

PLANNING APPLICATION REPORT

REF NO: AB/8/24/HH

LOCATION: 54 Torton Hill Road
Arundel
BN18 9HH

PROPOSAL: Raised terrace to rear of property.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	<p>The terrace will span the width of the rear of the house but due to the topography (the garden slopes from the north-west to the south-east) and the inclusion of a stepped height, the terrace height ranges from around 0.22m to 2.3m. The area of the terrace is not a uniform shape but at it's extremes is around 18.6m wide by 3.8m deep.</p> <p>A small garden store is proposed under the south-eastern end of the terrace and the terrace itself will be enclosed by a 1.2m high metal balustrade with a timber handrail and tension wire guarding. Steps will be provided down to the garden and also between the two sections of terrace. A new raised planted bed will be provided between part of the terrace and the lawn. The applicant has also agreed to the principle of a 1.8m high privacy screen along the south-eastern side of the terrace, which could be secured via an appropriately-worded planning condition.</p> <p>The application is to be determined at Planning Committee as it is submitted by a senior staff member.</p>
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RELEVANT SITE HISTORY

AB/23/20/HH	First floor side/rear extension, porch and canopy to front, single storey rear extension, two storey side/rear extension, external refurbishment to all principle elevations & new permeable paving to drive (resubmission of AB/117/19/HH).	ApproveConditionally 22-06-20
AB/117/19/HH	First floor side, porch and canopy to front, single storey rear extension, two storey side extension, external refurbishment to all principle elevations & new permeable paving to drive.	ApproveConditionally 20-12-19

AB/4/04/

Renewal of unimplemented Permission AB/53/99 for first floor extension over existing garage

ApproveConditionally
15-03-04**REPRESENTATIONS**

Arundel Town Council - no objection.

Three letters have been received, all from the occupiers of no. 58 Torton Hill Road raising the following issues:

- The recently approved extensions have brought the house closer to, and well above the ground level of, neighbouring properties.
- An existing soakaway is sited close to the boundary with no. 58 and when it rains, surface water runs off the site down the slope into 58's garden. As a result, 58's garden is saturated and this may be worsened as a result of the terrace.
- The property as extended is already out of character with the area; and
- Overlooking, loss of privacy and loss of light to no. 58 (both the house and garden).

CONSULTATION RESPONSES RECEIVED:

None requested.

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)
ENVDM5	ENV DM5 Development and biodiversity
QESP1	QE SP1 Quality of the Environment

[Arundel Neighbourhood Plan 2018-2031 AR1](#)

Arundel Built Up Area Boundary

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD13	Arun District Design Guide (SPD) January 2021
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CONCLUSIONS**PLANNING HISTORY:**

It is material that the planning permission granted under AB/23/20/HH (which has been implemented), also included a rear terrace. The terrace was to be approximately 18.2m by 1.1m and around 1.1m high. Therefore, it was a similar width to that now proposed. However, the new terrace the subject of the current planning application will be wider/deeper and higher.

ALP policy D DM1 sets out design aspects for which applications should be assessed including character, appearance, impact, layout, and scale. Policy D DM4 sets out criteria for which applications relating to extensions and alterations of existing buildings must be assessed against. These generally seek to minimise the impact of the proposal on the character of the host dwelling, its neighbours, and the locality. Policy QE SP1 states development should not have a significantly negative impact on residential amenity.

The Arun Design Guide (ADG) is an important material consideration, however, it contains no specific guidance on new terraces. Generally, the ADG states extensions should be visually subservient to the host dwelling. Rear extensions are stated to generally be acceptable from a design standpoint as they are less visible in the streetscene, but the emphasis should instead be on maintaining the amenities of neighbours.

DESIGN AND VISUAL AMENITY:

The proposed terrace will be built in matching materials to the house and will clearly complement it as a structure. Currently, the house without its rear terrace (noting one has been approved but not implemented) appears unfinished. Whilst the height at the south-eastern end is significant, it should be noted that there is currently a significant drop between the ground floor windows and the ground level which is due to the topography. The rear terrace will not be visible in the street scene and there is no conflict with the relevant policies or guidance in visual terms.

