed Elevations - Drawing No. 3

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 **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.