

PLANNING APPLICATION REPORT

REF NO: K/6/21/PL

LOCATION: 68 Golden Avenue  
East Preston  
BN16 1QU

PROPOSAL: Variation of conditions 2 and 3 imposed under K/9/20/HH to change materials and finishes from those approved.

<b>SITE AND SURROUNDINGS</b>
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DESCRIPTION OF APPLICATION	<p>The proposal only seeks approval to alter the proposed materials approved under K/9/20/HH.</p> <p>On the front elevation this will mean that the extensions approved un K/9/20/HH will be finished in a grey weather boarded material. On the rear, it is proposed to finish the extension in large dark grey concrete panels. Under permission K/9/20/HH the finished material were required to match those of the existing dwelling.</p> <p>The plans condition (condition 2) is being amended to refer to the later elevation plans detailing amended materials. This will mean that condition 3 (materials and finishes) to that permission conditioning the materials to only be those shown on the approved plans will require deletion.</p>
BOUNDARY TREATMENT	The rear garden is enclosed by 1.8m high fencing.
SITE CHARACTERISTICS	The dwelling is a 2 storey detached property with brick elevations and a tiled roof.
CHARACTER OF LOCALITY	The character of the area is residential comprising detached dwellings in large plots, mainly 2 storeys in height set back a similar distance from the road frontage.

<b>RELEVANT SITE HISTORY</b>
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K/9/20/HH	Single story rear, two storey front extensions, conversion of roofspace to habitable use including demolition of existing conservatory.	ApproveConditionally 06-05-20
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<b>REPRESENTATIONS</b>
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Kingston Parish Council - Objection

- The proposed materials and finishes are out of character with the neighbouring properties including those opposite and others in Golden Avenue.
- The amenities of neighbouring properties will be severely affected.
- It is contrary to Policy KPNP 7 Design and Development Sections 1 and 2 of the Kingston Neighbourhood Plan and the Kingston Parish Design Statement Section 7 Design Guidelines.
- It is contrary to the Arun Local Plan Design policies.

One Objection

- Not in keeping with the rest of the property or neighbouring properties.
- Clearly visible from rear of neighbouring property.

**COMMENTS ON REPRESENTATIONS RECEIVED:**

The issues raised will be assessed in more detail in the Conclusions section of the report.

**CONSULTATION RESPONSES RECEIVED:**

None.

**COMMENTS ON CONSULTATION RESPONSES:**

None.

**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
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design

[Kingston Neighbourhood Plan 2014 Policy KPNP7](#) DESIGN & DEVELOPMENT

**PLANNING POLICY GUIDANCE:**

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

**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.

Policy 7 of Kingston Neighbourhood Plan is relevant to consideration of this application.

## 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 there would be insufficient adverse effect on the residential amenities of neighbouring properties or the character and visual amenities of the locality to justify a refusal.

## OTHER MATERIAL CONSIDERATIONS

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

## CONCLUSIONS

### PRINCIPLE

In this case, the key policies are D DM1 and D DM4 of the Arun Local Plan and KPNP 7 of the Kingston Neighbourhood Development Plan.

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 KPNP 7 of the Kingston Neighbourhood Development Plan relates to the design and development of proposals within the built up area boundary. The design and location of the development must be appropriate and sympathetic to the character and appearance of the Parish in terms of scale, massing, aspect, siting, layout, density, materials, landscaping and design features. It should seek to have minimal impact on users and occupiers of nearby occupiers of land.

Part M of Arun Design Guide which relates to householder extensions seeks to ensure use of materials which match the existing building, unless justification is given for providing an alternative approach. It states that extensions should respond to and complement the existing character and appearance of the building and wider townscape.

### DESIGN AND VISUAL AMENITY

The proposed change in materials will result in a change in appearance of the host dwelling to the first floor front elevation which will be visible from the public realm. The proposed change is proposed to a significantly darker cladding, possibly to match the installation of new windows. The cladding would be dark grey in colour and would contrast with the existing brickwork elevations, but this change would update the appearance of the property. It should be noted that the proposed cladding could be used on the existing dwelling without the need for planning permission (so it is only materials on the approved

extension that are considered by this application). This change would not be materially harmful, and as such, would not justify a refusal of the application.

On the rear, the approved extension is 3.1m in height and is therefore significantly higher than the boundary fencing. The approved extension was envisaged to be finished in brickwork or light coloured cladding to match the existing dwelling and the scale of the extension would not result in any significant residential amenity issues. It is now proposed to finish the extension in a radically different finish - dark grey concrete panels. Whilst the materials clearly do not change the conclusions on residential amenity, they do result in a very different appearance and outlook for neighbouring properties. The proposed materials result in a much starker finish clearly visible above the boundary fence. Whilst the objections from the Parish Council and the adjoining occupant are understandable and whilst the proposed finish is clearly less sympathetic on the rear, it does not result in additional amenity or character issues (as it is on the rear) and a refusal of the proposed materials could not be sustained.

