

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

REF NO: R/13/18/HH

LOCATION: 84 North Lane
Rustington
BN16 3PW

PROPOSAL: Two storey side & rear extensions. Resubmission of R/55/16/HH

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
	The application seeks permission for the alteration of the original dwellinghouse through the construction of a two storey side and rear extension. The proposed development would alter the design of the roof and increase the overall height of the building and the overall design of the property. The resultant building which would be broadly rectangular in shape with a small bonnet hips to the main roof would measure 11.6m long, 10.5m wide and 2m high (max). The proposed materials would be slate to the roof and white render. The application was amended during the application following discussions with officers
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DENSITY (NET)	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 a 2m high flint wall with the rear and side boundaries consisting of close boarded fencing to a height of approximately 2m and mature planting to a height of approximately 3-4m.
SITE CHARACTERISTICS	The application site is occupied by a detached two storey dwelling with white rendered elevations and a tiled roof. The property features a number of historic extensions.
CHARACTER OF LOCALITY	The locality of the site is predominantly residential and consists of two storey and single storey development of various designs and styles.

RELEVANT SITE HISTORY

R/304/72	Front Porch	ApproveConditionally 15-12-72
R/66/79	2 Storey Extension To House Providing Bathroom & Living Room Extension	ApproveConditionally 04-04-79
R/55/16/HH	Side & rear extensions & new roof	Refused 21-04-16

Planning permission for Side & rear extensions & new roof was refused on 21 April 2016. The current application was submitted to address this refusal

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Rustington Parish Council

The initial submission was put out to consultation and a further 3 week consultation took place in relation to the amended plans this ended on 10 May 2018.

Rustington Parish Council objected to the initial proposal for the following reason:

- (a) The proposal, because of its mass and height, would be overbearing and overshadowing, and would, therefore, have a detrimental effect on the visual amenities and quiet enjoyment of the neighbouring properties and, in particular, Nos. 82 and 86 North Lane
- (b) The proposal would also result in a loss of light and privacy, by reason of overlooking, for both of the aforementioned properties
- (c) Taking account of the above, the proposal would be in conflict with policies GEN7(ii) and (iv) and DEV19 (i) (ii) (iii) and (v) of the Arun District Local Plan. It would also be in conflict with policy 2 of the Rustington Neighbourhood Plan and the National Planning Policy Framework.

The Parish Council has also objected to the amended plans for the same reasons.

Two representations have been received in response to the initial public consultation, no response has been received to the amended plans. The representations are:

- Plans of poor quality to fully assess scheme.
- Significantly increasing the height and bulk of the property.
- The roof design seems to be incongruent with variations in angle and height between the North/South elevations and the East/West
- The design does look significant and imposing from the drawings and this would impact property 86 North Lane.
- The character of the property, which is a historical building appearing on deeds as far back as the

1800s, looks like it is being altered significantly.

·It is also worth noting that we were not notified of this application and there was no notice near our house, which (as the next-door neighbour to the property in question) appears to be in breach of the general policy for notice of planning permission.

·Historic alterations to provide more parking and use for business purposes.

·Loss of view

·Loss of old building

·Loss of outlook and impact upon use of garden area

COMMENTS ON REPRESENTATIONS RECEIVED:

The comments are noted and primarily addressed in the conclusions below. However, we would point out that the loss of view, previous changes and the business use are not material planning consideration.

The site notice was initially placed in the wrong position, this was relocated and a further 3 week consultation provided. In addition, a notice was also posted in relation to the amended proposal for at least 3 weeks.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

None

COMMENTS ON CONSULTATION RESPONSES:

None

POLICY CONTEXT

Designation applicable to site:

Within built area boundary

DEVELOPMENT PLAN POLICES

[Arun District Local Plan \(2003\):](#)

GEN2 Built-up Area Boundary

GEN7 The Form of New Development

DEV19 Extensions to existing residential buildings

[Publication Version of the Local Plan \(October 2014\):](#)

D DM1 Aspects of Form and Design Quality

D DM4 Extensions & Alterations to Existing Buildings

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

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 and is 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.

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. The examination was completed in September 2017. A consultation on the proposed modifications ended in February 2018.

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. 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).

