

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

REF NO: EP/58/18/HH

LOCATION: The Price of Peace
45 Angmering Lane
Rustington
BN16 2TA

PROPOSAL: Front/rear extensions, raising height of existing roof to create first floor & boundary wall & electric gate to front of site. This application also lies within the parish of Rustington.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal seeks significant alterations to the property, involving front and rear extensions, the creation of a first floor through the raising of the roof height. The proposal also seeks to erect a 1.5m boundary wall, with electric gates to its front elevation.
SITE AREA	Approx. 1469sq.m.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	2m high walls to rear, with 0.5m wall to front.
SITE CHARACTERISTICS	The site is populated by a bungalow on a large plot.
CHARACTER OF LOCALITY	The area is populated by a mix of housing styles and types. There is no uniform design/materials in the area.

RELEVANT SITE HISTORY

R/79/92	Proposed shower room and conservatory to rear elevation of existing bungalow. (Dual Parish with EP/27/92)	ApproveConditionally 24-06-92
EP/27/92	Proposed shower room and conservatory to rear elevation of existing bungalow.(Main File-Dual Parish with R/79/92)	ApproveConditionally 24-06-92

None.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

East Preston Parish Council

Rustington Parish Council

Parish Council's - No objections (from either)

Local occupiers - No objection - Resident has no objection subject to the window in the South West of the Southern, first floor elevation being obscure glazed and non opening. Additionally, the window adjacent to it (to the East) would also be obscure glazed, but this one serves a bathroom, so it can be opening.

- 2 Objections - #54 Angmering Lane object to the new windows on grounds of overlooking. They also raise concerns of the health of the mature trees on the Eastern boundary, the parking of the contractors vehicles, litter from lunch breaks and wear and tear of the grass.

- #43 Angmering Lane object to the Juliet balcony that was present on the rear of the proposal, on grounds of overlooking.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted. Amended plans were submitted on the 25/06/2018 which resolve some of the issues and objections raised by neighbours. The South-Western window has been shown on the to-be-approved plans as obscure glazed and non-opening, and the Juliet balcony has been removed from the Master Bedroom. The mature trees on the Eastern boundary are not covered by a Tree Preservation Order, and therefore, could be felled without permission. The issues with neighbouring amenity relating to the contractors who will be building in the property are not considered to be a planning consideration, as these will be only sited temporarily, during the works to the property. The overlooking created as a result of the new windows is not considered to be significant, as #54 Angmering Lane is over 40m away from the closest first floor window.

CONSULTATIONS

Arboriculturist

CONSULTATION RESPONSES RECEIVED:

None

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

Designation applicable to site:

Within built up area boundary

DEVELOPMENT PLAN POLICES

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

PLANNING POLICY GUIDANCE:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

POLICY COMMENTARY**POLICY COMMENTARY:**

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

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.

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.

East Preston Parish benefits from a 'made' neighbourhood development plan, Policies 1 and 2 are considered to be relevant to this 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 conflict with relevant D DM4(a) and (b) of the Arun District Council Local Plan (2011-2031), in that it the proposal is not subservient to the host dwelling, nor is it sympathetic or well integrated to it.

OTHER MATERIAL CONSIDERATIONS

However, it is considered that there are other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background. The proposal is in accordance with D DM1 and D DM4(c) and (e) of the Arun District Council Local Plan (2011-2031). This is because it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area.

CONCLUSIONS

PRINCIPLE

The application site is located within the built up area boundary, where the principle of development is acceptable subject to accordance with the relevant development plan policies, as stated in SD SP2 of the Arun District Council Local Plan (2011-2031). In this case, the key policies are deemed to be D DM1 and D DM4 of the Arun District Council Local Plan (2011-2031) and the National Planning Policy Framework.

DESIGN AND VISUAL AMENITY

The development will result in a change to the appearance of the dwelling. This proposal introduces a second storey (first floor) to the property, through the raising of the ridge height by 1.34m and front and rear extensions. There will be an impact on the visual appearance of the host dwelling and on the street scene. But it also has to be considered whether that impact would result in harm to amenity in the context of the locality and the street scene. It is considered that as a result of the significant scale of the proposed development, it is considered to be in conflict with D DM4(a) and (b) of the Arun District Council Plan as a result of the development not appearing as a sympathetic or subservient addition to the host dwelling.

