

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

REF NO: R/151/18/HH

LOCATION: 18 Dingley Road
Rustington
BN16 3PY

PROPOSAL: Retention of raised access path with retaining wall & new fencing to front of property.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION The proposal seeks to retain a raised access path, fence and retaining wall and to erect a new boundary fence.

RELEVANT SITE HISTORY

R/7/75

O/A For Residential Development

ApproveConditionally
20-02-75**REPRESENTATIONS****REPRESENTATIONS RECEIVED:**Rustington Parish Council
reported no objection.

Three letters of objection received from local residents:-

Unsightly and unnecessary. Too high, contrary to open plan condition. Fumes are not poisonous and the fence does not block them.

Planning condition should be upheld. Works should be removed. Contrary to local deeds. Total disregard for planning rules. Applicant does not go out of the house. Ugly fence, obtrusive wall to the ramp.

Comments concerning the applicant, deeds and nature of boiler fumes have not been considered as they are not planning related. Other matters have been addressed in the conclusions section below.

CONSULTATION RESPONSES RECEIVED:

None.

POLICY CONTEXTDesignation applicable to site:
Within built up area boundary.

DEVELOPMENT PLAN POLICES

DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design
SDSP2	SD SP2 Built-up Area Boundary

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

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

CONCLUSIONS**PRINCIPLE**

The proposed development is situated within the built up area boundary where the principle of development is acceptable subject to accordance with relevant development plan policies. As stated in SDSP2 proposals will be permitted within the built up area subject to compliance with other policies in the plan. The key other policies considered are D DM1 and D DM4 of the Arun District Local Plan and Policy 2 of the Rustington Neighbourhood Plan. These require that proposals have an acceptable impact on the character and appearance of the area and residential amenities of residential occupiers.

SITE HISTORY

Application reference R/7/75, under which the property was permitted, contains a condition stating no gate, fence, wall or other means of enclosure shall be erected or constructed forward of the buildings hereby permitted unless permission is granted by the Local Planning Authority on an application in that behalf.

DESIGN AND VISUAL AMENITY

The property is a mid terrace house. A condition of the original planning permission sought to maintain the open plan aspect of the residential development by removing Permitted Development Rights in respect of fences, gates, walls or other means of enclosure by stating that permission should be granted by the Local Planning Authority for such development.

Since the construction of the properties in approximately 1975, a variety of boundary treatments have been installed in the immediate vicinity of the property including forward projecting fencing in numbers 10 & 15 Dingley Road, picket fencing and low front boundary walling. It is not considered that the changes to the dwelling are such that they would have a materially adverse effect on the existing visual amenities of the adjoining properties or the area as a whole. The ramp, fence and retaining wall are not unduly incongruous in the street scene.

NEIGHBOURING RESIDENTIAL AMENITY

The development is not deemed to give rise to any unacceptable adverse impacts on neighbouring residential amenity by reason of overlooking. The works will be largely confined to views from the street scene.

SUMMARY

The proposal is deemed to accord with policies D DM1 and D DM4 of the Arun Local Plan (2011-2031) and policy 2 of the Rustington Neighbourhood Plan 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

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 (disability).

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby approved shall be carried out in accordance with the following approved plans
102KF, 112KF, 122KF, 132KF, 142KF

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

- 2 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.