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

REF NO: R/150/22/HH

LOCATION: 1 Brookside Avenue
Rustington
BN16 3LF

PROPOSAL: First floor rear extension.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION — This application seeks a first floor rear extension above an existing ground floor extension.

RELEVANT SITE HISTORY

R/10/17/NMA	Application for a non-material amendment following a grant of planning permission R/135/16/HH relating to extension width increased by 800mm	Approve 20-01-17
R/135/16/HH	Single storey extension to rear elevation to replace existing conservatory	ApproveConditionally 01-07-16

REPRESENTATIONS

1 letter from neighbouring property - Objection
- Impact on character and spatial pattern of the street.
- Access for maintenance to property for maintenance.
- Overdevelopment of site.
- Impact to future occupiers.

CONSULTATION RESPONSES RECEIVED:

Parish Council - No objection

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:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD13 Arun District Design Guide (SPD) January 2021

CONCLUSIONS

PRINCIPLE

Policy D DM1 sets out 13 design aspects of which applications should be assessed against. These include: Character, Appearance, Impact, Innovation, Adaptability, Crime Prevention, Trees, Public realm, Layout, Public Art, Density and Scale.

Policy D DM4 sets out criteria for which applications relating to extensions and alterations of existing buildings must be assessed against. They generally seek to minimise the impact of the proposal on the character of the host dwelling, its neighbours and the locality.

Arun's Design Guide which provides detailed guidance that will help raise design standards across the District. Developments should respond to the distinctiveness and characteristics of their surroundings in terms of scale massing and materials, protect the amenities of occupants and neighbours and seek to minimise energy consumption and improve environmental performance. In this instance, a rear extension should also not negatively impact adjoining properties in terms of privacy and overshadowing and preserve rear amenity space to at least 10.5m in depth.

Rustington has a made neighbourhood plan and policy 2 is of relevance and states that proposals should have regard scale, density, massing, height, landscape design, layout and materials which reflect local architectural and historic character.

BACKGROUND

Amendments during the course of this application have removed the proposed front extension.

DESIGN AND VISUAL AMENITY

This application seeks a rear first floor extension above an existing ground floor extension. The extension measures approx. 4.2m in depth by 5.3 in width. It will have a partly pitched roof hiding a flat roof behind, its overall height matches the host dwelling. A composite cladding is proposed which is not found on the host dwelling. This is not seen as an issue as the host dwelling has various finishes including painted brick, tile hanging and timber cladding. All other material will match the host.

The extension is to be built to the rear of the property adjoining the shared boundary with No 3, as such it will not be visible from the street and thus will have no impact on the character of the area. Furthermore, as an extension above existing built development the massing on site and the spatial composition of the site will not be altered.

By reason that the extension is well integrated with its' host and because of the sitting and appropriate scale of the proposed development, it accords with policy D DM1 and D DM4 of the Arun Local Plan and Policy 2 of the Rustington Neighbourhood Plan.

RESIDENTIAL AMENITY

Comments have been received stating the amenity of future occupiers will be compromised as windows to bathrooms and internal configuration of bathrooms is not of high-quality design. Many properties have internal bathrooms and ventilation of these spaces is controlled during the Building Regulations phase.

Comments have also been received stating the proposal will be overbearing on neighbours. To determine levels of overbearing for first-floor extensions the 45-degree rule is used. This states that a 45-degree sightline should extend from the centre of the closest neighbouring window without being fouled by the proposed extension. The neighbouring property does not benefit from first-floor accommodation with fenestration facing towards the rear garden, as such this is not applicable. Furthermore, the proposed extension will sit adjoining the boundary shared with its semi-detached neighbour to the east. To this boundary is located a single storey flat roof extension within the neighbour's garden, this extension is deeper than the proposed first floor extension. Therefore, the proposed extension will not protrude as far back into the rear garden as the neighbour's single storey extension. The proposed extension will therefore not be overbearing.

Given the southerly aspect of the gardens and the existing built form adjacent to either side of the shared boundary, the development will not overshadow neighbouring properties. A 14m rear garden will be retained, over design guidance recommended levels.

In terms of overlooking all first-floor fenestration will face towards the private amenity space to the rear or face the side and be to non-habitable rooms where it can be obscure glazed.

In terms of residential amenity, the proposal accords with D DM4 of the Arun Local Plan and Part M of the Arun Design Guide.

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

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.

CIL DETAILS

This application is CIL Liable therefore developer contributions towards infrastructure will be required (dependant on any exemptions or relief that may apply)

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
- Site Plan A
- Proposed Ground Floor Plans and Elevations 03A
- Proposed First Floor Plans and Elevations 04A

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.

3 The hereby approved en-suite window to the western elevation of the building shall at all times be and remain glazed entirely with obscure glass and kept fixed shut below 1.7m from finished floor level.

Reason: In the interests of the amenities of the occupants of nearby properties in accordance with policies D DM4 of the Arun Local Plan.

4 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.