

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

REF NO: R/136/15/HH

LOCATION: Hadfield
35 Angmering Lane
Rustington

PROPOSAL: Single storey rear, front & side extensions.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	Approximately 2047 metres squared.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The site boundary consists of a mixture of 1.8 metre high close boarded fencing and mature planting.
SITE CHARACTERISTICS	The site is occupied by a detached brick built bungalow with integrated garage and brown tiled roof.
CHARACTER OF LOCALITY	The character of the locality is residential and feature properties of various designs and styles.

RELEVANT SITE HISTORY

None.

REPRESENTATIONS

Representations received:

Rustington Parish Council

My Council has noted the above application and wishes to raise no objection to it.

Comments on Representations received:

Comments noted.

CONSULTATIONS

Consultations responses received:

None.

Comments on Consultation responses:

N/A

POLICY CONTEXT

Designation applicable to site:
Within built area boundary.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	GEN2 GEN7 DEV19	Built-up Area Boundary The Form of New Development Extensions to existing residential buildings
Publication Version of the Local Plan (October 2014):		D DM1 Aspects of Form and Design Quality D DM4 Extensions and Alterations to Existing Buildings (residential and non-residential) SD SP2 Built-Up Area Boundary
Rustington Neighbourhood Plan 2014 Policy 2		Housing Design

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
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SUPPLEMENTARY POLICY GUIDANCE

RDS	Rustington Design statement by Rustington Parish Council
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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.

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 not considered to comply with relevant Development Plan policies in that it would have a materially adverse impact upon the visual character of the dwelling.

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 situated within the built area boundary where the principle of development is acceptable, subject to accordance with relevant planning policies. As such, the main criteria against which this application will be accessed is contained within the Arun District Local Plan which in this case will be policies GEN7 and DEV19.

DESIGN AND VISUAL AMENITY

The application seeks permission for a porch forward of the primary elevation; a single storey rear extension; and a single storey side extension.

The proposed porch will measure 1.8m x 1.8m externally and measure 2.9 metres in height and will match the eaves height of the existing building. It is proposed that the porch will be constructed from materials which will match in appearance those used in the construction of the original dwellinghouse. Therefore, the proposal is considered to be subservient and well integrated with the host dwelling in accordance with policies GEN7 (ii) and DEV19 (i) & (ii) of the Arun District Local Plan.

It should also be noted that the proposed porch would be in accordance with the limitations imposed under Schedule 2, Part 1, Class D of The Town and Country Planning (General

Permitted Development) Order 2015.

The proposed single storey rear extension will extend 3.1 metres from the rear of the original dwellinghouse and will measure 4 metres in height and will be constructed from materials which match in appearance those used in the construction of the host dwelling. Therefore, this aspect of the proposal is considered to be subservient and well integrated with the host dwelling in accordance with policies GEN7 (ii) and DEV19 (i) & (ii) of the Arun District Local Plan.

It should also be noted that the proposed single storey rear extension would be in accordance with the limitation imposed under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development Order 2015).

The proposed single storey side extension will extend 7.2 metres to the side and 6.5 metres to the rear of the original dwellinghouse. Whilst, large due to the size of the plot it is not considered excessive in scale. However, the proposed side extension will feature a hipped roof which by virtue of its design and separation from the host dwelling will not appear integrated. Similarly, it is proposed that the single storey side extension will be clad in heat treated larch board which will further differentiate the proposed extension from the host dwelling. Therefore, this aspect of the proposal by virtue of its size and design is not considered to appear subservient or integrated with the host dwelling in conflict with policies GEN7 (ii) and DEV19 (i) and (ii).

RESIDENTIAL AMENITY

The proposed extensions by virtue of their locations and design are not considered to give rise to any unacceptably adverse overlooking, overshadowing or overbearing impacts upon adjoining properties or land and as such are considered to be in accordance with policies GEN7 (iv) and DEV19 (i) & (ii) of the Arun District Local Plan.

SUMMARY

Given the above it is recommended that planning permission is refused for the below reason.

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 and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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 no impacts have been identified upon any protected characteristics.

RECOMMENDATION

REFUSE

- 1 The proposed side extension by virtue of its design and location would not appear subservient or integrated with the host dwelling and would unacceptably impact upon the current visual appearance and character of the host dwelling contrary to policies GEN7 and DEV19 of the Arun District Plan 2003, D DM1 and D DM4 of the Emerging Arun Local Plan October 2014 and the National Planning Policy Framework.
- 2 **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 with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.