

Recommendation Report for Planning Permission

REF NO: R/130/18/PL

LOCATION: 35 Seafield Road
Rustington
BN16 2JH

PROPOSAL: Erection of 1 No. replacement dwelling

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The proposal relates to demolition of the existing dwelling and its replacement with a 3 bedroom 2 storey dwelling measuring 12m by 10m with a ridge height of 6.2m.
SITE AREA	405 sq m
RESIDENTIAL DEVELOPMENT DENSITY (NET)	25 dwellings per hectare
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	1.8m close boarded fence to access road to side. 2m high hedging to site frontage. To west 2m high close boarded fencing and side elevation of part of no 33.
SITE CHARACTERISTICS	Detached white painted bungalow with a grey roof. Access road to east and 2 storey dwelling to west with no openings in side elevation.
CHARACTER OF LOCALITY	Residential comprising a mix of dwelling type and height on medium/small plots of varying style and design set back from the road frontages

RELEVANT SITE HISTORY

R/240/80	Extension At Front To Replace Lean To And Extension At Rear	ApproveConditionally 24-09-80
R/247/01/	Rear extension.	ApproveConditionally 21-01-02
R/160/94	Replacement and enlargement of front porch/conservatory	ApproveConditionally 05-01-95

None

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Rustington Parish Council

No Objection

COMMENTS ON REPRESENTATIONS RECEIVED:

None

CONSULTATIONS

Engineering Services Manager

Engineering Services Manager

CONSULTATION RESPONSES RECEIVED:

None

COMMENTS ON CONSULTATION RESPONSES:

Noted

POLICY CONTEXT

Designation applicable to site:

Within Built Up Area Boundary

DEVELOPMENT PLAN POLICES

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
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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 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. 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: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton.

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).

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 no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

The site lies within the built up area boundary where residential redevelopment is acceptable in principle. There is also already an established and existing property on the site. This application seeks permission to demolish the existing single storey property and replace it with a 2 storey dwelling of similar footprint located in a similar position as the existing dwelling. The width of the dwelling would not be altered, but the height would increase by 1.6m. The depth to the site frontage would be decreased by approx. 2m given the slight increase in depth of the proposed footprint.

Seafield Road 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 road frontage. Although the front elevation of the dwelling is closer to the road frontage it still retains a gap of 8.5m to the frontage. There is no dominant material used in the existing dwellings and it is considered that the proposed use of cladding would not be inappropriate in this location

Whilst the design of the proposed dwelling is different to the existing property it will not significantly increase the height or width of the dwelling and would not appear out of keeping in the locality. The two storey dwelling would retain the same gap to both side boundaries as the existing dwelling and the dwelling would be the same height as the neighbouring dwelling to the west and there are other 2 storey and chalet style dwellings in Seafield Road. Therefore the replacement dwelling would not appear out of character with the area or overly dominant in the street scene and would accord with the provisions of policy DDM1 of the Arun Local Plan.

Policy 2 of Rustington Neighbourhood Plan relates to Housing Design and states that '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 existing access and parking area would be retained are included in the proposal.

In terms of design it is considered that the dwelling fully responds to the context of the site, reflecting the architectural styles and massing of nearby properties as well as using the highest quality materials to be consistent with the local context.

The site falls within 'Character Area 8 of Rustington Village Design Statement which is identified as an area 'characterised by mainly pre-war housing including bungalows, semi detached and terraced housing. The application site lies in the southern section which is characterised by relatively higher densities. It is considered that the proposal is compliant with this policy on the basis of the existing plot size and the proposed house design. The incorporation of gabled elements reflects the design of other properties.

It is considered that the proposed 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.

The dwelling does not project beyond the rear elevation of either neighbouring property and given the distance to the boundary and the height of the property it is not considered that materially adverse overbearing effects would result to neighbouring properties. The site abuts an access to the east. With the exception of roof lights there are no proposed windows at first floor level in the side elevation of the dwelling which would ensure there is no materially adverse overlooking and the gaps to the side boundaries are retained. The rear 3m portion of the dwelling is lower than the rest of the property. It would be single storey with a height of 4m 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. According to these standards it would exceed the internal floor area of 156 sqm which is the stipulated requirement for a 3 bedroom, 6 person house.

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 being 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.

It is therefore recommended that the application be approved, 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.

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 :

Proposed Block Plan and Street Scene 18/030/101 and Plans, Elevations & Sections 18-030
1 D

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy DDM1 of the Arun District Local Plan.

- 3 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 or above in the east or west elevation of the building 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 the Arun Local Plan.

- 4 No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes to be used for external walls and roofs of the proposed building have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the building.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with policy D DM1 of the Arun Local Plan.

- 5 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.