RESIDENTIAL AMENITY:

The raised terrace is almost at ground level on the north-western side and there is a hedge here which will help to prevent adverse overlooking of no. 52's windows and garden. However, due to the topography, the height of the terrace at the opposite end will be around 2.3m and will allow elevated views of land to the south-east and south including the house and garden of no. 56 and the rear garden of no. 58 (which wraps around the rear of 56 and adjoins the garden of the application site). It may also be possible to view the windows of no. 58 when looking over/through 56's plot, but this would be at a distance of around 28m, which is significant and even exceeds the council's 21m standard for back-to-back interfaces.

The addition of a 1.8m high screen on the south-eastern edge of the terrace will prevent any overlooking to the immediate south-east and therefore preserve the amenities of neighbouring properties. The set back of the terrace from the shared boundary (4m), coupled with its height will prevent any material overshadowing from taking place.

Even with the proposed side screen in place, it will still be possible to look in a southerly direction towards the part of no. 58's rear garden that lies directly behind no. 56. There is a garden studio and play building in this part of the garden and the council's site visit photos demonstrate that it is already possible to look over the boundary hedge from this higher elevation into this space. This is unfortunate, but the studio is not stated to be in a residential use and views over the rears of gardens from two storey neighbouring properties is commonplace. The studio is also at least 30m from the edge of the proposed terrace and therefore meets the council's distance guidance on facing windows.

Although the terrace will allow the occupiers to view neighbouring land from not just through their windows, the views are at a significant distance and a side screen will protect the amenities of land immediately adjacent. There is no conflict with the relevant policies or guidance. It is also material that a terrace has already been agreed, albeit the previously approved deck would have been lower and not so deep.

OTHER MATTERS:

Policy ENV DM5 requires all developments contribute to biodiversity net gain. The proposal will hard surface over an area of lawn but proposes a substantial raised planting bed and this is likely to result in a net gain compared to the loss of the lawn.

The site is on a profound slope, and it is understood that the underlying geology has an initial clay layer and a deeper layer of boulder clay. Therefore, water does not infiltrate into the ground easily and is likely to run off the site through the soil to land at a lower level. The objector has claimed their issues only started when the house was extended, and the soakaway was installed but it is not possible to re-assess a previous permission, particularly not one where drainage was covered by Building Regulations. It is also noted that no concerns have been raised by the occupier of no. 56. It would not be appropriate to impose a pre-commencement drainage condition and this would not meet the NPPF condition tests of necessity, reasonableness, or relevance to the development to be permitted.

SUMMARY:

The proposal is in accordance with the relevant development plan policies and there are no material considerations of such weight to justify taking a different decision. As such, it is recommended for approval subject to the following conditions and informative.

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:

- Block Plan & Location Plan P02 Rev B; and
- Proposed Plan and Elevations P01 Rev B.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Arun Local Plan policies D DM1, D DM4 and QE SP1.

- 3 No development shall commence unless and until full details of a 1.8m high screen along the full extent of the south-eastern side of the terrace has been submitted to and approved in writing by the Local Planning Authority. The approved screen shall be implemented in accordance with the approved details prior to the terrace being brought into beneficial use and shall, thereafter, remain in place for the lifetime of the terrace.

Reason: To protect the amenities and privacy of the adjacent properties to the south-east in accordance with Arun Local Plan policies D DM1, and QE SP1. This is required to be a pre-commencement condition because it is not possible to have the requirement to submit details trigger with any other stage of the development.

- 4 The materials and finishes of the external walls forming the base of the terrace hereby permitted shall match in colour and texture with those of the existing house.

Reason: In the interests of amenity in accordance with Arun Local Plan policies D DM1 and D DM4.

- 5 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). 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)

AB/8/24/HH - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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