

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

REF NO: R/155/14/HH

LOCATION: 1 Milton Close
Rustington

PROPOSAL: Demolition of existing conservatory & erection of new rear extension

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The proposal seeks permission for an L-shaped extension which would attach to the rear of the property and around its north-west corner. The extension would measure 5.7m width and project 3 metres from the rear of the property. The flat roofed extensions would have a height of 3.1m.

SITE AREA

N/A

RESIDENTIAL DEVELOPMENT DENSITY (NET)

N/A

TOPOGRAPHY

Predominantly flat

TREES

None of any significance affected by the proposed development.

BOUNDARY TREATMENT

1.8m high fencing to side boundaries.

SITE CHARACTERISTICS

Application property is located on the northern side of a cul-de-sac and is constructed of white painted rendered elevations with a plain tile roof. It has a conservatory style extension to the rear.

CHARACTER OF LOCALITY

Small circular cul-de-sac served off Milton Avenue comprises pairs of semi-detached bungalows which are of similar design may have been extended to the rear and some to the front. The properties are set back from site frontages.

RELEVANT SITE HISTORY

R/89/98/	Extensions to enlarge lounge, bedroom and form bathroom, utility and garage. Alterations to form room in roof.	ApproveConditionally 07-08-1998
LU/153/69	Extension to conservatory	Permit'd Devel

08-05-1969

REPRESENTATIONS

Representations received:

Rustington Parish Council

No Objection

Comments on Representations received:

None

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

None

POLICY CONTEXT

Designation applicable to site:

Within Built-Up Area Boundary

DEVELOPMENT PLAN POLICIES

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

The Form of New Development
Extensions to existing residential buildings

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

D DM1 Aspects of Form and Quality
D DM4 Extensions & Alterations to Existing
Buildings
D SP1 Design

PLANNING POLICY GUIDANCE

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.

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 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

The rear projection of the proposed extension means that the extension would conflict with the Council's adopted 45 degree rule. Whilst this is the case, the extension should be assessed in light of the proposal being a single storey addition together with the fact that the depth of the extension is 1.7m and a minimum distance of 200mm is maintained from the shared eastern boundary.

The proposal is to extend from the northern elevation of the dwelling, have a maximum height of 3.2m and set off from the eastern boundary by 200mm. This distance coupled with the allowance of a 2m high boundary fence means that only a small section of the addition would project above any boundary fencing.

As such the proposal, although conflicting with guidance, is not considered to result in unacceptable loss of light to neighbouring windows given the orientation of the dwellings, the scale of the addition and the distance maintained from the shared eastern boundary. These factors combine to ensure that the proposal would not cause loss of outlook, have an overbearing effect or cause loss of privacy to No. 2 Milton Close. The proposal would be located adjacent to the rear boundary of dwellings fronting Milton Avenue but given the limited height and footprint it is not considered that it would result in adverse impacts on residential amenity. The proposal therefore accords with policy DEV19 of Arun District Local Plan.

The extension would be constructed of materials to match the existing dwelling and is subservient to the main dwelling. It would not be readily visible in the street scene and is acceptable in terms of visual amenity and the character of the area.

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

HUMAN RIGHTS ACT

FOR APPROVAL

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 (the 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: Revised 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 **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.