

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

REF NO: R/153/12/

LOCATION: 10 Frobisher Way
Rustington

PROPOSAL: Removal of conservatories & erection of new conservatory & utility room

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION Application seeks consent for the construction of a new conservatory and a utility/shower/toilet room. The proposal removes two existing additions rear of the host property.

The conservatory which would measure 9.72 metres long with a 3 metre projection and eaves height of 2.6 metres above ground level occupies the majority of the width of the existing property. In addition a utility room measuring 3.39 metres wide by 3.5 metre depth with identical eaves height would attach at the southern end of the conservatory and to the front of an existing detached garage.

SITE AREA Approximately 550 square metres.

RESIDENTIAL DEVELOPMENT DEN N/A

TOPOGRAPHY Predominantly flat

TREES None of any significance affected by the proposed development.

BOUNDARY TREATMENT

SITE CHARACTERISTICS Detached bungalow situated on the western side of Frobisher Way a single entrance highway which leads off from Hudson Drive.

CHARACTER OF LOCALITY Residential area comprising mainly detached bungalow development.

RELEVANT SITE HISTORY

REPRESENTATIONS

Representations received:

Rustington Parish Council
raise no objection.

Comments on Representations received:

Noted.

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

POLICY CONTEXT

Designation applicable to site:

Within Built Up Area boundary.

The emerging Local Plan has recently been approved as a consultation document by the Council and is therefore a material consideration in the determination of this planning application. It remains subject to public consultation and the formal adoption process as a whole and it therefore carries very limited weight in terms of decision making at this stage.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
	DEV19	Extensions to existing residential buildings

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
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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.

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.

The Emerging Arun Local Plan has recently been approved by the Council and is therefore a material consideration in the determination of this planning application. It remains subject to public consultation and the formal adoption process as a whole, and it is therefore of very limited weight in terms of the decision making process at this stage.

CONCLUSIONS

The relative location of the extension together with its size are such as to ensure that the new build remains subservient to the main dwelling. The extension is well screened from public view and as a result there will be no adverse impacts on the character or appearance of the locality or host property.

As the proposal represents, in the main, a replacement structure rear of the property and given the existence of other similar additions and rear building lines of adjacent properties the proposal will have no adverse consequences for residential amenity of surrounding residential occupiers.

It is therefore recommended that the application be approved subject to standard conditions.

HUMAN RIGHTS ACT

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 for 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 neutral 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).

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: 1:1250 location plan, 1:500 block plan, existing plan and elevations 1238/01/01/A, proposed plans and elevations 1238/01/02/A, roof and details 1238.01/03

and roof plan 1238/01/04/A.

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.

- 3 The materials and finishes of the external walls and roof of the extension hereby permitted shall match in colour and texture those of the existing dwelling.

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

- 4 INFORMATIVE: Summary of Reasons for Grant Article 31 Development Management Procedure Order 2010

SUMMARY

This planning permission is granted because it complies with the policies listed below in that (the development would not cause any material adverse effect on visual or residential amenity on the surrounding area and its character)and there are no material considerations to indicate otherwise.

RELEVANT POLICIES

LOCAL PLAN: GEN2 GEN7 DEV19

NATIONAL POLICIES: NPPF

This is only a summary of reasons for granting to comply with Article 31 and full reasons appear in the Officer report.