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

REF NO: **R/115/17/HH**

LOCATION: 20 Seafield Road
Rustington

PROPOSAL: New open porch with pitched roof to front elevation, small pitched roof addition to existing flat roof on west elevation & replacement of existing redland 49 roof tiles with reconstituted slate.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks permission to construct a porch to the front of the house, a pitched roof over a side extension which currently has a flat roof and to re-tile the house with re-constituted slate.
SITE AREA	0.06 hectares.
TOPOGRAPHY	Predominantly flat
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	2 metre close boarded fences (backland site).
SITE CHARACTERISTICS	A detached bungalow located on back land of 16 Seafield Drive accessed by a vehicular track to the side of that dwelling.
CHARACTER OF LOCALITY	A residential area close to the seafront in Rustington.

RELEVANT SITE HISTORY

None relevant.

REPRESENTATIONS

Representations received:

Rustington Parish Council

No objection.

Comments on Representations received:

Noted..

CONSULTATIONS

Consultations responses received:

None.

Comments on Consultation responses:

N/a

POLICY CONTEXT

Designation applicable to site:
ADOPTED LOC PLN
CLASS C ROAD

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	DEV19	Extensions to existing residential buildings
	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
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)
Rustington Neighbourhood Plan 2014 Policy 2		Housing Design

PLANNING POLICY GUIDANCE

NPPG	National Planning Practice Guidance
NPPF	National Planning Policy Framework

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 may be 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. The Examination into the submitted plan was commenced but is currently suspended whilst Arun District Council addresses matters raised by the Inspector.

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 is taking place 10 April 2017 to 5pm on Tuesday 30 May 2017. 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 may also be material consideration to take into account.

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 are material considerations in the determination of this planning application. The emerging Plan was submitted in January 2015 and the examination is currently

suspended. The examination is due to re-commence in summer 2017 following publication of modifications to the Plan.

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

The Rustington Neighbourhood Plan has been made and policy 2 is considered relevant to the determination of this application.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

PLANNING
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.

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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 application site is situated within the built area boundary where the principle of development

is acceptable subject to accordance with relevant development plan policies. The key policy considerations in the determination of this application are considered to be policies GEN7 and DEV19 of the Arun District Local Plan; policy 2 of the Rustington Neighbourhood Plan; and The National Planning Policy Framework.

DESIGN AND VISUAL AMENITY
The proposed minor extensions including an open porch extension, pitched roof in place of a flat roof to the side and replacement of tiles would appear well integrated and subservient to the character of the host dwelling in accordance with policies DEV19(i) and (ii) of the Arun District Local Plan.

The proposed extension by virtue of its design is considered to appear in keeping with the established character of the host dwelling and as such is deemed to accord with policy GEN7(ii) of the Arun District Local Plan.

The application site is situated on a backland site and as such the proposal will not be visible within the street scene or have an adverse impact upon the spatial pattern or character of the locality in accordance with policy GEN7(ii) and DEV19(v) of the Arun District Local Plan and policy 2 of the Rustington Neighbourhood Plan.

RESIDENTIAL AMENITY
The proposed extension will not add additional windows to the dwellinghouse nor would it have an overbearing impact or cause a loss of light to neighbouring properties. It is considered that the proposal will not result in any unacceptably adverse overlooking, overshadowing or overbearing impacts on neighbours. Therefore, the proposed development is considered to accord with policies GEN7(iv) and DEV19(iii) of the Arun District Local Plan.

SUMMARY
The proposal is considered to accord with relevant development plan policies and is therefore recommended for approval subject to the below conditions.

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

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;

Dwg.no. 01/A3 - Proposed Elevations dated 05/17
Dwg.no. 01/A3 - Proposed Roof Plan dated 05/17

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy DEV 19 and GEN 7 of the Arun District 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.