

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

REF NO: R/164/18/HH

LOCATION: 3 Bushby Avenue
Rustington
BN16 2BZ

PROPOSAL: Two storey rear extension including rendering of brickwork chimney stack & deletion of dormer on west elevation (resubmission following R/67/17/HH)

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION The application is a re-submission of a previously approved scheme with changes. These include tile hanging at first floor level on the Western elevation, omission of a large dormer window at first floor level and changes to a proposed Juliette balcony on the Northern elevation.

RELEVANT SITE HISTORY

R/67/17/HH	Two storey rear extension	ApproveConditionally 16-06-17
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REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

Rustington Parish Council
Parish Council - No objection.

1 Letter of objection received
- The residents object to the patio door shown, believing that it causes loss of privacy to the occupants, and overlooks their rear garden.

Noted. The patio door referenced is approximately set at a distance of 17m from the nearest habitable window (set at an angle). This relationship is considered acceptable to protect the residential amenity of 9 Broadmark Lane.

POLICY CONTEXT

Designation 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 application site is located within the built up area boundary, where the principle of development is acceptable subject to accordance with the relevant development plan policies, as stated in SD SP2 of the Arun Local Plan. In this case, the key policies are deemed to be D DM1 and D DM4 of the Arun Local Plan. Additionally, 'Policy 2' of the Rustington Neighbourhood Development Plan.

DESIGN AND VISUAL AMENITY

The majority of this proposal has been approved under R/67/17/HH, resultant of this, this application will consid the differences between these proposals.

The tile hanging at the first floor level on the Western elevation is not considered to have a significantly detrimental impact on the host dwelling, as hung tile is not an uncommon material in the street scene. This is especially with reference to the fact that the adjacent dwelling to the East features this material.

The omission of the large dormer window on the first floor of the host dwelling is considered to be a reduction in the original scheme, and allows the proposal to appear more subservient within the plot, as it is smaller than originally. Additionally, the proposed changes to the Juliette balcony are also considered to be a reduction in the original scheme, as there are no longer side lights, and the width of the door itself has been reduced.

The majority of the changes to the scheme are considered to be reductions in the original scheme, with exception of the tile-hanging of the Western elevation. Resultantly, the proposed development is considered to be in accordance with D DM1 and D DM4 of the Arun Local Plan.

NEIGHBOURING REIDENTIAL AMENITY

As the majority of the scheme is considered to be a reduction of the original scheme, the residential amenity concerns are considered to be lessened in line with this. The removal of the dormer window reduces the overall bulk of the host dwelling, which reduces potential for overshadowing at adjacent dwellings. The alterations to the Northern Juliette balcony reduce it in size, which is considered to result in no significant changes to loss of privacy, or the overlooking of adjacent dwellings.

Resultantly, the proposed development is considered to be in accordance with D DM1(3) and D DM4(c) of the Arun Local Plan.

SUMMMARY

The proposed development is deemed to accord with relevant development plan policies 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

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.

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:

- Proposed Elevations - 660/08 - Rev. E - Mar' 17
- Proposed Floor Plans - 660/07 - Rev. E - Mar' 17
- Proposed Roof Plan - 660/06 - Rev. D

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun 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 building.

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

- 4 The window at first floor level in the eastern elevation shall at all times be and remain glazed entirely with obscure glass and fixed shut below 1.7 metres in height from the internal floor level.

Reason: In the interests of the amenities of the occupants of nearby properties in accordance with policies D DM1 and D DM4 of the Arun Local Plan.

- 5 **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.