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

REF NO: **R/166/15/HH**

LOCATION: 32 Sheep Fold Avenue
Rustington

PROPOSAL: Erect rear PVCu conservatory

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	Approximately 175 square metres.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The front boundary of the site is open with the rear and side boundaries consisting of 1.8 metre high close boarded fencing.
SITE CHARACTERISTICS	The site is occupied by a two storey end of terrace dwelling.
CHARACTER OF LOCALITY	The character of the locality is residential in nature consisting of properties of a similar design and style.

RELEVANT SITE HISTORY

None.

REPRESENTATIONS

Representations received:

Rustington Parish Council

My Council has noted the above application and wishes to raise no objection to it.

Comments on Representations received:

Comments noted.

CONSULTATIONS

Consultations responses received:

None.

Comments on Consultation responses:

N/A

POLICY CONTEXT

Designation applicable to site:

Within built area boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
	DEV19	Extensions to existing residential buildings
Publication Version of the Local Plan (October 2014):		D DM1 Aspects of Form and Design Quality
		D DM4 Extensions and Alterations to Existing Buildings (residential and non-residential)
		SD SP2 Built-Up Area Boundary
Rustington Neighbourhood Plan 2014 Policy 2		Housing Design

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework

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.

Arun District Council's Development Plans:

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.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

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 on 30th October 2014 for six weeks.

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: Angmering; Arundel; Barnham & Eastergate; Bersted; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; and Yapton.

The Rustington Neighbourhood Plan has been made with policy 2 being considered relevant to the determination of 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 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

PRINCIPLE
The site is situated within the built-up area boundary where the principle of development is acceptable, subject to accordance with relevant planning policies. The main criteria against which this application will be assessed is contained within the Arun District Local Plan which in this case is policies GEN7 and DEV19.

DESIGN AND VISUAL AMENITY
The application seeks permission for the addition of a single storey conservatory to the rear of the dwelling. The proposed conservatory will measure 3.5 metres in height at its highest point with an eaves height of 2.1 metres.

The proposed conservatory will be located to the rear of the existing dwelling and as such will have no impact upon the existing character and appearance of the street scene or the character of the host dwelling. Given the design and construction of the proposed conservatory the proposal is deemed to be subservient and well integrated. Therefore, it is considered that the proposed conservatory is in accordance with policies GEN7 (ii) and DEV19 (i) and (ii) of the Arun District Local Plan.

It should also be noted that the proposal would be in accordance with the limitations of Schedule 2, Part 1, Class A, (g) of the Town and Country Planning (General Permitted Development) Order 2015 and could benefit from the permitted development rights in relation to larger home

extensions.

RESIDENTIAL AMENITY
The proposed conservatory will be located approximately 1.5 metres from the northern boundary of the site which is considered an acceptable distance to mitigate any potential overshadowing, overbearing or overlooking impacts. However, it is situated 0.7m from the southern boundary of the site and will exceed the height of the existing boundary screening by approximately 1.5 metres.

The Council have adopted a 45-degree rule as a tool to balance the interest of those persons wishing to extend their premises and their neighbours by ensuring that extensions do not seriously impact upon neighbours outlook or daylight. In this instance the mid point has been taken of the neighbours window and the proposal does not accord with this rule. However, given the transparency of the structure, the height of existing fencing and that the conservatory does not exceed permitted development rights granted under Schedule 2, Part 1, Class A, (g) of The Town and Country (General Permitted Development) Order 2015, the proposal is not considered to cause a materially adverse impact on the adjoining property by reason of overshadowing, overbearing, overlooking or loss of privacy.

It is therefore considered that the proposal complies with policies GEN7 (iv) and DEV19 (iii) of the Arun District Local Plan.

SUMMARY
It is recommended that the application is approved 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 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 a neutral impact has 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: Proposed Floor Plans and Rear Elevation; Proposed Side Elevations; 5 Bay Victorian COE 2 - 235454.

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 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.