

Recommendation Report for Planning Permission

REF NO: R/130/19/PL

LOCATION: St Marys Close
Hurst Road
Rustington
BN16 3AP

PROPOSAL: Application for variation of a condition following grant of planning permission R/190/18/PL relating to condition no.2 - amended access points

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The proposal relates to the provision of 2 dwellings on the plot of the dwelling known as St Marys Close. The dwellings would be detached, 2 storeys high and would each have 4 bedrooms. The application provides an access to each property rather than a shared access in front plot 2.
SITE AREA	0.14 hectares
RESIDENTIAL DEVELOPMENT DENSITY (NET)	14 dwellings per hectare
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The front boundary of the site consists of mature planting to approximately 2.5m in height with the rear and side boundaries consisting of close boarded fencing, picket fencing and mature planting.
SITE CHARACTERISTICS	Building works have commenced on site.
CHARACTER OF LOCALITY	The character of the locality is predominantly residential and features properties of various design and styles. Dwellings in the immediate vicinity of the host dwelling are predominantly large detached properties in large plots. Immediately to the north of the site are bungalows and chalet bungalows of various designs and styles set within large plots and set back from the highway.

RELEVANT SITE HISTORY

R/169/19/NMA	Non-material amendment following the grant of reference R/190/18/PL for the amendment in roof details on side dormer from flat roof to a hipped roof no higher than 1m more than the flat roof version.	Approve 24-07-19
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R/99/19/NMA	Non-material amendment following the grant of reference R/190/18/PL for separate driveways to Plots 1 & 2.	
R/202/18/PL	Erection of 1 No. dwelling (resubmission of R/219/17/PL). This application may affect the character & appearance of the Station Road, East Preston Conservation Area.	ApproveConditionally 13-12-18
R/190/18/PL	Demolition of 1 No. existing house & grounds & erection of 2 No. new detached dwellings. This application may affect the character & appearance of the Station Road, East Preston Conservation Area.	ApproveConditionally 14-12-18
R/46/19/DOC	Approval of details reserved by condition imposed under R/190/18/PL relating to condition 4-schedule of materials & finishes.	DOC Approved 07-03-19
R/32/19/DOC	Approval of details reserved by condition imposed under ref R/190/18/PL relating to Condition No 3 surface water drainage.	DOC Approved 21-02-19

Planning permission was previously granted under reference R/190/18/PL for the demolition of the existing dwellinghouse and the erection of 2 no. dwellings on the site. This application alters the access to the site by providing an additional separate access to plot 1, rather than a single shared access in front of plot 2.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Rustington Parish Council
No Objection

COMMENTS ON REPRESENTATIONS RECEIVED:

None

CONSULTATIONS

WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

County Highways

No Objection. This proposal is for amended access points to the properties. WSCC in its role as the Local Highway Authority (LHA) provided comments for the application R/190/18/PL, raising no objections.

The original access on Hurst Road was to be shared by both properties. However, each property will now have a separate access point off of Hurst Road. This proposal does not affect parking provision and on-site turning will still be achievable. The applicant should ensure they have approval from the proprietor of Hurst Road to conduct the works for the proposed accesses.

An inspection of collision data provided to WSCC by Sussex Police from a period of the last 5 years reveals no recorded injury accidents within the vicinity of the junction with Station Road. Therefore there is no evidence to suggest the junction is operating unsafely or that the proposal would exacerbate an existing safety concern.

The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and there are no transport grounds to resist the proposal.

COMMENTS ON CONSULTATION RESPONSES:

- comments noted

POLICY CONTEXT

Designation applicable to site:

Within built up area boundary

Adjacent to a Conservation Area

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design
TSP1	T SP1 Transport and Development
SDSP2	SD SP2 Built-up Area Boundary
WDM3	W DM3 Sustainable Urban Drainage Systems

[Rustington Neighbourhood Plan 2014 Policy 2](#) Housing Design

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

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.

The Neighbourhood Development Plan

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.

