

Recommendation Report for Planning Permission

REF NO: R/160/25/PL

LOCATION: 154-160 The Street  
Rustington  
BN16 3DA

PROPOSAL: Erection of a single storey rear extension. This application is in CIL zone 4 (zero rated) as other development.

**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	This application seeks permission for the erection of a single storey rear extension.
SITE CHARACTERISTICS	The site is two storey terraced property in commercial use.
CHARACTER OF LOCALITY	The site is on a main shopping street in Rustington Village Centre, where there is a mix of commercial and residential uses.

**RELEVANT SITE HISTORY**

R/129/25/PL	Installation of an extractor flue system and associated alterations to front elevation with installation of recessed shopfronts, replacement windows and replacement doors to side and rear elevations (resubmission following R/70/25/PL). This application is in CIL Zone 4 (zero rated) as other development.	ApproveConditionally 21-10-25
R/70/25/PL	Alterations to front elevation with installation of recessed shopfronts, replacement windows and replacement doors to side and rear elevations. This application is in CIL zone 4 (zero rated).	ApproveConditionally 02-07-25

Planning history noted.

**REPRESENTATIONS**

Rustington Parish Council - No objection.

No representations were received from nearby occupiers.

**COMMENTS ON REPRESENTATIONS RECEIVED:**

Comments noted.

#### CONSULTATION RESPONSES RECEIVED:

None.

#### POLICY CONTEXT

Designation applicable to site:  
Town Centre Retail Boundary  
Built Up Area Boundary

#### DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions and alter to exist builds (res and non-res)

#### PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

#### SUPPLEMENTARY POLICY GUIDANCE:

SPD13	Arun District Design Guide (SPD) January 2021
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#### POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan and Made Neighbourhood Development Plans. The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

#### 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 the proposal would not harm the character of the property, or the amenity of neighbouring occupiers.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

(2) in dealing with an application for planning permission the authority shall have regard to -

- (a) the provisions of the development plan, so far as material to the application,
- (aza) a post examination draft neighbourhood development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

## OTHER MATERIAL CONSIDERATIONS

There are no other material considerations to be weighed in the balance with the Development Plan.

## CONCLUSIONS

### DESIGN AND VISUAL AMENITY

The site is a terraced property, located on Churchill Parade at the corner of The Street and Ash Lane. The property has a stepped rear elevation, and the extension would infill the area to the side of the existing staircase at the rear of the building. The extension would extend up to the property boundary and has an irregular shape, with a maximum width of 6.5m and a depth of 4m. The extension would be single storey and would remain subservient to the main building, in accordance with Arun Local Plan policy D DM4.

The proposed extension will not be easily visible from the public realm and will be finished with bricks to match the existing building. The proposed extension would not harm the character or visual amenity of the area, and is in accordance with ALP policies D DM1 and D DM4.

### NEIGHBOURING RESIDENTIAL AMENITY

The extension is single storey and located on the western side of the rear elevation. The extension is against the western boundary, where there is currently a fence. The extension would increase the sense of enclosure within the narrow passageway in between the site and No. 146-148, but would not harm amenity by way of overbearing or overshadowing. The proposals may result in some loss of light to side windows on the rear extension of No. 146-148, but as the ground floor of this property is in retail use, the impact of this would not be harmful. There are no windows within the proposed extension.

The rear extension would not result in harmful impacts on the amenity of neighbouring occupiers.

### SUMMARY

The proposed extension is in accordance with relevant development plan policies and is recommend 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

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 positive impact on the protected characteristics - disability - as plans show an accessible toilet.

**CIL DETAILS**

This application is not CIL liable.

**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 and block plans 06
- Existing and proposed ground floor plans 01
- Existing and proposed first floor plans 02
- Existing and proposed south-west elevations 03
- Existing and proposed north-east elevations 04
- Existing and proposed north-west elevations 05

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Arun Local Plan policies D DM1 and D DM4.

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

Reason: In the interests of amenity in accordance with Arun Local Plan policies D DM1 and D DM4.

4 Based on the information available, this permission is exempt from the requirement to provide a biodiversity gain plan under Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990. The following exemption applies:

This planning permission is de-minimis as the development does not impact an onsite priority habitat and the development impacts less than 25 square metres of onsite habitat that has a biodiversity value greater than zero and less than then 5 metres in length of onsite linear habitat.

Reason: In accordance with Schedule 7A of the Town and Country Planning Act 1990 (as amended).

5 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). 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.