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

REF NO: **R/141/17/HH**

LOCATION: Cotswold
1 The Driftway
Rustington

PROPOSAL: Side extension & porch.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal seeks to erect a front porch and a store to the side of the property.
SITE AREA	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Open plan to front elevation. A mix of foliage and fencing to rear..
SITE CHARACTERISTICS	The site is populated by a bungalow, of which is set back from the road.
CHARACTER OF LOCALITY	The area is populated by a mix of housing types and styles. The road itself (The Driftway) is un-adopted, causing the property itself to be over 50 metres from the closest adopted road.

RELEVANT SITE HISTORY

None.

REPRESENTATIONS

Representations received:
Rustington Parish Council
Parish Council - No objection.

No representations from nearby occupiers.

Comments on Representations received:
Noted.

CONSULTATIONS

Consultations responses received:
None.

Comments on Consultation responses:
N/A

POLICY CONTEXT

Designation applicable to site:
Within built up 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
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; Climping; 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).

Rustington Parish does have a 'made' neighbourhood plan and the relevant policy has been taken into account.

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 acceptable subject to accordance with relevant development plan policies.

In this case, the key policies are considered to be GEN7 and DEV19 of the Arun District Council Local Plan, policy 2 of the Rustington NP (RNP) and the National Planning Policy Framework.

DESIGN AND VISUAL AMENITY
The proposal, by virtue of its location will be visible from the street scene, although it is

considered that there will be no unacceptably adverse impact to the established spatial pattern or character of the locality. The proposal is deemed to be subservient to the host dwelling, as it retains that character of the building as a bungalow.

The proposal is deemed to be in keeping with the established character of the area and materials to match the existing dwelling have been proposed which will be ensure via condition.

The proposal is therefor considered to be in accordance with policy GEN7 and DEV19 of the Arun District Council Local Plan and policy 2 of the RNP in terms of design and visual amenity.

NEIGHBOURING RESIDENTIAL AMENITY
The proposed development is not deemed to have any impact on any of the aspects of residential amenity in the area. This is because the proposed store does not abut a boundary with any other property, giving is a separation distance (to the nearest neighbour) of over 15 metres.

The development is not deemed to give rise to any significant impact on overlooking, loss of privacy or overshadowing.

Therefore the proposal is deemed to accord with policies GEN7(iv) and DEV19(iii) of the Arun District Council Local Plan and is acceptable in terms of residential amenity.

SUMMARY
The proposed development is deemed to accord with relevant development plan polices and as such is recommended for approval subject to the following 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

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 materials and finishes of the external walls and roofs of the development hereby permitted shall match in colour and texture those of the existing dwelling.

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

3 The development hereby approved shall be carried out in accordance with the following approved plans:

- Location Plan - SBS/325
- Site and Block Plan - SBS/325/06
- Proposed Ground Floor Plan - SBS/325/02
- Proposed Elevations - SBS/325/04
- Existing & Proposed Roof Plans - SBS/325/05

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.