

**Recommendation Report for Application under Section 73 for the Removal or Variation of Conditions
Under a Previously Approved Permission**

REF NO: R/113/26/S73

LOCATION: 14 Ruston Park
Rustington
BN16 2AD

PROPOSAL: Application under Section 73 of the Town and Country Planning Act 1990 for the variation of condition 2 (plans) and 3 (materials) following the grant of R/115/25/HH.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION This application seeks the variation of conditions 2 and 3 which were imposed under R/115/25/HH. Condition 2 related to the approved plans and condition 3 related to materials.

RELEVANT SITE HISTORY

R/115/25/HH	Removal of the existing conservatory. Single storey side and rear extension. New rooflights and rear dormer.	ApproveConditionally 27-08-25
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REPRESENTATIONS

Rustington Parish Council - No objection.

1 letter of objection received from nearby occupiers:

- Lacks complete elevation and floor plans, including the first-floor layout and proposed room uses.
- Poorly integrated with the host dwelling.
- The Willow Avenue elevation is considered bland and out of character, with irregular fenestration and limited detailing despite its increased prominence in the street scene.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted, a first floor plan was not provided as it is not being amended from the originally approved scheme, and further details of the ground floor proposed room usage has since been provided.

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions and alter to exist builds (res and non-res)

[Rustington Neighbourhood Plan 2014 Policy 2](#)

Housing Design

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD13	Arun District Design Guide (SPD) January 2021
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CONCLUSIONS**PRINCIPLE**

Application reference R/115/25/HH was approved on 27 August 2025, granting permission for the removal of the existing conservatory, the construction of single-storey side and rear extensions, new rooflights and a rear dormer. This application seeks to vary the approved plans condition (Condition 2) and materials condition (Condition 3) attached to the original permission to allow minor alterations.

The fenestration amendments include removing the Juliet balcony on the south elevation and replacing it with windows; reducing the number of rooflights on the south elevation of the host roof by one; replacing the bifold door on the ground-floor south elevation with a window; and repositioning the extension door from the north elevation to the west elevation. These amendments are minor and would result in an overall reduction of one opening. They would therefore not harm the character or appearance of the host dwelling or the street scene.

The overall height of the flat-roofed extension has increased from 3.1m to 3.3m as a result of taller fascias. This increase is minimal and has not resulted in any additional harm to visual amenity. The proposed materials have also been altered from the approved white render to facing brickwork matching the host dwelling. The brickwork is therefore consistent with the character and appearance of the host dwelling.

The approved tiles on the gables and dormers have been replaced with soft green cladding. No single material dominates the street scene, and cladding is used on the gable features at No. 25 Ruston Park. The proposed cladding would therefore not appear out of keeping with the street scene or harm the character or appearance of the host dwelling.

The proposed alterations are minor and have not resulted in harm to the character or appearance of the host dwelling, the street scene or the wider area. The development is therefore in accordance with Arun Local Plan (ALP) policies D DM1 and D DM4.

RESIDENTIAL AMENITY

The proposed changes to the external materials have not altered the residential amenity impacts of the approved development. The proposal has not resulted in any additional overbearing, overshadowing or overlooking effects beyond those previously approved.

The fenestration amendments would result in an overall reduction of one opening. Views from the property would therefore not differ significantly from those previously approved, and the proposal would not cause additional overlooking.

The proposal would not result in adverse overlooking, overshadowing or overbearing effects on neighbouring properties and would therefore accord with ALP policies D DM1 and D DM4.

SUMMARY

The proposed development accords with the relevant development plan policies and is recommended for approval, subject to the following conditions and informatives.

OTHER MATTERS

As this is a Section 73 application, any new permission would sit alongside the original permission, which would remain intact and unamended. Government guidance states that, for clarity, conditions imposed on earlier permissions that remain in effect should be reinstated.

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.

CIL DETAILS

This application is not CIL liable.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 Those parts of the development hereby permitted not yet commenced shall be begun before the expiration of 3 years from 27/08/25.

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 Plan
Elevations as Proposed 3455/01/01
Ground Floor Plan as Proposed 3455/01/02

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Arun Local Plan policies D DM1 and D DM4.

- 3 The materials and finishes of the external walls of the side and rear extensions hereby permitted shall be finished in brickwork to match the existing dwelling. The gable ends and rear dormer shall be finished in Soft Green Hardie Plank.

Reason: In the interests of amenity in accordance with Arun Local Plan policies D DM1 and D DM4.

- 4 Based on the information available, this permission is exempt from the requirement to provide a biodiversity gain plan under Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990. The following exemption applies:

This planning permission is for development which is a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Reason: In accordance with Schedule 7A of the Town and Country Planning Act 1990 (as amended).

- 5 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). 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 NPPF.