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

REF NO: **R/57/13/**

LOCATION: 85 The Martlets
Rustington

PROPOSAL: Replace 2 metal railing sides to external balcony with reinforced glass

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Open site. Approximately 1.8m high hedging and timber fencing on the northern boundary.
SITE CHARACTERISTICS	3 storey block of flats. Red brick elevations, hipped concrete tiled roof. Balconies on east and west elevations at all levels. Some noted to have glazing to side on balconies and others maintining the original iron railings.
CHARACTER OF LOCALITY	Open plan appearance to the area. 2No. 3 storey blocks of flats opposite the site. 2 storey terraced dwellings to the north of the site.

RELEVANT SITE HISTORY

None

REPRESENTATIONS

Representations received:

Rustington Parish Council

Rustington Parish Council:
No objection

Comments on Representations received:

Noted

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

None

POLICY CONTEXT

Designation applicable to site:
Within the built-up area boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	GEN7	The Form of New Development

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework

SUPPLEMENTARY POLICY GUIDANCE

RDS	Rustington Design statement by Rustington Parish Council

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

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.

NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following publication. The Council published the Draft Arun Local Plan in July 2012 and this is a material consideration in the determination of this planning application. A pre-submission Plan has yet to be endorsed and published. Following publication of a pre-submission draft, there is required to be a formal public consultation, resolution of objections, examination and formal adoption. At this time, the emerging Local Plan is afforded very limited weight in terms of the decision making process.

CONCLUSIONS

The application seeks permission for the replacement of the existing railings to either side of the balcony enclsoure with glazing. The balcony serves the ground floor flat which makes up part of a 3 storey block. A number of flats already have glazing enclosing the side of the balconies with the treatment to the front maintained. The proposed glazing, which is permeable will have a minimal impact upon the appearance of the building and would be in-keeping with the others which have

already been altered. Therefore in the absence of any harm to the collective appearance of the building it is recommended that the application be approved subject to the following conditions.

HUMAN RIGHTS ACT

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

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:

1:1250 Plan; Floor plan 1:50; Front Elevations 1:100 (Existing and Proposed); Right Side Elevation 1:100 (Existing and Proposed); Left Side Elevation 1:100 (Existing and Proposed).

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with GEN7 of the Arun District Local Plan.

3 INFORMATIVE: Statement pursuant to Article 31 of the Town and Country Planning

(Development Management Procedure)(England) (Amendment No. 2) Order 2012. 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.