

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

REF NO: R/139/17/HH

LOCATION: Little Cuttle
19 Botany Close
Rustington

PROPOSAL: Ground & first floor extensions to front & rear elevations, dormer extension to rear elevation, balcony & staircase to rear elevation & detached garden room.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The application seeks planning permission for the alteration of the existing dwellinghouse through the addition of ground and first floor extensions and the erection of an outbuilding to the rear of the dwelling.

SITE AREA

N/A

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 with the rear and side boundaries of the site featuring a mixture of close boarded fencing and mature planting.

SITE CHARACTERISTICS

The site is occupied by a detached two storey dwelling with rendered elevations and a tiled roof.

CHARACTER OF LOCALITY

The character of the locality is residential and features properties of various designs and styles. The dwellings are predominantly large and set within large plots especially those situated to the South of Botany Close.

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.

3 No. letters of objection received:

- The proposed design of the dwelling will be out of character with the locality.

Comments on Representations received:

Comments noted and will be considered in the conclusion to this report.

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:	DEV19	Extensions to existing residential buildings
	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
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)
		D SP1 Design
		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

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.

A new local plan is in preparation may be a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015. The Examination into the submitted plan was commenced but is currently suspended whilst Arun District Council addresses matters raised by the Inspector.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taking place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification may also be material consideration to take into account. The examination is due to re-commence in Autumn 2017 following publication of modifications to the Plan.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

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: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton. The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

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).

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 conflict with relevant Development Plan policies in that the proposed alterations to the existing dwelling would not appear well integrated or subservient and as such would conflict with policy DEV19(I) and (ii) of the Arun District Local Plan. However, despite this it is considered that the proposed alterations would not have a 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 area boundary where the principle of development is acceptable subject to accordance with relevant development plan policies. In this case the key policy considerations are deemed to be GEN7 and DEV19 of the Arun District Local Plan; Policy 2 of the Rustington Neighbourhood Plan; and the National Planning Policy Framework.

DESIGN AND VISUAL AMENITY

The proposed alterations to the host dwelling by virtue of their design are not considered to appear subservient or well integrated with the host dwelling. The proposal will include the significant alteration in the appearance of the host dwelling and as such the proposed alterations are deemed to conflict with Policy DEV19(i) and (ii) of the Arun District Local Plan.

However, it must be considered that the area is characterised by dwellings of various designs and styles. The proposed alterations to the host dwelling would see the dwelling modernised in appearance with a number of ground floor and first floor extensions. The alteration of the dwelling would also see the dwelling amended to incorporate a flat roof design.

Paragraph 60 of the National Planning Policy Framework states that Local Planning Authorities "should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness".

It is considered that the character of the locality is varied with dwellings of various designs, materials and construction present in the immediate vicinity of the application site. Therefore, it is considered that the proposal would not have adversely impact upon the established character of the locality.

The proposal will result in the dwelling measuring approximately 6m which will be approximately 7.12m lower than the existing dwellinghouse. Therefore, it is considered that the proposed alterations will not result in the dwelling appearing of a mass or bulk which is out of keeping with neighbouring development. The proposed materials are considered in keeping with those present elsewhere in the immediate locality of the site and as such will not give rise to any adverse harm to the character of the locality.

Therefore, the proposed alterations to the dwellinghouse are considered to accord with policy GEN7(ii) of the Arun District Local Plan and Policy 2 of the Rustington Neighbourhood Plan.

The application also proposes the construction of a single storey outbuilding to the rear (south) of the dwellinghouse. The proposed outbuilding will have an eaves height of approximately 2.48m and a maximum ridge height of 2.55m. The proposed outbuilding will marginally exceed the allowances under Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). It is considered that the proposed outbuilding will have no presence within the street scene and as such will not give rise to any unacceptably adverse impacts upon the character of the locality. Therefore, the proposed outbuilding is deemed to accord with policy GEN7(ii) of the Arun District Local Plan and Policy 2 of the Rustington Neighbourhood Plan.

