

PLANNING APPLICATION REPORT

REF NO: LU/30/22/PL

LOCATION: 32 & 33 Mariners Quay
River Road
Littlehampton
BN17 5DA

PROPOSAL: Extension of first floor rear balconies at 32 & 33 Mariners Quay (resubmission of LU/349/20/HH). This application affects the character & appearance of the Littlehampton, River Road Conservation Area and is in CIL Zone 4 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application seeks to extend the rear first floor balconies of 32 & 33 Mariners Quay by 1.07m and introduce 3 No. vertical supports to the bottom of the balcony.
SITE CHARACTERISTICS	Terrace of three storey residential dwellings backing on to the River Arun.
CHARACTER OF LOCALITY	Predominantly residential with local retail stores and Littlehampton Railway Station to the East/South-East.
None.	

REPRESENTATIONS

Littlehampton Town Council - Objection:

- Out of character and obtrusive.
- Would have an adverse impact on neighbouring amenity.
- Would set a precedent for the area.

17 objections from nearby occupiers/ individuals with concerns:

- Loss of privacy.
- Out of character.
- Incongruous with established pattern.
- Potential for unneighbourly behaviour.
- Loss of security.
- Loss of outlook amenity.
- Overshadowing of neighbouring ground floors.
- Covenants.
- Setting a precedent.

COMMENTS ON REPRESENTATIONS RECEIVED:
Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Conservation Area Advisory Committee (CAAP) - Objection:

- Severely detract from the established proportions of the terrace.
- Vertical supports are incongruous with the terrace.
- Timber cladding is not a material in keeping with the terrace.
- Will set a precedent that furthers the issues raised.
- Not compliant with relevant paragraphs of the NPPF or Arun Local Plan Policies regarding Heritage Assets.

Arun Conservation Officer:

The proposal is such that the impact can be described as causing less than substantial harm in accordance with paragraph 202 of the NPPF (2021). The level of harm is considered to be on the lower end of the scale.

The public benefits that the development may achieve must be weighed against the less than substantial harm.

POLICY CONTEXT

Designation applicable to site:

Conservation Area (Littlehampton: River Road).

Built-Up Area Boundary.

DEVELOPMENT PLAN POLICIES

[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
HERSP1	HER SP1 The Historic Environment
HERDM3	HER DM3 Conservation Areas

[Littlehampton Neighbourhood Plan 2014 Policy 1](#) The Presumption in Favour of Sustainable Development

Littlehampton Neighbourhood Plan 2014 Policy 2 A Spatial Plan for the Town

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD2	Conservation Areas
SPD13	Arun District Design Guide (SPD) January 2021

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

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

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 not have a materially adverse impact on the residential amenities of nearby properties nor would it have a significant adverse impact upon the established character of the surrounding area or the heritage asset.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

(2) in dealing with an application for planning permission the authority shall have regard to -

- (a) the provisions of the development plan, so far as material to the application,
- (aza) a post examination draft neighbourhood development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

BACKGROUND

These two properties are part of paired and staggered terraced dwellings that run alongside the Arun River. The terrace in which these dwellings reside are within the Littlehampton River Road Conservation Area. Each pair of dwellings within the terrace feature partially differing designs but follow a harmonious form and scale. Each pair of dwellings in the terrace also feature a rear balcony that extends across each pair at equal depths.

PRINCIPLE

The key policies are D DM1, D DM4, D SP1 & HER DM3 of the Arun Local Plan.

Policies 1 and 2 of the Littlehampton neighbourhood Development Plan (LNP) are also relevant. Policy 1 states that permission should be granted for proposals which accord with other relevant policies in the LNP and Policy 2 states development should be focussed within the Built-Up Area Boundary, in which these properties are located. As this is located within the built up area boundary and complies with other development plan policies, this proposal is in accordance with policies 1 & 2.

Key paragraphs 194 & 195 of the National Planning Policy Framework regarding heritage assets, the Arun Design Guide and the Conservation Area Supplementary Planning Guidance (2000) are relevant.

DESIGN AND VISUAL AMENITY

The existing balconies that extend across 32 & 33 Mariners Quay are 1.27m in depth. The proposal seeks to extend the rear balconies by 1.07m. This would result in the balconies of 32 & 33 Mariners Quay meeting the end of the neighbouring pair of dwellings to the South within the terrace (No. 30 & 31 Mariners Quay). The new projection would be set forward of the end of the balconies at the northern neighbour pair of dwellings (No. 34 & 35 Mariners Quay) by 1.96m. Although the scale of the extension is not harmonious with the established building pattern, it remains subservient to the host dwelling and the disruption of the established staggered pattern is not such that it is grounds for refusal.