There is no dominant architectural form nor specific design characteristics along Angmering Lane, which allows the development to not appear notably out of character with the surrounding locality, especially considering the scale of the proposed changes. The footprint and massing would be comparable with adjoining properties. This is because the majority of the proposal is contained within the same footprint as the existing dwelling. The proposed front porch extends 1.2m from the front elevation of the property, and represents the largest change in terms of increase in floor area. However, this porch does not extend beyond the existing Easternmost projection of the host dwelling, sitting back 1.8m from it. Resultantly, looking at the property from the North, the proposed front porch is not visible from the street scene. When viewed from the North or the East, there are still limited views, due to the boundary treatment and significant foliage.

The proposed extensions will be readily visible from the street scene, in that the accumulative effect of these extensions and the raising of the roof by 1.34m create a second storey to the host dwelling. However, this development is considered to be designed to reflect the characteristics and design of the other dwellings in the locality (in terms of its two storey character). Therefore, it is not considered to be harmful to the character of the area, or the street scene. The overall appearance of the dwelling will not be such that it appears as an overdevelopment of the site, as it maintains a significant distance between adjacent dwellings. This allows the dwelling to not create a terracing effect within the area, maintaining the existing spatial pattern.

It is considered that the proposed development is in accordance with D DM1(1) and D DM4(e) of the Arun District Council Local Plan (2011-2031) and Policies 1 and 2 of the East Preston Neighbourhood Development Plan.

NEIGHBOURING RESIDENTIAL AMENITY

The proposed development does not increase the footprint of the development by any amount to either the Northern or Southern side, therefore, preserves the distance to both side boundaries. Therefore, despite the significant bulk of the application, the raising of the roof, nor the proposed extensions are not considered to result in any significant loss of light at the property to the North. This is also helped, because as a result of the roof design, as it slopes down towards the Northern boundary. This is also considered to prevent any significant overbearing impact on adjacent occupiers.

Whilst it is noted that due to the change in fenestration there is potential for loss of privacy and

overlooking, however, the rooflights on the Northern elevation are at high level and therefore provide no available views into the property to the North. There are three rooflights on the Southern elevation of the development. The Westernmost window is shown on the plan as being obscure glazed and non-opening, the middle window will be conditioned to be obscure glazed. The Easternmost window is not considered to have potential to cause any significant overbearing at surrounding dwellings, this is because the majority of views will be towards the street scene.

The proposed development is considered to be in accordance with D DM1(3) and D DM4(c) of the Arun District Council Local Plan (2011-2031).

SUMMARY

The proposed 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:

- Proposed Ground and First Floor Extensions - AR-127-03/B - Jan.2018
- Proposed Ground and First Floor Extensions - AR-127-02 - Jan. 2018

- Proposed Ground and First Floor Extensions - AR-127-05 - Jan. 2018
- Proposed Ground and First Floor Extensions - AR-127-04/A - Jan. 2018

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.

- 3 No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes and samples of such materials and finishes to be used for external walls (and roofs) of the proposed development have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the extensions.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity and endeavouring to achieve a building of visual quality in accordance with policy GEN7 of the Arun District Local Plan.

- 4 The external walls of the proposed development shall be clad in through coloured material, samples of which shall be submitted to and approved by the Local Planning Authority before development is commenced and the materials so approved shall be used in the construction of the building/extension.

Reason: In the interests of amenity to achieve a reasonable visual quality in the buildings in accordance with policy GEN7 of the Arun District Local Plan.

- 5 The Westernmost rooflight window on the Southern elevation of the building shall at all times be glazed with obscured glass and fixed to be permanently non-opening under 1.7m

Reason: To protect the amenities and privacy of the adjoining property in accordance with policies GEN7(iv) and DEV19(iii) of the Arun District Local Plan.

- 6 The central rooflight window on the Southern elevation of the building shall at all times be glazed with obscured glass under 1.7m

Reason: To protect the amenities and privacy of the adjoining property in accordance with policies GEN7(iv) and DEV19(iii) of the Arun District Local Plan.

- 7 The windows on the Northern elevation of the building shall at all times be glazed with obscured glass and fixed to be permanently non-opening under 1.7m.

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

- 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015, (or any Order revoking or enacting that Order) no windows or other openings (other than those shown on the plans hereby approved) shall be formed in the Western wall of the building without the prior permission of the Local Planning Authority on an application in that behalf.

Reason: To protect the amenities of adjoining residential properties in accordance with policies GEN7(iv) and DEV19(iii) of the Arun District Local Plan.

- 9 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.