

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

REF NO: R/128/12/

LOCATION: 42 Cudlow Avenue
Rustington

PROPOSAL: Front garage extension

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above, to measure approximately 5.6 metres in depth x 3.4 metres in width x 3.2 metres in height. The proposed garage would replace a rather bulky and unsympathetic car port to the front of the dwelling.
SITE AREA	Approx. 632 square metres.
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Flint wall to front boundary, approximately 1.8 metres in height. Timber fencing between garden and driveway and also a red brick wall to the eastern shared boundary, approx. 1.8 metres in height.
SITE CHARACTERISTICS	Detached 1 1/2 storey dwelling, red brick elevations and gable roof with sloped dormers to side elevations. Car port to front elevation.
CHARACTER OF LOCALITY	Private residential road. Mix of types and styles of properties within the locality. Detached garage forward of property opposite.

RELEVANT SITE HISTORY

R/179/72	House & double car port	Approve Conditionally 08-09-1972
----------	-------------------------	-------------------------------------

REPRESENTATIONS

Representations received:

Rustington Parish Council

No objection.

Comments on Representations received:

Noted.

CONSULTATIONS

Engineering Services Manager

Consultations responses received:

None

Comments on Consultation responses:

None

POLICY CONTEXT

Designation applicable to site:

Built-up area boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan: [GEN7](#)
[DEV19](#)

The Form of New Development
Extensions to existing residential buildings

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

SUPPLEMENTARY POLICY GUIDANCE

RDS

Rustington Design statement by Rustington
Parish Council

POLICY COMMENTARY

PLANNING

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

EMERGING LOCAL PLAN

The Emerging Arun Local Plan has recently been approved by the Council and is therefore a material consideration in the determination of this planning application. It remains subject to public consultation and the formal adoption process as a whole, and it is therefore of very limited weight in terms of the decision making process at this stage.

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.

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

The proposed garage is to extend forward of the front elevation of the dwelling, replacing a bulky and unsympathetic car port which is of a greater width to the proposed garage. Whilst visible, the proposed garage would not appear unduly prominent as it is to be constructed from materials to match the host dwelling together with a false pitch tiled roof. As such, it is considered the scale and appearance is appropriate for the locality and also an enhancement in comparison with the existing structure.

The proposed garage would be built-up to the shared eastern boundary with No.40 Cudlow Avenue, and whilst its height is greater than the existing car port, given its single storey nature and the roof pitching away from the boundary at a height of 3.2 metres, it is not considered to result in any unacceptable loss of amenity to the neighbouring site by way of an overbearing effect or loss of light.

In the absence of any detrimental impacts upon visual or residential amenity, it is recommended that the application is approved subject to the conditions set out below.

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 for 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 impact 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:

1:1250 plan; 1:500 Plan and Existing and Proposed Floor Plans and Elevations Plan (dated - May 12)

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

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

Reason: In the interests of amenity in accordance with policies DEV19 and GEN7 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: GEN7, DEV19

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.