

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

REF NO: R/114/15/HH

LOCATION: 81 Sea Avenue
Rustington

PROPOSAL: Two storey rear extension & single storey side annexe.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

Erection of extensions to east and south of dwelling. The extensions to the east would be mainly single storey, although would include a limited two-storey element to provide a staircase. The proposal would be of sympathetic design to the appearance of the existing dwelling, it would include the same parapet wall arrangements and the same window types. The two storey staircase would have a single north facing window. The extension would be 0.8m from the east boundary and would provide additional ancillary facilities for the dwelling.

The larger element of the extension would provide a 1 bedroom annexe with lounge, kitchen, utility and en-suite. This would be accessible through the main house and through its own doors to the garden. This would be of sympathetic design to the appearance of the dwelling and it would include the same parapet wall arrangements and the same window types. The annexe would replace a large garage building linked to the dwelling by a wall. It would be no closer to the south boundary than the garage. It would be closer to the west boundary than the existing garage, reducing the distance from 1.65m to 0.9m.

The application is accompanied by a Flood Risk Assessment which concludes the site is located within Flood Zone 3 as defined by the Environment Agency and is situated below the modelled 1:200 year flood level and the modelled 1:200 plus allowance for climate change. The applicant will ensure a route and

safe passage to uppers floors is provided.

The risk of flooding posed by fluvial, groundwater and sewerage discharge would appear low. There will be no loss of fluvial flood storage and flood proofing will be incorporated. Providing flood risk measures are implemented, the proposal is suitable in flood risk terms. The flood risk is predominantly due to proximity to the coast.

The applicant proposes the following measures:

- The extensions finished floor levels will match the existing property exactly, no steps up or down. This is shown by the purple lines on the proposed elevations;

- The materials used in construction will contain a cavity wall, and aluminium doors and windows, eliminating any water permeability into the structure. There will be existing impermeable concrete hardstanding which will be removed and replaced with permeable shingle - actively improving the surface water drainage situation;

- Building Control will require geocellular crate soakaways which will be sized appropriately and checked/approved;

SITE AREA

Approximately 0.07 hectares.

RESIDENTIAL DEVELOPMENT DENSITY

N/A

TOPOGRAPHY

Predominantly flat.

TREES

None of significance affected by the development.

BOUNDARY TREATMENT

The east and west boundaries are comprised of mature hedging and these are 3m to 4m in height. The front and rear boundaries are comprised of hedging and vary between 2m to 3m or 4m high.

SITE CHARACTERISTICS

Corner location on south side of the junction of Sea Way and The Thatchway. The front (north) boundary is with The Thatchway and the side (east) boundary is with Sea Way. The

site is occupied by a single detached dwelling. The dwelling is of an art-deco style design and appearance with single and two-storey elements and upper parapet walls, although there is a pitched/hipped and tiled roof behind the parapet at two-storey level. The single storey element has the same parapet walls. There is a detached single garage to the south of the dwelling linked to the dwelling by a wall. The dwelling has Crittal type windows a number of which are large and curved in the characteristic form associated with the art-deco style. The walls of the dwelling are white painted with a white rendered and painted appearance. The windows are painted black.

CHARACTER OF LOCALITY

Residential with detached and mainly two-storey dwellings set with large plots. The area has a mature landscaped character. The driveway and garage of the dwelling to the south intervenes between that dwelling and the site and no.83 has a single first floor window facing the site. The dwelling to the east has an intervening driveway and garage adjoining the boundary.

RELEVANT SITE HISTORY

R/17/50	Conversion	Approve 14-03-1950
R/46/61	Outline application for flats and garages	ApproveConditionally 15-03-1961
R/188/70	Garage	ApproveConditionally 09-10-1970

None.

REPRESENTATIONS

Representations received:

Rustington Parish Council

Rustington Parish Council objects as follows:

Objects on the following grounds:-

(i) The proposal would present an over-bearing appearance which would have an adverse effect on the visual amenities and quiet enjoyment of the neighbouring properties and, in particular, Nos. 83 and 85 Sea Avenue and Half Timbers, The Thatchway

- (ii) The proposal would result in a loss of privacy, by reason of overlooking to an unacceptable degree, for the aforementioned properties
- (iii) The proposal would, most certainly, represent an over-development of the site.

3 letters of objection, 2 of from occupiers adjoining to the south and east:

1. Scale and mass out of keeping with the area and the overbearing scale of the rear extension.
2. Ground area will increase by 50%, effectively creating a bungalow and the substantial increase in proportion of dwelling to garden negatively affecting the site can creating a precedent.
3. Substantial and detrimental impact on the character and appearance of the area.
4. The intensified use of the dwelling and the impact of this on amenity.
5. Reduction in garden area contributing to flood risk arising from rainwater inundation. The site lies on some of the lowest land in the area and there is a history of rainwater flooding in the past, although this has not occurred more recently.
6. Unnecessary overdevelopment where overdevelopment should not be permitted.
7. Would result in loss of existing garage and result in a risk of parking on Sea Avenue or The Thatchway which would be out of keeping with the area.
8. May result in tree removal increasing flood risk as these absorb large amounts of water.