The relevant policy in the Rustington Parish Neighbourhood Plan has been applied.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

PLANNING

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 effect on the visual amenities of the locality and the residential amenities of the adjoining properties and 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 application site falls within the built area boundary where the principle of development is acceptable subject to accordance with relevant development plan policies. In the determination of this application the most relevant policy considerations are deemed to be the National Planning Policy Framework (NPPF), GEN7 and DEV19 of the Arun District Local Plan and Policy 2 of the Rustington Neighborhood Plan.

The proposed extensions and alterations significantly alter the shape of the building. However, change is not necessarily harmful in itself. There is an increase in ridge height of the property and together with an overall increase in the bulk of the building. It is noted that the proposed development has attempted to reduce the bulk of the front and rear elevations with the introduction of two small bonnet hips. The proposed resultant building would be readily visible from the street. Therefore, the extensions and alterations as a whole alter the design, scale and bulk of the original property. It is accepted that there is a variation in the scale and form of properties along this part of North Lane and also that national guidance in the NPPF states "planning policies and decisions 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". However, the style of the resultant property is different and is not subordinate to the original house and the increase height and size of the proposed roof does accentuate the bulk of the building.

In addition the proposed building will effectively fill the whole width of the plot. It is noted that an attempt has been made to address this following comments from Officers and set the proposed building in form the south boundary. The resultant building would now be sited between approximately 1.2m and 1.8m from the south boundary and approximately 1.4m from the north boundary. However, it is still considered that the proposed development appears cramped on the plot. Other properties in the locality have greater space on the plot or involve a mixture of two storey and single storey heights.

As such it is considered the width of the dwelling in conjunction with the height of the proposed dwelling and the design proposed with a bulky roof is considered to result in a dwelling which appears bulky and out of character with the locality of the site.

The proposal by virtue of its design and size will have a dramatic impact upon the appearance of the host dwelling and as such is not considered to be subservient or sympathetic to the scale, appearance and character of the host dwelling. Therefore, the proposed alterations are considered to conflict with policies GEN7(ii), DEV19 (i) and (ii) of the Arun District Local Plan and policy 2 of the Rustington Neighbourhood Plan.

With regard to residential amenity. The proposed alterations will be located 1.4m from the northern boundary and between 1.8m and 1.2m from the southern boundary of the site. The current proposal has been set back further than the previously refused scheme. Its rear elevation is in line with the rear elevation of the property to the north No.86. As such although there is an increase in height it is not considered that the proposed development will be unduly dominant upon or lead to a loss of outlook to the occupiers of this property. With regard to No. 82 to the south although the proposed development will extend approximately 4m beyond the rear elevation of No.82 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 neighbours window and the proposal does not appear to breach the 45 degree line. The proposed increase in height of the proposed dwelling is not considered to result in unacceptably adverse overbearing and overshadowing impacts upon neighbours

The proposed windows on the side elevation of the dwelling facing No.86 serve en suite bathrooms and could be conditioned to be obscure glazed if approved. There are no windows in the side elevation facing No.82. However, the rear first floor bedroom window would be approximately 2.4m from the side boundary with No.82 and given this close proximity to the boundary there would be views from it of the rear garden of number 82. This constitutes unacceptable overlooking and as this is the only window serving this room a condition to fix shut and make the window obscure glazed to prevent unacceptable overlooking could not be reasonably imposed.

Therefore, the proposal is not considered to comply with policies GEN7(iv) and DEV19(iii) of the Arun District Local Plan, paragraph 17 of the NPPF and Policy 2 of the Rustington Neighbourhood Plan.

Therefore, it is considered that the proposed development is unacceptable and is recommended for refusal for the reasons below.

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 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 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

REFUSE

- 1 The proposed alterations due to their size, design, scale and bulk are considered to have an unacceptable incongruous impact upon the character and appearance of the host dwelling as well as the character of the wider locality in conflict with policies GEN7 (ii) and DEV19 (i), (ii), (v) of the Arun District Local Plan, policy 2 of the Rustington Neighbourhood Plan and the

National Planning Policy Framework and the Rustington Neighbourhood Plan.

- 2 The proposed siting and position of the rear first floor bedroom window will lead to an unacceptable level of overlooking of the garden of No.82 North Lane leading to a loss of privacy to the occupiers of this property in the use of the garden area in conflict with policies GEN7 (iv) and DEV19 (iii) of the Arun District Local Plan, policy 2 of the Rustington Neighbourhood Plan and the National Planning Policy Framework
- 3 **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 discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.