

Recommendation Report for Planning Permission

REF NO: R/141/18/PL

LOCATION: Land adjacent to West Hayne
19 Angmering Lane
Rustington
BN16 2TA

PROPOSAL: 1 No. dwelling (resubmission following R/190/17/PL).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal relates to the provision of a 3 bedroom detached chalet style dwelling in the rear garden of West Hayne, fronting Cross Road and a detached garage and cycle store
SITE AREA	0.11 hectares
RESIDENTIAL DEVELOPMENT DENSITY (NET)	10 dwellings per hectare
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Rear boundary has close boarded fencing and wooden entrance gates approximately 1.8m - 2m in height.
	Side boundary to Angmering Lane has hedging approximately 4m in height, west side boundary hedging approximately 3m in height, rear has close boarded fencing approximately 1.8m in height
SITE CHARACTERISTICS	Garden area of large two storey property which has previously been extended with detached double garage. Wooden shed and greenhouse within application site. Existing access already exists onto Cross Road
CHARACTER OF LOCALITY	Residential comprising mainly two storey detached properties on large plots of varying style and design set back from the road frontages which have wide verges.

RELEVANT SITE HISTORY

R/190/17/PL	1 No. dwelling with detached garage to front	ApproveConditionally 16-11-17
R/277/14/PL	Erection of new detached house (resubmission following R/274/13/).	ApproveConditionally 23-12-14

R/274/13/

Erection of new detached house

ApproveConditionally
25-04-14

This proposal seeks amendments to R/141/18/PL which include:
An increased height to the garage with ancillary accommodation in the roof
Repositioning of the dwelling further forward on the plot by 5-6m
Longer side dormers with a shallower pitch
Fenestration changes

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Rustington Parish Council
Parish Council provided no objection.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

Engineering Services Manager
Engineers (Drainage)
WSCC Strategic Planning
Economic Regeneration

CONSULTATION RESPONSES RECEIVED:

County Highways - No Objection. Car parking and cycle parking could be conditioned

COMMENTS ON CONSULTATION RESPONSES:

- comments noted

POLICY CONTEXT

Designation applicable to site:
Within Built Up Area Boundary

DEVELOPMENT PLAN POLICES

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
TSP1	T SP1 Transport and Development
DSP1	D SP1 Design

PLANNING POLICY GUIDANCE:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

RDS Rustington Design statement by Rustington Parish Council

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2011-2031 West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

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.

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.

Policies 2 and 4 of Rustington Neighbourhood Plan are considered relevant to 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 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

The site has been the subject of renewals of planning approval for a detached dwelling since 1986. The

principle of a dwelling is therefore established. The site is also subject to an extant permission R/190/17/PL. This application seeks permission for revisions to this dwelling on the site of similar design but in a position closer to the road frontage than was approved most recently under the previous planning approval R/190/17/PL.

The dwelling does not now project as much beyond the rear elevation of the property to the west, but given the distance to the boundary and the height of the property it is not considered that materially adverse overbearing effects would result and the windows at first floor in the side elevations are conditioned to be obscure glazed to prevent any materially adverse overlooking. The front elevation of the dwelling is staggered away from the side boundary so that the movement of the plot forward retains a gap of almost 5m to the boundary and 6m between the side elevations of the proposed and existing dwelling to the west. This is considered adequate to preclude any materially adverse overbearing effects.

The two storey element of the development is well away from the west boundary to the neighbouring property 'Manor Mead' , a gap of 3.5m is retained to the boundary and a condition is to be imposed regarding additional windows on the west side elevation. A condition is also to be imposed restricting additional building in the garden to allow impact on residential amenity to be considered.

In terms of the impact on the street scene the dwelling would be set back 11m from the site frontage, and 1m behind the front elevation of Manor Mead and the garage would be in line with this neighbouring dwelling. The rear garden depth would be 25m which would be in keeping with neighbouring properties. The gross internal floor area accords with the Nationally Described Space Standards and policy DDM2 of the Local Plan..

The size of the site is readily comparable with others in the locality, particularly when the recent infill site adjacent to 2 Cross Road (R/273/08) is considered. This dwelling has been constructed and has resulted in a reduction in plot widths in this part of Cross Road.