1 objector advises they have no objection to the proposal in terms of the design preserving the art-deco appearance and raises no objection to south facing windows.

Comments on Representations received:

Each application is treated on its merits. It is not proposed to remove any trees. Surface water flooding and the visual impact of the development in amenity and parking terms is dealt with in the conclusions section.

CONSULTATIONS

Environment Agency
Engineering Services Manager
Engineers (Fluvial Flooding)

Consultations responses received:

None.

Comments on Consultation responses:

The Environment Agency has raised no objection.

The Councils Drainage & coastal Engineer has raised no objection and considers the Flood Risk Assessment is acceptable and measures to address flood risk are satisfactory.

The Conservation Officer considers there is a neutral impact on the Building of Special Character and has requested conditions to control existing and proposed windows and materials be imposed.

POLICY CONTEXT

Designation applicable to site:
Within Built Up Area
Tree Preservation Order
Flood Zone 2 & 3
Building of Special Character

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	GEN2 GEN7 GEN22 DEV19	Built-up Area Boundary The Form of New Development Buildings or Structures of Character Extensions to existing residential buildings
Publication Version of the Local Plan (October 2014):		SD SP2 Built-Up Area Boundary D DM1 Aspects of Form and Design Quality D DM4 Extensions and Alterations to Existing Buildings (residential and non-residential) D SP1 Design HER DM2 Locally Listed Buildings or Structures of Character
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
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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; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; and Yapton.

Rustington has a Made Neighbourhood Plan (NP) and this is part of the Development plan.

Policy 2 in the NP states:

Development proposals (including alterations to existing buildings) will be supported, provided that their scale, density, massing, height, landscape design, layout and materials reflect the architectural and historic character and scale of the surrounding buildings and landscape. Proposals must also comply with the parking standards adopted by the planning authority. The text accompanying Policy 2 deals with requirements and considerations in more detail and makes particular reference to the character of different areas and reflecting the character of these.

The text accompanying Policy 2 deals with requirements and considerations in more detail and makes particular reference to the character of different areas and reflecting the character of these. It also contains the following relevant design principles:

- Development should not detract from the character and amenity of the nearby area.
- Development should not impact on surrounding properties but should seek to maintain privacy and alleviate possible noise issues to existing neighbouring properties as well as seek to lessen its impact on the surrounding area.
- Provision should be incorporated within the curtilage of a property of a storage area for refuse and recycling bins which blends with the character of the dwelling and street scene.

The site is within Village Design Statement (VDS) Character Area 5.

Character Area 5 is in two sections as shown on the Character Area Map, although they are considered as one area in this document. Note should be taken that there are differences, mainly the lower density of buildings contained in the private estates in the larger eastern area.

The area is characterised by large detached houses and bungalows many contained in private estates. They are similar in style but often unique to one road. Detached chalet style buildings are dominant in places such as Hawley Road.

Many of the properties have been extended, reflecting the predominant use of brick walls and tile.

The use of tile is important with many low roofs, porches and extensions both on the roofs and facades. External fittings should be hidden where possible.

VDS General Design Statement Planning Guidelines for Character Areas 5-12 include the following:

Each Character Area has its own design and use of materials, requested development, whether in the form of new builds or alterations, should respect those materials and design. By doing this the character of each area will be maintained. Each area has its own guidelines and along with the following general guidelines will help maintain the character of these areas.

Alterations and Conversions

The alteration and conversion of buildings affects both the buildings themselves and the area as a whole. In this section we deal with the impact on the fabric and integrity of the areas.

Inappropriate changes to the essential character of the buildings should be resisted. Following extension or conversion it should be possible to appreciate the structure and appearance of the original building.

The architecture of the Character Areas 5-12 is very varied but it is possible to characterise the nature of the smaller areas identified. Changes of use or new developments must respect the inherent character of the locality.

Any alterations should be in keeping with these original features as they provide the character of the area and should be in keeping with the immediate environment. This can be aided by materials, colour used on alterations, redecorations, extensions and new developments reflecting and sympathising with the appropriate surrounding buildings. The proposal is consistent with the above policies.

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 not considered to comply with relevant Development Plan policies in that it would not be visually subservient to the main building.

OTHER MATERIAL CONSIDERATIONS

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. Namely the size of the plot and proposed design will mean that the proposed extensions will have an acceptable impact upon the visual amenities of the area and the residential amenities of the adjoining properties.

CONCLUSIONS

PRINCIPLE

The site is in the built-up area where the principle of development is acceptable, subject to accordance with relevant planning policies. The main criteria against which the application will be assessed are contained within the Arun District Local Plan which in this case is considered to be policies GEN7 and DEV19 of the Arun District Local Plan, 2003 and policies D DM1, D DM4 and D SP1 in the Emerging Arun Local Plan 2011-2031 (Publication Version, October 2014) which seek to prevent development that would have an adverse impact upon visual and residential amenities.

