

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

REF NO: R/165/17/HH

LOCATION: 61 Tennyson Avenue
Rustington

PROPOSAL: Single storey extension to rear.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The proposal relates to a single storey flat roofed rear extension measuring 3.6m deep, by 5.6m wide with a height of 2.9m. It replaces a conservatory of smaller dimensions. The construction of the extension has started and it is nearing completion.
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	Close boarded fencing to approx. 1.8m height
SITE CHARACTERISTICS	Semi detached bungalow with brick elevations and a plain tile roof. Flat roofed garage located on rear boundary.
CHARACTER OF LOCALITY	Predominantly residential characterised by single storey dwellings of similar design in relatively small plots.

RELEVANT SITE HISTORY

LU/15/53	Erection of 35 two bedroom and 14 three bedroom type dwellings	Approve 16-03-1953
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REPRESENTATIONS

Representations received:

Rustington Parish Council
No Objection

One Objection - Based on the size, layout and proximity to the neighbouring property. The submitted information is incorrect. The works were started before stated, there are trees

close to the extension, the materials of the conservatory were mainly glass, boundary line to no 63 is deleted from the layout plans, the window in the south elevation is higher than the original.

The extension is overbearing , overshadowing on garden and unnecessarily tall, it is intrusive and distressing. Light pollution is a serious consideration. The position of the window will result in loss of privacy. The extension will not be used in an occasional manner.

Devaluation of property.

Comments on Representations received:

The date that the works commenced is not relevant to the consideration of this application. The presence of trees adjacent to the boundary was noted at the time of the officer's site visit. Whilst the layout plan does not include the boundary with no 63, it is indicated on the block plan which can be scaled. The extension is 3m in height and 0.8m from the boundary with no 63 which comprises close boarded fencing to approx. 1.8m. Whilst it does extend above the fencing the extension is considered to be acceptable in terms of residential amenity and would not result in materially adverse overlooking or overbearing effects. Devaluation of property is not a material planning consideration.

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 (October 2014):

SD SP2 Built-Up Area Boundary
D DM1 Aspects of Form and Design Quality
D DM4 Extensions and Alterations to Existing Buildings (residential and non-residential)

Rustington Neighbourhood Plan 2014 Policy 2

Housing Design

PLANNING POLICY GUIDANCE

NPPF
NPPG

National Planning Policy Framework
National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE

RDS

Rustington Design statement by Rustington
Parish Council

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

A new local plan is in preparation may be a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015. The Examination into the submitted plan was commenced but is currently suspended whilst Arun District Council addresses matters raised by the Inspector.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taking place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification may also be material consideration to take into account. The examination is due to re-commence in Autumn 2017 following publication of modifications to the Plan.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

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).

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton. The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

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).

Policy 2 'Housing Design' of the Rustington Neighbourhood Plan is considered relevant to this application.

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 conflict with relevant Development Plan policies in that it would have a materially adverse effect on the residential amenities of the adjoining properties.

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 proposal is within the built up area of Rustington and the principle of development is therefore considered acceptable subject to compliance with policies be GEN 7 and DEV19 of the Arun District Local Plan, Policy 2 of the Rustington Neighbourhood Plan, the Rustington Design Statement, the National Planning Policy Guidance and the National Planning Policy Framework.

DESIGN

The proposed rear extension would not be readily visible from the street scene and would not have an impact on the character of the area. It would be constructed of bricks to match the existing dwellinghouse. Its size, design, materials and position result in a development that is in keeping with the appearance of the dwelling and which is visually integrated and subservient to the host property.

The proposal is therefore considered to comply with policy GEN7 (ii) and DEV 19 (I), (ii) & (v) of the Arun District Local Plan 2003, policy 2 of the Rustington Neighbourhood Plan and the Rustington Design Statement.

RESIDENTIAL AMENITY

The proposed development would project a total of 3.6metres from the northern part of the rear elevation of the application and would be located 1.8m from the main rear elevation of the dwelling . At its closest point to the adjoining neighbouring dwelling at no 63 it is 2.1m from the boundary and this reduces to 0.8m to the rear as the rear garden to no 61 tappers. The extension would intersect a 45 degree line drawn from the neighbours rear living room windows by 1.6m causing a loss of light and outlook and an overbearing impact on them. (The conservatory it replaced was compliant with the 45 degree rule). The flat roofed extension is also relatively high projecting just over 1m above the fence dividing the two properties. With regard to overlooking it is not considered that there would be a material loss of privacy issues as the side facing window looks onto boundary fencing and is high level.

On balance the proposed extension is considered to cause a material loss of daylight and to have a materially adverse overbearing impact to the rear elevation windows and garden of the neighbouring property and therefore the extension at ground floor level would not comply with policy GEN 7 (iv) and DEV 19 (iii) of the Arun District Local Plan 2003 and para 17 of the National Planning Policy Framework in relation to impact on the amenities on neighbouring properties

It is therefore recommended that the application is refused for the following reasons;

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 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.

RECOMMENDATION

REFUSE

- 1 Given its height, proximity to the boundary and rearward projection the extension would be unneighbourly and detrimental by way of loss in daylight and outlook to the amenities of the occupiers of 63 Tennyson Avenue, Rustington in conflict with policies DEV19 and GEN7 of the Arun District Local Plan.
- 2 **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 identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.