

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

REF NO: R/118/13/

LOCATION: 1 Dolphin Way
Rustington

PROPOSAL: Demolition of existing conservatory and replacement with single storey rear extension

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The proposed extension will measure approximately 5.3m in depth from the rear wall of the dwellinghouse at its maximum extent, approximately 6.7m in width and approximately 3.9m in height. The extension will be constructed from red/brown brickwork with plain roof tiles.
SITE AREA	Approximately 675 square metres.
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Low brown brick wall to front at approximately 0.3m. Close boarded fencing at approximately 1.8m in height and conifer hedging around 2m to rear.
SITE CHARACTERISTICS	A detached bungalow with brown brick elevations and hipped roof with brown tiles. Detached garage to side. Existing PVCu conservatory to rear.
CHARACTER OF LOCALITY	Residential in nature with detached bungalows, chalet bungalows and two storey properties.

RELEVANT SITE HISTORY

None

REPRESENTATIONS

Representations received:

Rustington Parish Council

No objection.

Comments on Representations received:

Noted.

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

None

POLICY CONTEXT

Designation applicable to site:
Within Built-Up Area Boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
	DEV19	Extensions to existing residential buildings

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
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POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

The Development Plan consists of the Arun District Local Plan 2003.

Paragraph 214 of the NPPF ensures that specific policies in Arun District local Plan 2003 can carry weight but, because it predates 2004, a reduced 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. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

The emerging local plan has recently been approved by the Council and is therefore a material consideration in the determination of this planning application. Whilst it has not been formally adopted due weight has been given to its policies in terms of the decision making process at this stage.

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, nor would it have an adverse impact upon the established character of the surrounding area.

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 site lies within the built-up area boundary where residential development is acceptable in principle, subject to it complying with the relevant Development Plan policies.

DESIGN AND VISUAL AMENITY

The extension is to be located to the rear of the property and so will not be visible from the road or another public vantage point. It replaces an existing PVCu conservatory measuring 2.7m in depth by 4m in width. The proposed extension remains subservient to the dwellinghouse and is consistent with the residential character of the area. There are other residential additions in the row such as including a rear PVCu conservatory to the rear of Number 3 immediately adjacent to the south. The proposed extension will have a dummy pitch, behind which will be a flat roof so lessening its bulk and form.

RESIDENTIAL AMENITY

Due to its broadly central location within the rear elevation, the extension maintains acceptable separation distances to the neighbouring boundaries such as to the south at approximately 3.5m. The boundary treatment either side of the proposal comprises close boarded fencing at approximately 1.8m in height along the southern boundary and conifer hedging over 2m to the north. This ensures there will be no overshadowing or overbearing effects at a demonstrable level of harm. The scheme also includes a rooflight measuring approximately 1.6m by 1m in size but this is not considered to give rise to unacceptable overlooking by reason of its location within the flat section of the roofslope.

It is therefore recommended that planning permission is granted, 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 respect 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

Duty under the Equalities Act 2010

In assessing this proposal, a neutral effect has 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 plans: drawing numbers 11314.02 (block plan), 11314.03 (existing ground floor plan), 11314.04 (existing elevations), 11314.05 (proposed ground floor plan), 11314.06 (proposed elevations), 11314.08 (proposed cross section) and 11314.07 (existing and proposed roof plans).

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with GEN7 and DEV19 of the Arun District Local Plan.

- 3 The materials and finishes of the external walls and roof of the extension hereby permitted shall match in colour and texture to those of the existing building.

Reason: In the interests of amenity in accordance with policies GEN7 and DEV19 of the Arun District Local Plan.

- 4 **INFORMATIVE:** Summary of Reasons for Grant Article 31 Development Management Procedure Order 2010

SUMMARY

This planning permission is granted because it complies with the policies listed below in that the development would not cause any material adverse effect on visual or residential amenity on the surrounding area and its character and there are no material considerations to indicate otherwise.

RELEVANT POLICIES

LOCAL PLAN: GEN2, GEN7, DEV19

NATIONAL POLICIES: National Planning Policy Framework

This is only a summary of reasons for granting to comply with Article 31 and full reasons appear in the Officer report.

- 5 **INFORMATIVE:** Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. The

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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.