DESIGN AND VISUAL AMENITY

The application will result in significant change to the size of the dwelling. The proposals are sympathetic to the appearance of the dwelling in design terms and include parapet walls and Crittal type windows and design feature such as 'curved' windows. The design provides for a secondary appearance which preserves the identity of the dwelling and has a neutral impact on the building as advised by the Conservation officer.

Existing boundary screening mitigates visual impact, which is considered not to result in harm to the appearance of the dwelling in any event. The development will not result in a form and massing which would be detrimental to the street scene or visually incongruous.

The extension is acceptable in design and visual amenity terms and complies with policies.

RESIDENTIAL AMENITY

The site is well screened and loss of privacy/overlooking does not arise. New openings are at ground floor level, except for the north facing stair window. Formation of further windows on the stair wall can be controlled by condition. Parking remains satisfactory for the dwelling with 2 accesses and up to 4 car parking spaces. It is not considered the proposed development will result in on-street parking.

FLOODING

Flooding has been addressed in the Flood risk Assessment. There is considered to be no increase in flood risk resulting from the proposed development.

It is recommended that the application be approved, 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 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 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 drawing:

Drawing Number 14060/02R6/R6 - Proposed Plans & Elevations - Dated 28.04.15
Flood Risk Assessment - Dated July 2015

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies GEN7 and DEV19 of the Arun District Local Plan, 2003 and policies D DM1, D DM4 and D SP1 in the Emerging Arun Local Plan 2011-2031 (Publication Version, October 2014).

- 3 The accommodation hereby permitted shall be occupied solely for purposes incidental to the occupation and enjoyment of 81 Sea Lane, Rustington as a single family dwellinghouse and shall not be used as a separate unit of accommodation.

Reason: To accord with GEN7 and DEV19 of the Arun District Local Plan, 2003 and D DM1 and D DM4 in the Emerging Arun Local Plan 2011-2031 (Publication Version, October 2014) and to prevent the establishment of an additional independent unit of accommodation which would give rise to an over-intensive use of the site and lead to an unsatisfactory relationship between independent dwellings and detriment to the amenities of the occupiers of adjoining and nearby dwellings.

- 4 No development shall be carried out unless and until a schedule of materials and finishes to be used for external walls and roofs of the proposed extensions has 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 the character and appearance of the existing dwelling by endeavouring to achieve a building of visual quality in accordance with policies GEN7, DEV19 and GEN22 of the Arun District Local Plan, 2003 and policies D DM1, D DM4, D

SP1 and HER DM2 in the Emerging Arun Local Plan 2011-2031 (Publication Version, October 2014).

- 5 No development shall be carried out unless and until detailed drawings of the design and materials of the proposed windows to be used for the extension hereby permitted and any replacement windows, if proposed, at the existing dwelling have been first submitted to and approved in writing by the Local Planning Authority and the details so approved shall be used in the construction of the extensions or replacement of any windows in the existing dwelling.

Reason: To protect the character and appearance of the existing dwelling which is a Building of Special Character and to ensure a satisfactory visual appearance in accordance with policies GEN7, DEV19 and GEN22 of the Arun District Local Plan, 2003 and policies D DM1, D DM4, D SP1 and HER DM2 in the Emerging Arun Local Plan 2011-2031 (Publication Version, October 2014).

- 6 The window in the side (north) elevation of the two storey staircase element of the extension hereby permitted shall at all times be glazed with obscured glass and be non-opening.

Reason: In the interests of amenity to protect the privacy of the adjoining occupiers in accordance with policies GEN7 and DEV19 of the Arun District Local Plan, 2003 and policies D DM1, D DM4 and D SP1 in the Emerging Arun Local Plan 2011-2031 (Publication Version, October 2014).

- 7 No windows (other than those shown on the plans hereby approved) shall be constructed in the east elevation of the extension to the east side of the existing dwelling hereby permitted which adjoins the side boundary with the dwelling known as Half Timbers, The Thatchway without the prior permission of the Local Planning Authority on an application in that behalf.

Reason: In the interests of amenity to protect the privacy of the adjoining occupiers in accordance with policies GEN7 and DEV19 of the Arun District Local Plan, 2003 and policies D DM1, D DM4 and D SP1 in the Emerging Arun Local Plan 2011-2031 (Publication Version, October 2014).

- 8 The existing trees and hedges on the site boundaries shall be retained and protected in a manner to be agreed with the Local Planning Authority before the development commences and for the duration of the development and shall not be damaged, destroyed, uprooted, felled, lopped or topped during that period without the previous written consent of the Local Planning Authority. Any trees removed without such consent or dying or being seriously damaged or becoming seriously diseased during that period shall be replaced in the following planting season with trees of such size and species as may be agreed with the Local Planning Authority.

Reason: To ensure the retention of vegetation important to the amenity of adjoining occupiers and the character of the area in accordance with policy GEN7 of the Arun District Local Plan 2003 and policy DM1 in the Emerging Arun Local Plan 2011-2031 (Publication Version, October 2014).

- 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.