

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

REF NO: R/109/19/HH

LOCATION: 28 Mill Lane
Rustington
BN16 3JN

PROPOSAL: To form bedroom 4 over kitchen.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION As above

RELEVANT SITE HISTORY

R/151/16/HH	Single storey rear extensions & car port to front.	ApproveConditionally 25-07-16
R/64/09/	Single storey extension to provide cloak room & verandah, two storey extension to provide sunroom to ground floor & box room , new pitched roof to garage and new 2m high fence & wall to front boundary	ApproveConditionally 16-06-09

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Rustington Parish Council

No objection.

No representation from nearby occupiers.

CONSULTATION RESPONSES RECEIVED:

None

POLICY CONTEXT

Within the Built-Up Area Boundary

DEVELOPMENT PLAN POLICES

[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
SDSP2	SD SP2 Built-up Area Boundary

[Rustington Neighbourhood Plan 2014 Policy 2](#)

Housing Design

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

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 Local Plan. In this case, the key policies are deemed to be D DM1 and D DM4 of the Arun Local Plan. Additionally, Policy 2 of the Rustington Neighbourhood Development Plan.

Policy SD SP2 of the Arun Local Plan states that development should be focused within the Built Up Area Boundary, and will be permitted subject to consideration against other policies in the Local 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 2 of the Rustington Neighbourhood Development Plan states that development proposals will be supported providing that their scale, density, massing, height, landscape design, layout and materials reflect and enhance the established character of the area.

DESIGN AND VISUAL AMENITY

The proposal constructs a first floor extension to the rear. Whilst it is a large addition it would not be directly visible from the street scene.

The development as a whole would appear in keeping with the character of the area and street scene which consists of large detached houses of varied styles and designs. The rear addition would appear subordinate to the main dwellinghouse due its design and scale. The development is therefore considered to comply with DDM1 and DDM4 of the Arun Local Plan and Policy 2 of the Rustington Neighbourhood Plan.

RESIDENTIAL AMENITY

The development to the rear of the dwelling is of a large scale and the addition of a first floor will increase the height of the existing extension by around 2.8m. The extension would have a depth of 4m and width of around 4m which is the same as the existing.

Impacts such as the potential overbearing and loss of light needs to be assessed in which the council use a 45 degree rule to assess overbearing impacts. The rear facing windows of 30 Mill Lane to the northern elevation would be impacted however the first floor extension would not breach a 45 degree line drawn from the centre of the rear facing windows and therefore with respect to the rear facing no significant adverse overbearing impact or loss of daylight would be caused as a result.

At the eastern elevation 2 windows would be installed however due to their location, they are not considered to give rise to any loss of privacy or overlooking.

The properties to the rear of the dwelling are in excess of 50m from the rear elevation of the proposed first floor extension and it is not considered the development will give rise to any overlooking impacts.

Due to the siting and size of the proposed first floor rear extension, it is not considered the proposal will give rise to any overlooking, overbearing or overshadowing impacts and accord with DDM1 and DDM4 of the Arun Local Plan. .

SUMMARY

The proposed development is deemed to accord with the relevant development policies and as such is recommended for approval subject to the following conditions and informatives.

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

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
Location maps
Proposed Elevations and Floor Plans drawing 1

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.

- 3 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.