The garage would be more prominent than that previously approved on the site given its position closer to the site frontage and increased height, but it would still retain a 9m gap to the site frontage and would be no closer to the site frontage than the dwelling to the west.

It is considered that the proposed dwelling and garage would be acceptable in terms of their design, appearance, position and site coverage.

Policy 2 of Rustington Neighbourhood Plan relates to Housing Design and states that 'development proposals (including alterations to existing buildings) will be supported, provided that their scale, density, massing, height, landscape design, layout and materials reflect the architectural and historic character and scale of the surrounding buildings and landscape. Proposals must also comply with the parking standards adopted by the planning authority.' The existing access would be utilised as part of the proposal and a garage and parking area are included in the proposal .

In terms of design it is considered that the dwellings fully respond to the context of the site, reflecting the architectural styles and massing of nearby properties as well as using the highest quality materials to be consistent with the local context.

The site falls within 'Character Area 5' of Rustington Village Design Statement which is identified as an area 'characterised by low density large detached houses in private estates'. The document does not particularly relate to the 'eastern' side of Character Area 5 but mostly focuses on the 'western' side. It is considered that the proposal is compliant with this policy on the basis of the proposed plot sizes in relation to those adjoining and house design. The incorporation of a porch and low roof reflects the design of other properties.

The proposed development comprises a detached dwelling and garage of similar and sympathetic design within the garden of the existing dwelling. The spacious character of the estate generally would not be eroded. The height and chalet design is also in keeping with the other properties in the area which comprise 2 storey dwellings of varying design. The materials indicated on the plan would be in keeping with those used on nearby dwellings. The proposal would therefore accord with policy DDM1 of the Local Plan.

Policy 4 of Rustington Neighbourhood Plan is concerned about 'sustainable drainage' and states that 'development proposals likely to affect surface water drainage will be supported, provided they are able to demonstrate that they include one or more of the following sustainable drainage design features as appropriate for the ground conditions:

- i. Permeable driveways and parking areas;
- ii. Water harvesting and storage features;
- iii. Green roofs; and
- iv. Soakaways.'

The design and access statement refers to the use of permeable materials to the drive, parking and turning area. Drainage for a single dwelling would be controlled by building regulations. Surface water will be drained through soakaways in accordance with the building regulations and policy WDM2 of the Local Plan.

It is therefore recommended that the application be approved, 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

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 17207-01G (block/location/roof/floorplans and elevations & section) and 17207-02-C (Garage plans elevations and sections)

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy DDM1 of the Arun District Local Plan.

- 3 The first floor windows on the east and west elevation of the building shall at all times be glazed with obscured glass and shall only open above 1.7m from ground floor level.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policy DDM1 of the Arun District Local Plan.

- 4 No windows other than those shown on the plans hereby approved shall be constructed above eaves level or in the roofs of the dwelling or garage hereby permitted without the prior permission of the Local Planning Authority on an application in that behalf.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policy DDM1 of the Arun District Local Plan.

- 5 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking or re-enacting this Order) no extensions including porches or dormer windows to the dwelling house shall be constructed or buildings shall be erected within the curtilage unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To safeguard the privacy and amenity of adjoining occupiers, maintain adequate amenity space and safeguard the cohesive appearance of the development in accordance with policy DDM1 of the Arun District Local Plan.

- 6 No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use in accordance with policy TSR1 of the Arun District Local Plan.

- 7 The garage accommodation hereby permitted shall be occupied solely for purposes ancillary to the occupation and enjoyment of the dwelling hereby approved and shall not be used as a separate unit of accommodation.

Reason: To accord with policy DDM1 of the Arun District Local Plan and to prevent the establishment of an additional independent unit of accommodation which would give rise to an over-intensive use of the site and lead to an unsatisfactory relationship between independent dwellings.

- 8 No part of the development shall be first occupied until covered and secure cycle parking

spaces have been provided in accordance with the details hereby approved.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies in accordance with policy TSR1 of the Arun District Local Plan.

9

INFORMATIVE: Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012. 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.