The change in materials sought in this application would not result in a property that appears visually at odds with neighbouring properties or the appearance of Golden Avenue general and therefore not have a significant impact upon the character and visual amenities of the host dwelling or the locality.

The application is in accordance with policies D DM1 and D DM4(a) of the Arun Local Plan and KPNP7 of the Kingston Neighbourhood Plan.

#### NEIGHBOURING RESIDENTIAL AMENITY

The proposed change in materials will not materially alter the impact of the development upon the occupiers of neighbouring dwellings. The position and size of the approved extensions remains unaltered. The proposed development is in accordance with D DM1(3) and D DM4(c) of the Arun Local Plan.

#### SUMMARY

The proposed development accords with relevant development plan policies and as such is recommended for approval subject to the amended plans condition which includes reference to the amended materials on the elevation plans and deletion of condition 3 (the condition requiring materials to match existing).

<b>HUMAN RIGHTS ACT</b>
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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 approved shall be carried out in accordance with the following approved plans:

Location Plan 227905 A

Block Plan 2279-06A

Proposed Elevations 2279-04B

Proposed Floor Plan - 2279-03 - 16/02/2020 - Rev. A(Aproved under K/9/20/HH).

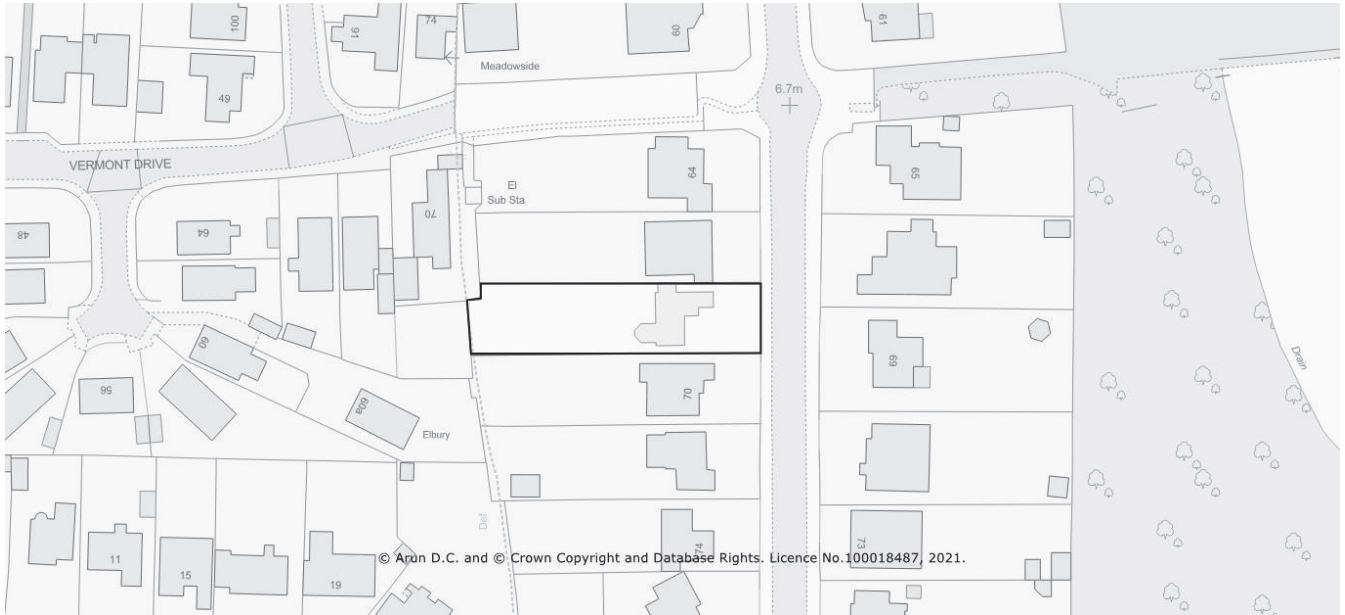
Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1of the Arun Local Plan.

- 2 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.
- 3 INFORMATIVE: For the avoidance of doubt condition 1 replaces condition 2 of K/9/20/HH and condition 3 of K/9/20/HH is hereby deleted.

**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](#).

**K/6/21/PL - Indicative Location Plan (Do not Scale or Copy)**  
**(All plans face north unless otherwise indicated with a north point)**



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