

Recommendation Report for Prior Notification for Householder Extension

REF NO: R/107/18/PDH

LOCATION: 23 Preston Avenue
Rustington
BN16 2DF

PROPOSAL: Notification under extended permitted development rights for a single storey rear extension extending 6.5m from the rear of the original dwelling house, with a maximum height of 2.85m & an eaves height of 2.85m.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Notification of extended permitted development rights for a single storey rear extension extending 6.5m from the rear wall of the original dwellinghouse with a maximum height of 2.85 and an eaves height of 2.85.
SITE AREA	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The front of the property has driveway access to a garage and trees and hedging. The rear and side boundaries consist of sufficient hedging and fencing.
SITE CHARACTERISTICS	The site is occupied by a detached bungalow with a garage.
CHARACTER OF LOCALITY	The character of the area is predominantly residential with properties of varying design and style.

RELEVANT SITE HISTORY

R/118/86	Erection Of Canopy	ApproveConditionally 23-06-86
R/293/66	Extension Of Garage	Approve 09-01-67
R/1/68	Increase In Existing Garage Accommodation	Approve 24-01-68

Relevant history noted

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

3 letters of objection from 1 nearby neighbour

- Extension is too high and too close to the boundary
- Doesn't comply with legislation in that the height is higher than the eaves height.
- Doesn't comply with legislation in that the roof height would mean alterations to link to the existing roof
- Roof lanterns would increase adverse visual impacts
- Out of character with other properties
- Block plan is misleading
- Room should be allowed for maintenance to boundaries walls.
- Depth of the property will increase by 50%
- Lack of natural ventilation means vapours/ odours from the kitchen will vent to neighbouring properties
- Re-configuration of the internal dwelling will be different to neighbouring properties

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

Confirmation of eaves height and total height of the proposed development were requested and additional plans were submitted. For clarification the eaves height is measured from the base of the external wall of the extension to the point where the external wall would meet the upper surface of roof slope.

The roof is to be constructed as a flat roof and as shown in the plan there is no alteration to the existing roof.

Maintenance of boundary walls and internal layout is not a material consideration and will not be taken into account in arriving at a decision.

The total area of ground covered doesn't not exceed 50% of the total area of the curtilage.

The houses are of a varied style and design and the proposal is not considered out of character and is not visible from the street scene. In any event the issue of impact on character and appearance of the area from extension are not open to determination under these permitted development applications.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

None

COMMENTS ON CONSULTATION RESPONSES:

None

POLICY CONTEXT

Designation applicable to site:

Built up Area Boundary

DEVELOPMENT PLAN POLICES

[Publication Version of the Local Plan \(October 2014\):](#)

D SP1 Design

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

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.

A new local plan is in preparation and is a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taking place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification. The examination was completed in September 2017.

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

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

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).

Policy 2 of the Rustington NP applies in so much as it relates to the need to maintain privacy.

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.

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

The application relates to a single storey extension to be attached to the rear wall of the dwelling under Prior Notification otherwise known as 'Extended Permitted Development Eight'. The Town and Country Planning (General Permitted Development) (England) Order 2015 at Schedule 2, Part 1 Class A.4(7) and (9) states that the Local Planning Authority shall take into account any representations received and consider the amenity of all adjoining premises.

The proposed extension will measure a maximum of 6.5 m depth. The proposed eaves height and total height will be 2.85m to match that of the existing dwelling.

The proposed extension will have a maximum depth of 6.5m to the western elevation as it infills the rear of the dwelling. It will run alongside the boundary to No.21 and will have a width of around 5.75m where the depth will reduce to 4m from the original rear wall of the dwelling. Due to the location and boundary treatment, the proposed extension is not considered to impact the neighbouring properties at No.21 or No.25. The extension also has a separation distance of around 20m to No.7 and may only be slightly visible due to the boundary treatment and is therefore not considered to give rise to any overlooking, overbearing or overshadowing.

The proposed extension will be constructed to a height of 2.85m and will match that of the existing dwelling as shown in the approved plan and will be constructed with a flat roof. It should be noted that a structure can be constructed under Permitted Development to a height of 4m without the need for a formal planning application. In addition the presence of hedging of sufficient height will mean that there will not be an unacceptably adverse overbearing impacts upon the neighbouring property at No.7 or other adjoining neighbours. The proposal is also for this reason not considered to give rise to any loss of privacy due to outlook or any loss of light.

For the above reasons, it is not considered that the proposed extension would have a significant impact on the residential amenity over what could be constructed by the applicant under the GDPO without permission or prior approval and therefore the proposal is considered acceptable and accords with policies DEV19 and GEN7 of the District Council.

The proposed extension by virtue of its position and location is not considered to give rise to any unacceptable adverse overlooking, overshadowing or overbearing and as such is considered acceptable in relation to residential amenity.

The proposal is considered acceptable and no objection is raised in relation to the proposed application.

HUMAN RIGHTS ACT

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.

RECOMMENDATION

NO OBJECTION

- 1 For the avoidance of doubt the approved details are the 'Application form', 'Block plan', 'Floor plan and roof- PA.CON.FP.002 , Existing floor, roof and sections - PA.EX.PLAN/SEC.001