RESIDENTIAL AMENITY

The proposed outbuilding by virtue of its location and design is not considered to give rise to any unacceptably adverse overbearing, overshadowing or overlooking impacts upon neighbouring properties.

The Council have adopted a 45-degree rule as a tool to balance the interest of those persons wishing to extend their premises and their neighbours by ensuring that extensions do not seriously impact upon neighbours outlook or daylight. In this instance the mid point has been taken of the windows on the rear elevation of 17 and 21 Botany Close in closest proximity to the boundary with the application site and the proposal has been found to accord with the 45-degree rule. Therefore, it is considered that the proposed development will not give rise to any unacceptably adverse overbearing or overshadowing impacts on the rear elevations of neighbouring properties.

The extended dwelling will be situated the same distance from the boundaries of the site as the existing dwellinghouse. At its closest point the dwelling is situated 1.65m from the eastern boundary and 0.99m from the western boundary. Both 17 and 21 Botany Close feature first floor windows on the side elevations facing towards the application site. However, these windows are secondary windows to bedrooms and as such it is considered that the proposed development will not give rise to unacceptably adverse overshadowing or overbearing impacts.

Only one window is proposed at first floor level on the side elevations of the dwelling and this will serve an en-suite bathroom. Therefore, it is considered that any potential conflict between existing windows and that proposed could be adequately controlled through the use of a condition requiring the window to be obscurely glazed and fixed shut.

The application also includes the addition of a balcony on the rear elevation of the dwelling which will be served by a staircase situated to the east. The proposed balcony will be situated approximately 4m from the eastern boundary of the site and 10m from the western boundary of the site. It is considered that the proposed balcony by virtue of its location has the potential to give rise to unacceptably adverse overlooking of neighbouring properties. Whilst, it is acknowledged that the boundaries feature mature planting of approximately 3m in height this falls within the control of the applicant and as such is not considered alone as an adequate measure to prevent unacceptably adverse overlooking of neighbours. As such, in order to prevent this a condition has been included requiring the submission of details for obscured screening to a height of 1.8m on the eastern and western sides of the proposed balcony and the eastern side of the proposed staircase.

Therefore, it is considered that subject to the proposed conditions the proposed development would not give rise to any unacceptably adverse overlooking, overbearing or overshadowing impacts on the residential amenity of neighbours in accordance with policy GEN7(iv) and DEV19(iii) of the Arun District Local Plan.

SUMMARY

Despite the proposals conflict with policy DEV(i) and (ii) of the Arun District Local Plan the proposed development is not considered to give rise to any unacceptably adverse harm to the visual amenities, character or residential amenities of the locality. Therefore, the proposal is deemed to accord with policies GEN7 of the Arun District Local Plan; Policy 2 of the Rustington Neighbourhood Plan; and the National Planning Policy Framework.

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 Site Plan, Floor Plan and Roof Plan - 16164_02
- Proposed Elevations, Floor Plan, Site Plan and 3D view - 16164_04
- Proposed Elevations and Section A-A - 16164_03 Rev A

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 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 extension and alterations hereby approved 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/extension.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of visual amenity in accordance with policy GEN7 of the Arun District Local Plan.

- 4 The first floor window on the western elevation of the dwelling shall at all times be obscurely glazed and non-opening below 1.7m from floor level in room in which the window has been installed.

Reason: In the interests of amenity in accordance with policy GEN7 and DEV19 of the Arun District Local Plan.

- 5 No development above damp proof course (DPC) level shall take place unless and until details of obscured screening up to 1.8 metres in height to;

- The eastern and western sides of the balcony; and
- The eastern side of the external staircase

have been submitted to and approved by the Local Planning Authority. The screening hereby approved shall be installed in accordance with the approved details within 1 month of the completion of this development and thereafter permanently retained and maintained.

Reason: In order to protect the residential amenities of the occupiers of the neighbouring dwellings in accordance with policies GEN7 and DEV19 of the Arun District Local Plan.

- 6 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.