The existing screening at the western and northern sides of the balcony features multiple 1.11m high glass panels with metal lattice frame designs and a metal handrail that extends the perimeter of the balcony. The proposal seeks reuse the existing 1.11m high screening at the rear elevation by moving it forward of the existing balcony, preserving the existing design. However, there is to be a new clear glass screening panel installed to the northern elevation that extends the full depth of the balcony at a height of 1.11m. This does not feature the metal lattice structure but does feature a handrail that matches the existing design.

Extending these balconies further to the rear of the dwellings requires 3 No. new vertical supports. One is to be positioned at each rear corner of the balcony and one centrally to the rear of the balcony. These are to extend from the bottom of the balcony to the ground and to be clad in wood to match the existing 45 degree supports that are positioned on the underside of the balconies. These 3 No. vertical supports are a minor alteration to the rear elevation. The combination of a minor scale and matching materials give the proposed supports an appropriate design. The introduction of these supports is however, a new feature in the rear elevations of the existing terrace.

The proposal is compliant with policy D SP1 and Section M of the Arun Design Guide as far as it is in keeping with the materials and design of the host properties and local area. However, it is non-compliant in that it does not reflect the scale of the established building pattern (a characteristic of the terrace). This is because there is a regular depth to the existing balconies across the rear of this terrace. The balconies are staggered due to the staggering of the terrace pairs, not due to varying depths of the balconies themselves. In extending this pair of balconies they would no longer be of the same regular depth that characterises this terrace.

Policy D DM1(1) states that the character of the area must reflect or improve upon the character of the site and local area. The proposal is considered compliant in that it reflects the character of the site as far as it reuses the existing screening and similar or matching materials.

Policy D DM1(14) states the scale of proposals should be in keeping with the general confines of the overall character of the locality unless it is a substantial visual improvement. The scale of the proposal is not considered to be in keeping with the depth of the other balconies in the terrace however, it is in character with the general confines of the character of the locality. This is because the extension would bring the balconies in line with the neighbouring pair of balconies and not exceed them. Although the extension would be set further forward of the pair of balconies to the North that are already set back from the existing balconies in question, the scale of this proposed depth increase is not considered to be a significant enough disruption to be grounds for refusal.

The proposal is compliant with Policy D DM4(a)(b) in that it remains visually subservient and integrated

with the existing building whilst providing a high standard of amenity for the host properties.

The proposal is not compliant with Policy D DM4(e) as it compromises the established building pattern however, it is not considered a significant enough disruption to be grounds for refusal.

NEIGHBOURING RESIDENTIAL AMENITY

This terrace of balconies features high amenity rear viewpoints for its dwellings, looking out over the river. The proposed increase in depth of the proposal is 1.07m, resulting in a 2.34m overall projection. The terraced nature of these properties means that the neighbour dwellings Nos. 30,31,34 and 35 Mariners Quay will suffer from visual intrusion. Nos. 30 and 31 Mariners Quay are set back from Nos. 32 and 33 due to the staggered building line and so, the proposed extension to the balcony would bring it in line with the balcony of Nos. 30 and 31 Mariners Quay. As the balcony would be in line with this neighbouring pair, it would give potential for adverse impacts by way of overlooking onto their balcony and into the property through the rear glass doors.

Despite the application being a joint effort from the residents of Nos. 32 & 33 Mariners Quay, the proposal would give rise to additional adverse impacts by way of overlooking into each of the dwellings. As such, these adverse impacts by way of overlooking are to be negated by the introduction of a condition requiring obscure glazing. The extent of which is to be agreed by the Local Planning Authority at a later date and prior to first use of the balcony.

Nos. 34 and 35 Mariners Quay are to the north of the host properties. These are another pair within the terrace and are set forward of the host properties. This leads to the proposed balcony extension projecting 1.96m further to the rear than that of the balcony at Nos. 34 and 35 Mariners Quay. The existing balcony has some potential for adverse impacts by way of overlooking onto and into Nos. 34 and 35 Mariners Quay due to already being set back from the pair. The proposal would not give rise to any significant additional impacts by way of overlooking further than what is already achievable into Nos. 34 and 35 Mariners Quay due to the depth increase of the projection.

The proposals increase in depth would lead to some level of overshadowing onto the rear of the ground floor at No.34 Mariners Quay. The proposal would intersect the 45 degree rule for light accessibility at the rear windows of the property as set out by Section M of the Arun Design Guide however, this impact is not considered to be significantly adverse as it would not pose a substantial increase of overshadowing additional to what is already present due to existing built form.

