

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

REF NO: R/151/14/HH

LOCATION: 21 Hawke Close
Rustington

PROPOSAL: Retrospective application for dormer and front elevation weatherboard clad.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. This application is retrospective in nature with the exception of the proposed weatherboard cladding on the side elevations of the property.
SITE AREA	Approximately 525 square metres.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Open to front. Close boarded fencing to the rear at approximately 1.8m in height with hedging in places over 2m in height.
SITE CHARACTERISTICS	A detached bungalow with weatherboard clad front elevations painted pale green and side brick elevations. The roof is pitched with plain brown tiles and 4no. rooflights in the front roofslope. An extension is in the process of being built to the rear.
CHARACTER OF LOCALITY	Predominantly residential in character, there are detached bungalows in the road.

RELEVANT SITE HISTORY

REPRESENTATIONS

Representations received:

Rustington Parish Council

No objection.

Four letters of objection.

*Loss of privacy from rear dormer windows.

*Weatherboard cladding is not permitted development as it does not meet the requirements

that all materials shall be similar to the existing property.

*Cladding is not in-keeping with the surrounding properties.

*No other properties in the immediate vicinity (Hawke Close, Jervis Avenue, Ruston Park) have weatherboard cladding on the front elevations, predominantly they are all showing some mix of brick, tiles or render.

*There is a discrepancy between the submitted plans and built form since the plans show one large window over the stairway and three smaller windows over the bedrooms, whereas the building has all four windows one larger size, quite clearly not in accordance with the plans submitted.

Comments on Representations received:

Comments noted. In response to the letters of objection, it is considered that there will be no harmful overlooking from the 4no. windows in the rear dormer including on to the property of No. 14 Pigeonhouse Lane due to the acceptable separation distance of 25m to this property and with any views interrupted from trees and hedging. Any overlooking on to side neighbouring gardens will be oblique and therefore will not cause any harm. It is agreed that weatherboard cladding is not Permitted Development, hence why a planning application has been submitted for this and the rear dormer. The use of weatherboard cladding does not visually dominate the front elevation with a large roofslope and painted brick gable projection.

The property is situated within a residential area where a variety of materials are used including tile hanging, smooth rendering and brickwork elevations and so weatherboard cladding will not cause any harm to the visual amenities of the area. Whilst it is noted that in Drawing no. 1 it shows a larger rooflight to the front than as built, this does not make a material difference when it comes to assessing the acceptability of the proposal in design and residential amenity terms. Since a larger window is shown on the plans compared to the one that has been built, it is acceptable given it is a reduction in size and the difference between the two is very small.

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

None.

POLICY CONTEXT

Designation applicable to site:
Within the Built-Up Area Boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: [GEN2](#)
[GEN7](#)
[DEV19](#)

[Publication Version of the Local Plan - Excluding the Spatial Portrait, Employment, Housing Allocations, Transport, Monitoring and Implementation sections \(February 2014\):](#)

Built-up Area Boundary
The Form of New Development
Extensions to existing residential buildings

D DM1 Aspects of Form and Quality
D DM4 Extensions & Alterations to Existing Buildings

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

SUPPLEMENTARY POLICY GUIDANCE

RDS

Rustington Design statement by Rustington
Parish Council

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

The Development Plan consists of the Arun District Local Plan 2003.

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following publication. The Council agreed the majority of the Arun Local Plan in February 2014 (Publication Version) and this is a material consideration in the determination of this planning application. The remaining chapters of the Local Plan namely: the Spatial Portrait, Employment & Enterprise, Housing Allocations, Transport, Monitoring and Implementation will be considered for publication at a later meeting of Full Council. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place. The chapters that have been published will undergo public consultation alongside the remaining chapters when they have been agreed. The weight given to the current published policies can be significant depending:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

The policies within this published version of the plan are at an advanced stage as they have been agreed by Full Council for regulation 19 consultation, they have been subject to independent audit and are considered to meet the NPPF and there are no known significant unresolved issues arising from regulation 18 consultation for the published policies.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place once the remaining chapters / policies have been published.

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).

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 site is located within the built-up area where the principle of development is acceptable, subject to accordance with relevant planning policies. In this instance, the main criteria against which the application will be assessed is contained within the Arun District Local Plan which in this case are considered to be policies GEN7 and DEV19 which seeks to prevent development that would have an adverse impact upon visual and residential amenities.

DESIGN AND VISUAL AMENITY

This application seeks planning permission to clad the front and side elevations of the property partly in weatherboard cladding and to install a dormer in the rear roofslope. The plans also show 4no. rooflights in the front roofslope of the dwelling.

The use of weatherboard cladding on the front elevation is broken up by a white painted front gable end and a large roofslope and so does not visually dominate or detract from its appearance.

The proposed use of weatherboard cladding on the upper portion of both side elevations is considered to be acceptable given its more discrete location and again is offset by a lower portion of brickwork. The property is situated within a residential area where a variety of materials are used including tile hanging, smooth rendering and brickwork elevations and so the use of weatherboard cladding will not cause any harm to the visual amenities of the area.

The rear dormer has been set in from the sides of the existing roof and also below the existing ridge level so that it sits comfortably within the roofslope. The use of weatherboard cladding is again used in the rear dormer but used sparingly compared to the rest of the rear elevation of the property and will not be seen from the road.

It is therefore considered that the proposal complies with policies GEN7(ii) and DEV19(I) of the Arun District Local Plan.

RESIDENTIAL AMENITY

The four rooflights in the front elevation are angled upwards and at acceptable distances away from the properties located opposite so as to not cause any harmful overlooking or loss of privacy.

The rear dormer has no windows in its cheeks to allow any overlooking on to side neighbouring properties. The end windows have been comfortably set in from the sides so as to ensure that any overlooking on to side neighbouring gardens will be oblique and so not cause any demonstrable harm. The rear dormer is situated at over 25m away from properties in Pigeonhouse Lane with views interrupted by hedging and trees which means that there will be no harmful overlooking or loss of privacy in this direction either. The small 2m projection of the dormer from the plane of the roof will also not cause any overbearing or overshadowing effects.

It is considered that the proposal complies with policies GEN7(iv) and DEV19(iii) of the Arun District Local Plan.

It is therefore recommended that the application be approved, subject to the following condition.

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 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, a neutral impact has 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.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The weatherboard cladding on the side (north and south) elevations of the property hereby approved shall match in colour and texture to the weatherboard cladding already installed on the front and rear elevations and this work 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) and to allow the Local Planning Authority to control the appearance of the property in accordance with policy GEN7 of the Arun District Local Plan.

- 2 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.