

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

REF NO: WA/48/20/HH

LOCATION: Oak House
6 Holly Tree Grove
Walberton
BN18 0FQ

PROPOSAL: Erection of a conservatory to the rear elevation.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION The application seeks to construct a rear conservatory.

REPRESENTATIONS

Parish Council - No objection.

No representations received from occupiers of nearby occupiers.

CONSULTATIONS**CONSULTATION RESPONSES RECEIVED:**

Engineers:- No objection.

POLICY CONTEXT

Designation applicable to site:
Within built up area boundary

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)

[Walberton Neighbourhood Plan Policy 2017 HP13](#) Design Guidance

PLANNING POLICY GUIDANCE:

NPPDG	National Design Guide
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

CONCLUSIONS

PRINCIPLE

In this case, the key policies are deemed to be D DM1 and D DM4 of the Arun Local Plan. Additionally, HP13 of the Walberton Neighbourhood Development Plans.

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 HP13 of the Walberton Neighbourhood Development plan states that where new development would have an effect on the appearance or character of the surrounding area, it is to be of a high quality of design, and must contribute to local character.

DESIGN AND VISUAL AMENITY

Due to the siting and scale of the development, there will be some views of parts of the proposal from the access road to the school, of which the host dwelling is sited adjacent to. However, this is not reason alone for the refusal of the application as it has to be established that there is harm to the character of the area. In this instance, it is not considered that the proposed development would give rise to any significantly harmful impact upon the character of the host dwelling or its locality. This is due to the lack of availability of these views, the design of the proposal and its light construction.

The development is considered to be in accordance with D DM1, D DM4(a) and (b) of the Arun Local Plan.

NEIGHBOURING RESIDENTIAL AMENITY

The development is not considered to result in any harmful overbearing or overshadowing impact upon the occupiers of neighbouring dwellings. This is due to the siting of the proposal allowing for a significant separation distance to the occupiers of neighbouring dwellings. Additionally, the aforementioned siting and the aspect of the application site further mitigate this impact.

The development is not considered to result in a harmful loss of privacy to the occupiers of neighbouring dwellings due to its single storey nature, therefore, the views from the conservatory are no different to those from the garden at current.

The development is considered to be in accordance with D DM1(3) and D DM4(c) of the Arun Local Plan.

SUMMARY

The 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 - 100047474 - 17/07/2020 - 16:34
 - Proposed Floor Plans - PR/20/003 - Dec 19
 - Proposed Elevations - PR/20/004 - Dec 19
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.