

Recommendation Report for Planning Permission

REF NO: R/119/20/PL

LOCATION: Windsong
The Thatchway
Rustington
BN16 2BN

PROPOSAL: Demolish & erection of 1 No dwelling. This application may affect a Public Right of Way.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal relates to a 2 storey chalet style dwelling with a ridge height of 7.3m and a 13.8m depth(at its widest point) and width of 11.78m. The dwelling would comprise Marley concrete smooth grey tiles for the roof with cladding and brickwork elevations. The dwelling replaces a 3 bed dwelling with a 3 bed dwelling with ground floor study and first floor snug with an increase in floor area of 91sqm..
SITE AREA	573.32 sqm
RESIDENTIAL DEVELOPMENT DENSITY (NET)	17 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the development.
BOUNDARY TREATMENT	Mature shrubs and/or close boarded fencing to all boundaries varying in height.
SITE CHARACTERISTICS	Chalet style dwelling with plain tile roof and painted render and brick elevations. Flat roofed garage to front. All of front garden area is hard surfaced.
CHARACTER OF LOCALITY	Predominantly residential characterised by detached dwellings of varying design.

RELEVANT SITE HISTORY

R/26/20/HH	Rear extension, new roof with dormers to front and rear.	ApproveConditionally 02-04-20
R/306/18/PL	Demolition of the existing dwelling & erection of 1 No. 3-bedroom one and a half storey dwelling. This application may affect a Public Right of Way.	ApproveConditionally 21-02-19

The proposal is virtually identical to the approval granted for extensions to the dwelling under R/26/20/HH. Due to poor foundations, the approved scheme cannot be built without considerable ground works making the build financially unviable.

REPRESENTATIONS

No Objection

Three Objections:

- Three windows at rear overlook our gardens, as we like to sit/sunbathe in the summer this will completely remove our privacy.
- Will adversely affect views of the sea.
- Had to endure over a year of builders vehicles blocking driveways and parking in the no parking zone of the Thatchway during the works next to Windsong with many arguments with the drivers, and do not intend to put up with this all over again.
- The only difference to the plan this time is the glass screens on the rear balcony.

COMMENTS ON REPRESENTATIONS RECEIVED:

The planning merits of the proposal will be addressed in the conclusion section of the report. The loss of views is not a planning consideration.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Drainage Engineer - No Objection

Any alterations to surface water drainage must be designed and constructed in accordance with building regulations and infiltrating structures should not be located within a flood zone.

County Highways - No Objection

This proposal would have an acceptable impact on highway safety and would not result in 'severe' cumulative impacts on the operation of the highway network, therefore it is not contrary to the NPPF (paragraph 109), and there are no transport grounds to resist the proposal. If the LPA are minded to approve the application, a condition relating to an electric charging space should be applied.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. An electric charge point is indicated in the garage and its provision is conditioned.

POLICY CONTEXT

Designation applicable to site:

Within Built Up Area Boundary

Flood Zone 2

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
TSP1	T SP1 Transport and Development

DSP1	D SP1 Design
WDM3	W DM3 Sustainable Urban Drainage Systems

Rustington Neighbourhood Plan 2014 Policy 2	Housing Design
Rustington Neighbourhood Plan 2014 Policy 4	Sustainable Drainage

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

RDS	Rustington Design statement by Rustington Parish Council
-----	--

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

Policies 2 and 4 of Rustington Neighbourhood Plan are considered relevant to determination of this application

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/are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS**PRINCIPLE**

The site lies in the built up area boundary where residential redevelopment is acceptable in principle. There is an existing property on site. This application seeks permission to demolish the single storey property and replace it with a 2 storey dwelling of similar footprint located in a similar position to the existing dwelling. The key policies are deemed to be D DM1 and D SP1 of the Arun Local Plan. Additionally, Policy 2 of the Rustington Neighbourhood Development 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 DSP1 relates to design.

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 Thatchway is characterised by detached dwellings of varying design and style and there is no uniform pattern to the development, although most dwellings are set back a similar distance from the greensward. The existing dwelling has no frontage to The Thatchway.

The front elevation is slightly further from the greensward frontage which would compensate for the proposed increase in height. There is no dominant material or style used in dwellings in this locality and it is considered that the proposed 2 storey nature of the extended dwelling would not be inappropriate in this location. It would be similar to neighbouring dwellings.

There will be few available views of the single storey rear projection from the public realm, due to the location of the host dwelling. It is noted that there will be some views of this element of the proposed development from the green area to the South of the site. The proposed extended built form is considered to appear as an acceptable addition to the street scene which does not appear overly dominant or out of character.

Whilst the design of the dwelling is different to the existing property it will not significantly increase the height or the width of the dwelling and would not appear out of keeping in the locality. The resultant two storey dwelling retains the existing gap to both side boundaries and the dwelling would be a similar height as other nearby 2 storey dwellings. The dwelling would not appear out of character with the area or overly dominant in the street scene and accords with the provisions of policies DDM1 and DSP1 of the Arun Local Plan.

