

Recommendation Report for Planning Permission

REF NO: **WA/57/17/PL**

LOCATION: 1 & 2 Stafford Cottages
 Yapton Lane
 Walberton

PROPOSAL: Conversion of 2 No. flats into 1 No. dwelling with two storey front & rear extension (resubmission following WA/25/16/PL).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

This is a retrospective application that relates to alterations to the balcony screening previously approved as part of the converted and extended dwelling.

The change to the balcony screen relates to its design as separate obscure glazed panels and to the shape of the north and south balcony ends.

SITE AREA

N/A

RESIDENTIAL DEVELOPMENT DENSITY

N/A

TOPOGRAPHY

Predominantly flat.

TREES

None of any significance affected by the proposed development.

BOUNDARY TREATMENT

Front garden is enclosed by fence and hedge to approximately 1.8m. Rear garden enclosed by hedge between 1.4m and 2m.

SITE CHARACTERISTICS

Detached 2 storey dwelling. Conversion works have recently been completed. Rendered and clad elevations and tiled roof. Gravel parking/turning area in front garden area.

CHARACTER OF LOCALITY

The is in a rural area on the edge of the village with fields opposite. The road is characterised by mainly single and two storey detached properties sat in medium sized plots with dwellings set back from the road frontage.

RELEVANT SITE HISTORY

WA/53/93

Provision of access for vehicles
(Resubmission following WA/28/93)

ApproveConditionally
22-10-1993

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REPRESENTATIONS

Representations received:

Walberton Parish Council

Objection - The modesty panel does not meet the conditions imposed by application WA/25/16/PL.

One Objection - The proposal does not protect neighbour's privacy from overlooking. Application WA/25/16/PL protected neighbour's privacy by the balcony being fully inset within the first floor walls. The scheme was amended. The walls were removed and neighbours' privacy was protected by a floor-to-ceiling, obscured glass screen which extended to the extreme edge of the western wall. The balcony was a uniformly flat surface with screens and a western balustrade fixed to the floor. The screening to the side elevations of the balcony was conditioned to ensure no direct overlooking resulted to adjoining gardens.

What has actually been built is a low wall around the balcony, not shown in any of the drawings in WA/25/16/PL or WA/57/17/PL. Attached to this wall is a staircase-style, pipework banister/balustrade with glass panels held in place by long clips. The horizontal rail on the western elevation is carried round the corners to continue some way into the northern and southern elevations, before rising diagonally to ceiling height. The effect of this is that anyone leaning on the horizontal rail can see clearly into the northern and southern neighbours gardens. The glass panels have large gaps of several inches surrounding them and the framework itself is set out from the western wall, leaving significant gaps. These are not privacy screens, they are just decorative panels. It is easy for people on the balcony to see over and through the balustrade. During the building work, both neighbours experienced workmen calling to them from the balcony.

Comments on Representations received:

Whilst the design of the balcony screening has altered from that approved it is not considered to result in any unacceptable additional material loss of privacy to neighbouring properties to warrant refusal. The revised screen projects further than the original design. It cannot easily be looked through between the narrow upright slits or to the side. The agent has advised that the gap between the vertical posts and glass is approximately 22mm. The balcony is not of significant depth and anyone seated would not be able to readily look over the side balustrading.

CONSULTATIONS

Southern Water Planning
Engineering Services Manager
Engineers (Drainage)

Consultations responses received:

Southern Water - We request that should this application receive planning approval, the following informative is attached to the consent:

"A formal application for connection to the public sewerage system is required in order to service this development, Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk".

Drainage Engineer - No Objection. Please apply standard condition ENGD2A.

Comments on Consultation responses:

Drainage Engineer's request for a condition and Southern Water's request for an informative are not relevant to the consideration of this application which essentially relates to balcony screening changes.

POLICY CONTEXT

Designation applicable to site:
Within Built Up Area Boundary

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#) DEV19
GEN7

[Publication Version of the Local Plan \(October 2014\):](#)

Extensions to existing residential buildings
The Form of New Development
D DM1 Aspects of Form and Design Quality
D DM4 Extensions and Alterations to Existing Buildings (residential and non-residential)

PLANNING POLICY GUIDANCE

NPPF
NPPG

National Planning Policy Framework
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 may be 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. The Examination into the submitted plan was commenced but is currently suspended whilst Arun District Council addresses matters raised by the Inspector.

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 taken 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 may also be material consideration to take into account. The examination is due to re-commence in Autumn 2017 following publication of modifications to the Plan.

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 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: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton. The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

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).

There are not considered to be any policies in Walberton Neighbourhood Plan relating to this particular type of development.

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 the proposed screening would have no materially adverse effect on the residential amenities of the adjoining properties.

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

BACKGROUND

The site lies within the built up area boundary where residential development is acceptable in principle subject to there being no adverse effect on residential or visual amenity.

The proposal is for amendments to the design of the balcony screening relating to the previously

approved conversion of 2 flats to a single dwelling with extensions to front and rear. The amended screening has been installed at the site. The property has been completed but is currently unoccupied.

VISUAL AMENITY AND CHARACTER OF THE AREA

This application relates to amendments to the approved plan comprising changes to the balcony screening on the rear elevation. These changes are not readily visible in the street scene and have no adverse impact on visual amenity.

RESIDENTIAL AMENITY

Given the previous approval the only matter that can be considered as part of this proposal is the impact that the change in design of balcony screening has on neighbouring residential amenity. The balcony sides are constructed of panels which have a gap of approximately 22cm between them and the supports. The end panels also have a different shape. The previous profile was curved, dropping from 2m to 1.1m at a distance of approx. 20cm from the rear elevation. This proposal extends the projection from the rear elevation at 2m height to 70cm before dropping to 1.1m. The extent of screening is therefore greater in this application, albeit that there are gaps in the screening. It is therefore considered that the application is acceptable in terms of impact on residential amenity from over looking. Conditions relating to the provision and retention of obscure glazing to the balcony are suggested.

CONCLUSION

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 approved shall be carried out in accordance with the following approved plans Floor, Elevation, Roof and Block 15200/02R8 and Proposed Balcony Elevation 15200/B01 .

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.

- 2 The obscure screening to the balcony hereby approved and indicated on the submitted plans shall be retained in perpetuity.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policies GEN7 and DEV19 of the Arun District 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.