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

REF NO: **R/102/16/HH**

LOCATION: Acorn House
22 Seafield Road
Rustington

PROPOSAL: First floor extension

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The application relates to the enlargement of one of the first floor bedrooms and the provision of an additional bedroom. The proposed first floor extension would be accommodated on top of an existing flat roofed extension to the rear of the dwelling. It would have a ridge height of 6.7m and a width of 9m.
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Hedging to north to approx. 3m. Fencing to side boundaries.
SITE CHARACTERISTICS	The site is occupied by a detached chalet bungalow with rendered elevations and a tiled roof. The property has a detached garage to the south and a flat roofed rear conservatory.
CHARACTER OF LOCALITY	The character of the locality is residential and features mainly single storey chalet style properties of varying design and style.

RELEVANT SITE HISTORY

R/149/70	Sun lounge	ApproveConditionally 07-08-1970
R/122/77	Extension to provide additional bedroom & bathroom	ApproveConditionally 22-06-1977
R/307/79	Convert 2 rooms into one & enclose porch & resite existing doorway on east elevation with door on north	ApproveConditionally 12-12-1979

R/7/84	Extension to front of property for use as new kitchen & dining area	ApproveConditionally 08-02-1984

REPRESENTATIONS

Representations received:

Rustington Parish Council

No Objection

Comments on Representations received:

None

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

None

POLICY CONTEXT

Designation applicable to site:
Within built up area boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	GEN7	The Form of New Development
	DEV19	Extensions to existing residential buildings
Publication Version of the Local Plan (October 2014):		D DM1 Aspects of Form and Design Quality D DM4 Extensions and Alterations to Existing Buildings (residential and non-residential) D SP1 Design
Rustington Neighbourhood Plan 2014 Policy 2		Housing Design

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE

RDS	Rustington Design statement by Rustington Parish Council

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.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed

according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place on 30th October 2014 for six weeks.

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: Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Yapton.

The Rustington Neighbourhood Plan has been made and Policy 2 is considered relevant in the determination 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 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.

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

PRINCIPLE

The site is situated within the built-up area boundary where the principle of development is acceptable, subject to accordance with relevant planning policies. The main criteria against which this application will be assessed is contained within the Arun District Local Plan which in this case are policies GEN7 and DEV19. The Rustington Neighbourhood Plan has been made and as such Policy 2 will be relevant to the determination of this application.

DESIGN AND VISUAL AMENITY

The proposal would increase the size of the roof area, but given the position of the extension to the rear of the roof and that it is set down slightly lower than the existing ridge line and follows the same profile as the existing roof it would appear subservient to the host dwelling. The extension would be visually integrated with the dwelling through the design and use of roof tiles to match the existing. Therefore, the proposal is considered to accord with policies DEV19(i) and (ii) of the Arun District Local Plan.

The proposal will not be readily visible within the street scene since it is located on the rear elevation and the dwelling is located to the rear of another property which fronts Seafield Road. The extension would be readily visible from the rear which faces onto a garage compound and would not therefore adversely impact on the visual amenities of the locality. The proposal is considered to be in accordance with policy GEN7(ii) of the Arun District Local Plan.

The proposal seeks to use coloured weatherboard cladding at first floor level on the end gable and dormer sides. These materials are considered acceptable and would not be out of keeping in the area. The dwelling immediately to the north has weatherboard clad elevations.

The proposal is therefore considered to be in accordance with policies GEN7 (ii) and DEV19 (i) & (ii) of the Arun District Local Plan.

RESIDENTIAL AMENITY

The proposed extension is not considered to give rise to any unacceptably adverse overlooking, overshadowing or overbearing impacts and as such is deemed to be in accordance with policies GEN7 (iv) and DEV19 (iii) of the Arun District Local Plan.

The extension will be located 1.5m from the side boundary with no 20 which is angled on the plot and at its closest point is 2m from the boundary. A flat roofed garage is located in the south east corner of the site. The proposed roof would pitch away from the boundary and would follow the slope of the existing roof. A gap of 5m would be retained to the rear boundary as is currently the case with the ground floor extension and adequate garden area to serve the dwelling is available to the side of the dwelling.

The proposal only includes rooflight windows on the west elevation of the extension and a condition is being imposed to ensure no additional windows are provided under permitted development rights. The rear first floor window would face a garage compound and the side dormer would face onto the garden serving the application dwelling and is 17m from the eastern side boundary which is considered adequate to prevent any unacceptable adverse overlooking.

Therefore, the proposal is considered to be in accordance with policies GEN7 (iv) and DEV19 (iii) of the Arun District Local Plan.

SUMMARY
The application is recommended for approval due to its compliance with relevant development plan policies, subject to the following conditions.

HUMAN RIGHTS ACT

FOR APPROVAL
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 neutral 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).

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 16-125-Loc, 16-125-03 Floor plans as Proposed and 16-125-04 Elevations and Sections.

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 The materials and finishes of the external roof of the extension hereby permitted shall match in colour and texture those of the existing building.

Reason: In the interests of amenity in accordance with policies GEN7 and DEV19 of the Arun District Local Plan.

4 No windows (other than those shown on the plans hereby approved) shall be constructed in the west elevation of the extension without the prior permission of the Local Planning Authority on an application in that behalf.

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

5 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.