Policy 2 of Rustington Neighbourhood Plan relates to Housing Design and states 'development proposals 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 site is in Character Area 5 of Rustington Village Design Statement which is identified as an area of low density housing on private estates. The proposal is compliant with this policy on the basis of the existing plot size and the proposed house design. The design reflects other properties in the locality. The dwelling fully responds to the context of the site, reflecting architectural styles and massing of nearby properties as well as using appropriate materials to be consistent with the local context.

The dwelling would be acceptable in terms of its design, appearance, position and site coverage and would have no materially adverse impact on the visual amenities or character of the area.

NEIGHBOURING RESIDENTIAL AMENITY

The development is not considered to result in any unacceptable overshadowing, or overbearing impact on the occupiers of neighbouring dwellings due to separation distance between the host dwelling, and its adjacent occupiers. The proposal may give rise to loss of privacy to occupiers of adjacent dwellings, the

dormers on the Southern side of the roof slope face the rear and are not considered to result in any unacceptable overlooking. Any overlooking to adjacent gardens would be oblique and would not cause material harm. The dormers on the Northern roof slope are approximately 10m from the Northern boundary of the site and it is noted that there is mature foliage to the rear boundary. This distance to the boundary together with the generous rear gardens of neighbouring properties to the north will mean that there will be no unacceptable overlooking from the proposed north elevation dormers on these properties.

A first floor balcony is provided on the south side of the dwelling. This would not give rise to a material loss of privacy to the occupiers of the dwellings to the East and West since it is proposed that the sides adjacent to neighbouring boundaries would be obscurely screened to 1.8m and a condition has been imposed to ensure provision and retention.. The remaining views are not considered to give rise to any unacceptable loss of privacy, in that these views are predominantly within the application site, and any views towards the amenity areas of neighbouring dwellings would be oblique and long.

The development is considered to be in accordance with D DM1(3) of the Arun Local Plan.

The dwelling does not project significantly beyond the rear elevation of the dwelling to the east and would be located in the same position as the existing dwelling in relation to the dwelling to the west. Given the distance to the boundaries and the height of the property it is not considered that materially adverse overbearing effects would result to neighbouring properties. The only proposed windows at first floor level in the side elevation serve an en-suite which would ensure there is no materially adverse overlooking and the gaps to the side boundaries are retained. This is considered adequate to preclude any materially adverse overbearing effects and accord with policy DDM1 of Arun Local Plan.

The rear amenity area remains unaltered and the gross internal floor area accords with the Nationally Described Space Standards. The internal floor space is approximately 251sq m and according to these standards it would exceed the internal floor area of 102 sqm which is the stipulated requirement for a 3 bedroom, 6 person house.

CAR PARKING

According to the Arun parking standards 2 car parking spaces are required. The existing garage and hard surfaced parking area are unaffected by the proposal and adequate car parking would be provided in accordance with policy T SP1 of Arun Local Plan.

DRAINAGE

Policy 4 of Rustington Neighbourhood Plan is concerned about 'sustainable drainage' and states that 'development proposals likely to affect surface water drainage will be supported, provided they are able to demonstrate that they include one or more of the following sustainable drainage design features as appropriate for the ground conditions:

- i. Permeable driveways and parking areas;
- ii. Water harvesting and storage features;
- iii. Green roofs; and
- iv. Soakaways.'

The existing dwelling has hard surfacing to part of the front and rear gardens and the existing drive is retained. Drainage for a single dwelling would be controlled by building regulations. Surface water will be drained through soakaways in accordance with the building regulations and policy WDM2 of the Local Plan.

SUMMARY

The development is deemed to accord with relevant development plan policies and as such is recommended for approval 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 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.

CIL DETAILS

This application is CIL Liable therefore developer contributions towards infrastructure will be required (dependant on any exemptions or relief that may apply)

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 plan:

- New Build- 19/76 - PL1 - 30/06/2020 - Rev. B

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 Before the balcony hereby permitted comes into use, details of 1.8m high obscure screening for the East and West elevations of the balcony shall be submitted to and approved by the Local Planning Authority and the balcony shall not be used until such screening has been erected in accordance with the approved details and the screening shall thereafter remain in perpetuity.

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

- 4 Within 3 months of completion of the development, a vehicle charging point for electric vehicles shall be provided in the existing garage to serve the dwelling and thereafter shall be permanently retained and maintained in good working condition.

Reason: New petrol and diesel cars/vans will not be sold beyond 2040, and to mitigate against any potential adverse impact of the development on local air quality, in accordance with policy QE DM3 (c) of the Arun Local Plan, the Arun District Council Electric Vehicle Infrastructure Study (November 2017) and the National Planning Policy Framework."

- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015, (or any Order revoking or enacting that Order) no windows or other openings (other than those shown on the plans hereby approved) shall be formed at first floor level in the east or west wall of the dwelling without the prior permission of the Local Planning Authority on an application in that behalf.

Reason: To protect the amenities of adjoining residential properties in accordance with policy D DM1 of the Arun Local Plan.

- 6 The first floor windows in the side elevations of the building hereby approved shall at all times be glazed with obscured glass and fixed to be permanently non-opening below 1.7m finished floor level.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policies DDM1 of the Arun Local Plan.

- 7 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.