

Recommendation Report for Planning Permission

REF NO: R/129/15/PL

LOCATION: Flat 11 Clare Lodge
Sea Lane
Rustington

PROPOSAL: Replacement of 4 No. PVCu windows & 1 No. PVCu balcony door.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

It is proposed to replace the existing PVCu double glazed windows and balcony door for with new replacements. These will differ little from the existing window types. The main difference would be that the new balcony doors would be single pane and not have an upper horizontal light. The proportions and glazing of the 4 room windows would remain the same.

The existing units are white in colour, double glazed PVCu. The balcony door is an old Crittal frame in need of replacement. The new units will be white in colour, double glazed PVCu, with the balcony door to match.

SITE AREA

N/A

RESIDENTIAL DEVELOPMENT DENSITY (NET)

N/A

TOPOGRAPHY

Predominantly flat.

TREES

None of any significance affected by the proposed development.

BOUNDARY TREATMENT

N/A

SITE CHARACTERISTICS

The apartment building concerned in this application is one of two linked blocks of three storey apartment buildings located on the west side of Sea Lane. The apartment is the uppermost one and facing westwards (rearwards) towards Sutherland Court and also towards a partly intervening garage court to the south west and towards 44 Sea Lane to the west.

CHARACTER OF LOCALITY

The character of the immediate area is residential and apart from the apartments is mainly comprised of a mixture of

dwellinghouse types. Other apartments in the blocks have had replacement windows installed and these are of very similar appearance to those presently proposed.

RELEVANT SITE HISTORY

R/52/89	Outline application for erection of bungalow	Withdrawn 28-03-1989
R/100/89	Rebuilding of nine storm damaged lock-up garages	Refused 22-05-1989
R/12/01/	Change of use of rough grassed garden to car parking area for use by residents of Clare Lodge & Marigolds Lodge.	ApproveConditionally 26-02-2001
R/203/07/	Replacement of timber balustrades by glass balustrades to all 16 balconies	ApproveConditionally 31-08-2007
R/8/50	Conversion	Approve 12-04-1950
R/104/51	Residential club	Approve 24-01-1952
R/34/53	Conversion of outbuilding into services dwelling	Refused 13-05-1953
R/64/55	Change of use from club to convalescent home	ApproveConditionally 07-06-1955
R/6/59	Use of 1 room as doctors consulting room	Approve 03-02-1959
R/193/59	O/A for dwelling	ApproveConditionally 25-01-1960
R/152/60	O/A for 6 flats in 3 storeys with 6 garages	Refused 09-09-1960
R/172/60	O/A for 4 flats in 2 storeys and 4 garages	ApproveConditionally 13-10-1960
R/144/61	Layout of 38 flats and garages	Refused 20-10-1961
R/35/62	24 flats in 2 to 3 storey blocks with 24 garages	ApproveConditionally

05-04-1962

R/77/85

2 penthouse flats to each block (total 4) within
new mansard pitched roofs Lift to each block
& block 6 garages

Refused
22-05-1985

None.

REPRESENTATIONS

Representations received:

Rustington Parish Council

Rustington Parish Council raises no objection.

No representations have been received from nearby occupiers.

Comments on Representations received:

None.

CONSULTATIONS

Consultations responses received:

None.

Comments on Consultation responses:

N/A

POLICY CONTEXT

Designation applicable to site:

Within Built Up Area

Class B Road

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#) GEN2
GEN7

[Publication Version of the Local
Plan \(October 2014\):](#)

Built-up Area Boundary
The Form of New Development
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
Housing Design

[Rustington Neighbourhood Plan 2014 Policy 2](#)

PLANNING POLICY GUIDANCE

NPPF
NPPG

National Planning Policy Framework
National Planning Practice Guidance

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 now has a Made Neighbourhood Plan (NP) and as such this is now also part of the Development plan and a material consideration. A relevant policy in the NP is:

Policy 2:

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 proposal is consistent with NP policy, since it is sympathetic and visually acceptable.

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 is located within the built-up area where the principle of development is acceptable, subject to accordance with relevant planning policies. In this instance, the main criteria against which the application will be assessed is contained within the Arun District Local Plan which in this case is considered to be policy GEN7 which seeks to prevent development that would have an adverse impact upon visual and residential amenities.

DESIGN AND VISUAL AMENITY

This application seeks planning permission for the development outlined in this report and will result in very limited change to the appearance of this apartment. The proposal is not dissimilar to the appearance of the existing apartment and provides a continuity of appearance and it is considered to be acceptable visually.

The replacement windows and balcony doors are to be set in existing openings and there is no increase in views outwards. There is therefore no increase in potential for overlooking.

It is therefore considered that the replacement windows and balcony doors are acceptable in visual and amenity terms and comply with policy GEN7 of the Arun District Local Plan.

It is therefore recommended that the planning permission be 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 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 following impacts (negative, Neutral or positive) 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 drawings:

Drawing Title PR W ELEV 01 - Proposed West Elevation - Dated 18.05.2015.
Everest Surveyor Visit report (DS217) - (1 of 2) - Received with Application.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 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.