The Rustington Neighbourhood Plan has been made and policy 2 is considered relevant to the 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

PRINCIPLE

The application site is situated within the built up area boundary where the principle of development is considered acceptable subject to accordance with relevant development plan policies. In this case the key policy considerations are considered to be DDM1 and DSP1 of the Arun Local Plan; Policy 2 of the Rustington Neighbourhood Plan; and the National Planning Policy Framework. The dwellings have previously been approved and the principle of the development has therefore been agreed. The approved development has also been commenced so the only matter to be considered is the additional separate access.

DESIGN AND VISUAL AMENITY

The proposed development will provide replacement dwelling and an additional dwelling at St Marys Close, Hurst Road which will result in a site density of approximately 14 dph which is in keeping with the established character of development along Hurst Road. The design of the dwellings has been approved and is not part of the consideration of this application.

The proposed two storey dwellings have 4 bedrooms and an integrated double garage, with an eaves height of approximately 5.75m and a maximum ridge height of 8.9m. Hurst Road is characterised by dwelling of various designs and styles and the proposed dwellings will appear in keeping with the established character of the immediate locality by virtue of their design, scale, massing and siting.

The materials for the development have been agreed and they reflect the character of the locality in accordance with policy 2 of the Rustington Neighbourhood Plan.

The proposed dwellings will be set back approximately 16-17m from Hurst Road and will retain acceptable separation distances to the east and west. Therefore, it is considered that the proposed development will not have an unacceptably adverse impact upon the spatial pattern or character of the street scene.

The additional access does not result in the loss of any trees along the site frontage and has minimal visual impact in the street scene.

Therefore, it is considered that the proposed dwelling will accord with policy DDM1(1) of the Arun Local Plan and Policy 2 of the Rustington Neighbourhood Plan.

RESIDENTIAL AMENITY

The proposed dwellings have one en-suite window at first floor level on the eastern elevation and no windows at first floor level on the western elevation. The en-suite windows were conditioned to require be obscurely glazed and non-opening below 1.7m from the floor level to prevent any unacceptable adverse overlooking to the west of the site.

The first floor windows on the rear elevation of the dwelling will only give rise to oblique views of the rear gardens of neighbouring properties and this relationship is considered acceptable in residential developments,

The siting of the proposed dwellings do not give rise to any unacceptably adverse overbearing or overshadowing of the neighbouring properties and their positions and internal layout are not altered from that previously.

Therefore, it is considered that the proposed development will accord with policy DDM(3) of the Arun Local Plan.

The rear garden sizes are comparable with adjoining properties and the gross internal floor areas of the proposed dwellings will exceed the Nationally Described Space Standards and as such will accord with policy D DM2 of the Local Plan. Therefore, the proposed development is deemed to accord with paragraph 117 of the NPPF.

The additional access does not result in any adverse impact on residential amenity. The number of vehicles using the site would remain unaltered, but the traffic would be split between 2 accesses instead of simply using one shared access point. The additional access would move some of the vehicular activity which was approved under R/190/18/ PL further from 'Knowle' the residential dwelling adjoining the site to the west which would be a positive improvement in accordance with policy DDM1(3).

HIGHWAYS AND PARKING

The has been considered by WSCC Strategic Planning and no objections are raised in relation to the development.

The proposed development will provide 2 no. parking spaces on the driveway per dwelling as well as a double garage which will exceed the parking requirements of the WSCC parking demand calculator. Therefore, it is considered that the impact of the proposal upon the operation of the highways network will be acceptable. The additional access is requested to accord with Residents Association wishes.

DRAINAGE

The proposed scheme was previously considered by the Council's Drainage Engineers who raised no objection in relation to the scheme and appropriate conditions were imposed and have been complied with.

SUMMARY

The proposed development is deemed to accord with relevant development plan policy and as such is recommended for approval subject to the below 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 : Block/Site Plan 151117 SL-02 revE.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy DDM1 of the Arun Local Plan.
- 3 INFORMATIVE: This permission relates to the variation of condition 2 of planning permission R/190/18/PL only. The applicant is advised and reminded that the planning conditions attached to the original planning permission number R/190/18/PL remain in force and must be complied with. This decision only relates to the variation of Condition 2 of that planning

permission.

- 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 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.