

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

REF NO: R/12/19/HH

LOCATION: Anchors Cast
2 Fosters Close
Rustington
BN16 2TL

PROPOSAL: Alterations and extension to conservatory, first floor side extension, balcony area at first floor, alteration of windows on rear first floor to create Juliet balconies, balcony doors & new window on ground floor side elevation.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks to partially remove and alter an existing conservatory to form a single storey rear extension with a balcony above and to construct a first floor extension to the side elevation.
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REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Rustington Parish Council

Rustington Parish Council has no objection to the application.

5 letters of objection have been received, the comments of which are summarised as follows:

- Proposed staircase and balcony will overlook No.3.
- The proposed staircase is too close to the boundary.
- Covenant in place which states alterations should have agreement.
- Extension impacts on sightline from Fosters

Further comments following revised plans

- Proposed extension still extends south beyond existing building line.

Comment noted and addressed in conclusion. There have been revised plans which remove the staircase from the application.

Covenants are not considered a material planning consideration and planning applications can still be granted regardless of any covenant. However should a planning application be granted the applicant may still need to abide by such covenants and they could preclude the applicant(s) from implementing any grant of planning permission.

CONSULTATION RESPONSES RECEIVED:

None.

POLICY CONTEXT

Designation applicable to site:
Within Built-up Area Boundary
Flood Zones 2 and 3

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design
SDSP2	SD SP2 Built-up Area Boundary

Rustington Neighbourhood Plan 2014 Policy 2 Housing Design

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

CONCLUSIONS

PRINCIPLE:

The principle of development is acceptable within the built up area boundary in accordance with policy SD SP2 of the Arun Local Plan 2011-2031 subject to consideration against relevant development plan policies. The key Policy considerations in the determination of this application are deemed to be D DM1 and D DM4 of the Arun Local Plan 2011-2031 and the relevant Policies of the Rustington Neighbourhood Development Plan.

Policy SD SP2 of the Arun Local Plan states that development should be focused within the Built Up Area Boundary and will be permitted subject to consideration against other policies in the Local 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 DM4 sets out criteria for which applications relating to extensions and alterations of existing buildings must be assessed against. They generally seek to minimise the impact of the proposal on the character of the host dwelling, its neighbours and the locality.

Policy 2 of the Rustington Neighbourhood Plan states 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.

DESIGN AND VISUAL AMENITY:

The single storey extension, balcony and juliet balconies would be sited to the rear of the host dwelling and as such would not be visible when viewed from the street scene. Views of the rear of the site may be possible from the beach, however due to the large separation distance and given its modest size and scale, it is not considered that the proposals result in an adverse impact upon the appearance of the

dwelling.

The first floor extension located to the east elevation would be visible however is considered a subservient addition and would have a ridge height set approximately 0.9 of a metre lower than that of the host dwelling. The materials proposed in relation to the walls and roof will match that of the host dwelling and are considered acceptable and not out of keeping with surrounding area.

It is considered that the size, scale and massing of the proposal would not have a detrimental impact upon the street scene and wider area. As such, the proposals would not have a significantly harmful impact upon the established spatial pattern or character of the locality and is in accordance with DDM1 and DDM4 of the Arun Local Plan and Policy 2 of the Rustington Neighbourhood Plan

RESIDENTIAL AMENITY

The existing conservatory will be partially removed and undergo alterations to form a new single storey rear extension with a depth of approximately 3m and will run along rear elevation for around 6m. This will be 3.7m in height with 1m of this forming a balcony above.

The amended plans show that to the east of the proposed balcony would be a 1.8 metre high obscurely glazed screen whilst there would be a 1.10 metre high glazed screen to the west of the balcony. There is also screening present in the form of high hedging to the boundaries of adjoining properties number 3 and the block of flats. Whilst there is boundary screening present and the 8.6 (approx.) separation distance to the boundary of number 3, it is considered that some overlooking could still occur. The 1.8m balcony screening should therefore also be replicated on the western side of the balcony and this will be secured via condition.

There will be a number of additional windows and a velux installed however these are not considered to result in any adverse overlooking. The existing windows to the rear elevation, at first floor, are to be removed and replaced with juliet balconies. It is not considered that these would give rise to any overlooking additional to that which is already achieved with a minimum of 20m retained to the only rear neighbour.

Given the, size, siting and separation distances of the proposed development, it is not considered to result in any significant overshadowing, overbearing or overlooking impacts on neighbouring amenity and as such, it is considered that the proposal would comply with Policies D DM1 and D DM4 of the Arun Local Plan.

SUMMARY:

It is recommended that having regard to the above assessment, the planning application is granted subject to 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:

Site Location Plan
Block Plan
Existing Plans
Proposal Plans 11 (as amended)

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies D DM1 and D DM4 of the Arun Local Plan.
- 3 The side balcony screening to both the east and west shall at all times be obscured glazed and to a height of 1.8m and retained in its entirety in perpetuity. The balcony shall also not be used until the balcony guarding is completed.

Reason: In the interests of the amenities of the occupants of nearby properties in accordance with policies D DM1 and D DM4 of the Arun Local Plan.
- 4 **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 identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.