

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

**REF NO:** R/13/25/HH

**LOCATION:** 26 Evelyn Avenue  
Rustington  
BN16 2EJ

**PROPOSAL:** Single storey front porch and rear extension. Conversion of loft to habitable use including 1 No. rear Juliet Balcony. Proposed solar panels array to south elevation. Alterations to side fenestration.

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| <b>SITE AND SURROUNDINGS</b> |
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**DESCRIPTION OF APPLICATION** As above.

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| <b>REPRESENTATIONS</b> |
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Rustington Parish Council - No objection.

No representations were received from nearby occupiers.

**CONSULTATION RESPONSES RECEIVED:**

None.

**DEVELOPMENT PLAN POLICIES**

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

|      |                                                         |
|------|---------------------------------------------------------|
| DDM1 | D DM1 Aspects of form and design quality                |
| DDM4 | D DM4 Extensions&alter to exist builds(res and non-res) |

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

**PLANNING POLICY GUIDANCE:**

|      |                                     |
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| NPPF | National Planning Policy Framework  |
| NPPG | National Planning Practice Guidance |

**SUPPLEMENTARY POLICY GUIDANCE:**

|       |                                               |
|-------|-----------------------------------------------|
| SPD13 | Arun District Design Guide (SPD) January 2021 |
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| <b>CONCLUSIONS</b> |
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**DESIGN AND VISUAL AMENITY**

The property is a detached bungalow with an existing single storey addition to the south of the property. The additions include a rear extension and porch; the latter would be visible from the public realm. The rear extension would extend 5.3m from the rear elevation across the width of the existing rear elevation. The extension would have a pitched roof, matching the height of the existing roof, with a gable end. The roof space of the extension would be habitable space, served by four rooflights. As the addition would

not be set down from the ridge height, the extension would not be visually subservient to the main dwelling, in partial conflict with policy D DM4 of the Arun Local Plan. However, the extension is integrated into the existing dwelling, and the use of facing brickwork and concrete tiles reflects the materials of the existing dwelling.

The proposed porch would extend from the south elevation, and adjoin the existing flat roofed addition on this elevation. The porch would mirror the projection on the north elevation which houses the attached garage, and would have the same hipped roof form. The porch would be finished with concrete roof tiles to match the existing, and timber effect cladding, which will be similar to the material currently used on the gable end to the front of the property. The porch would not harm the character or visual amenity of the property or its vicinity in accordance with policy D DM1 of the Arun Local Plan.

The proposed development would not result in an adverse impact upon the character of the host dwelling or wider area or harm its visual amenity. It is therefore in accordance with policies D DM1 and D DM4 of the Arun Local Plan, Policy 2 of the Rustington Neighbourhood Plan and Part M of the Arun Design Guide.

#### **NEIGHBOURING RESIDENTIAL AMENITY**

The site has neighbouring properties to the north, south and rear. The proposed rear extension would extend beyond the rear elevations of both the neighbours to the north and south. The extension would not extend significantly beyond the rear elevation of the property to the south, and the extension would not intersect a 45 or 60 degree line taken from the nearest rear window. The extension beyond the rear elevation of the property to the north is more substantial, and the impact of the extension is increased by the relationship between the properties, where the neighbouring sits at an angle with the rear elevation facing towards the site. The extension would therefore intersect 45 and 60 degree lines taken from the rear windows of the property to the north, and there would be some impact on the amenity of this neighbour. However, there remains a significant separation distance between the extension and the northern boundary, and the impact on the extension would not be so significant as to justify the refusal of planning permission in this regard.

The proposed fenestration would be sited to the rear elevation at both ground floor and first floor levels. There is currently no fenestration present at first floor level, however, there would remain a distance of 14m to the rear boundary, and the neighbour to the rear would not be adversely affected by overbearing, overshadowing or overlooking effects. Five rooflights are proposed within the side roof slopes of the host dwelling, serving the loft accommodation. The proposed rooflights are set at a high level within the roof slope and will not enable views of neighbouring properties. A condition has been added to ensure that the rooflights are positioned no lower than 1.7m above finished first floor level. The rooflights will not result in overlooking effects. The proposed alterations to the ground floor fenestration would be small in scale and would not result in any additional overlooking.

The proposal is in accordance with policies D DM1 and D DM4 of the Arun Local Plan and does not result in unacceptable harm to neighbouring amenity. It also complies with Part M of the Arun Design Guide and the Neighbourhood Plan.

#### **SUMMARY**

The proposed development is in accordance with relevant development plan policies and as such is recommended for approval subject to the following conditions and informatives.

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| <b>HUMAN RIGHTS ACT</b> |
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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**

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.

#### **CIL DETAILS**

This application is not CIL liable.

#### **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:  
  
  - Location Plan
  - Proposed Plans 02
  - Proposed Elevations 03
  - Location and Block Plan 04  
Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Arun Local Plan policy D DM1.
- 3 The materials and finishes of the external walls and roof of the rear extension and the roof of the porch hereby permitted shall match in colour and texture those of the existing building.  
  
Reason: In the interests of amenity in accordance with Arun Local Plan policies D DM1 and D DM4.
- 4 The rooflights within the roof of the rear extension on the north and south elevations of the building shall be positioned no lower than 1.7m above finished floor level. This arrangement shall be permanently retained thereafter.

Reason: To protect the amenities and privacy of the adjoining property in accordance with Arun Local Plan policies D DM1 and QE SP1.

- 5 Based on the information available, this permission is exempt from the requirement to provide a biodiversity gain plan under Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990. The following exemption applies:

This planning permission is for development which is a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Reason: In accordance with Schedule 7A of the Town and Country Planning Act 1990 (as amended).

- 6 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). 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.