The extension of this pair of balconies will not give rise to any adverse impacts by way of overlooking onto neighbouring rear amenity space further than that which is already achieved by the existing balcony. Every dwelling within this terrace features a rear balcony and have similar views into and over the private rear amenity space of each dwelling.

Subject to the recommended obscured screening, the proposal is compliant with relevant Development Plan policies D DM1(3) & D DM4(c) of the Arun Local Plan.

HERITAGE ASSET

The site falls in the Littlehampton River Road Conservation Area and as such, policy HER DM3 of the Arun Local plan and the Conservation Area Supplementary Planning Guidance document are relevant.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

Paragraph 194 of the NPPF requires the Local Planning Authority (LPA) to ensure the applicant/agent describes the significance of the heritage asset affected by a proposed development. This has been achieved by submission of a Heritage Statement that accurately identifies the River Road Conservation Area.

Paragraph 195 of the NPPF requires the LPA to identify and assess the significance of the impact upon the heritage assets related to the application. The River Road Conservation Area runs parallel to the Arun River and is to the West of the Littlehampton town centre. River Road was developed in a number of stages during the first half of the 19th Century. The Surrey Street end contains all the Listed Buildings within the Conservation Area. The Conservation Area was enlarged and extended westwards in 1991 to include some of the remaining 19th Century riverside buildings and those fronting Terminus Road which reflect the growth of the harbour at that period.

The materials are to be in keeping with the area and the existing rear screening can be conditioned to be re-used. The terrace in which the proposal is situated, is a more modern building within the Conservation Area and so the proposal does not impact the older parts of it. Additionally, the development is not visible from the wider street scene, only the public footpath situated between the rear of the terrace and the river. However, there will be a minor disruption in the regular depth of the terraces existing balconies and as such, a minor disruption in the established building pattern.

Policy HER DM3(b) states that extensions should be designed sensitively with regard to scale, form, materials and detailing and retain or emphasise the features and qualities of the existing buildings in the area. Following the Conservation Area Advisory Panel's (CAAP) comments, this terrace of dwellings feature an attractive and harmonious design that contributes to the character of the Conservation Area. This proposal seeks to extend this building line and would disrupt the established building pattern. The limited scale of the proposal however, means it is not to be a significant disruption and would retain the overall building pattern. This proposal would result in less than substantial harm to the Conservation Area.

The Conservation Area Supplementary Planning Guidance (October 2000) section 2.3(ii)(iv) states that additions and alterations should be sensitively designed and that materials that contribute to the character of the area should be reused and retained where possible. The proposal is sensitively designed having less than substantial harm on the rear elevations and retains the existing style despite its minimal disruption in form. Additionally, the screening at the rear elevation is to be re-used.

The LPA must consider the level of harm associated with the proposal and decide whether there is no harm, 'less than substantial harm' or 'substantial harm' in accordance with the NPPF. It is then necessary to counterbalance harm with the level of public benefits associated with the proposal (as set out in para 202 of the NPPF). The impact of the proposed development on the Conservation Area, in agreement with the conservation officer, will be on the lower end of less than substantial harm. In this case the public benefit brought on by the proposed development is the short term local economic benefit brought on by the construction of the proposal.

On balance, the public benefit is such that the less than substantial harm to the heritage asset is outweighed. Therefore the proposal is acceptable in respect of heritage assets. There is also no conflict with section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

For all the reasons above, the development would preserve the overall character of the heritage asset. Therefore, the development is in accordance with policies HER DM3 and paragraphs 194, 195 & 202 of the NPPF.

SUMMARY

The proposal complies with relevant Arun Local plan policies D DM1, D DM4, D SP1, HER DM3 and policies 1 & 2 of the Littlehampton Neighbourhood Development Plan.

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.

CIL DETAILS

This application is not CIL Liable.

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:

- Proposed Front and Rear Elevations Sheet 5 Issue 5.1 (28-03-22)
- First Floor Plans showing adjacent balconies Sheet 6 Issue 4 (16-01-22)
- Site/Block Plan Sheet 3 Issue 4.1 (02-02-22)

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 The central and southern-most partitions of the proposed balcony shall at all times be obscurely screened to a height of 1.7m in accordance with details to be submitted to and approved by the Local Planning Authority prior to its first use.

Reason: To protect the amenities and privacy of the adjoining properties and preserve the existing character of the area in accordance with policies D DM1 & D DM4 of the Arun 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 identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

BACKGROUND PAPERS

[The documents relating to this application can be viewed on the Arun District Council website by going to https://www.arun.gov.uk/weekly-lists and entering the application reference or directly by clicking on this link.](https://www.arun.gov.uk/weekly-lists)

