

Recommendation Report for Planning Permission for Works or Extension to a Dwelling**REF NO:** R/168/14/HH**LOCATION:** 7 Cross Road
Rustington**PROPOSAL:** Single and two storey extensions (resubmission following R/20/14/)**SITE AND SURROUNDINGS****DESCRIPTION OF APPLICATION**

The proposal includes a front 2 storey extension centrally sited, a rear single storey extension and a rear 2 storey extension. The extensions would provide an additional bedroom, bathroom and a bedroom/study at first floor and an extended living room and kitchen/family room at ground floor. The rear extensions have a floor area of 6m by 7m, 5m by 3m and the front extension 5m by 2m. It is proposed to use brick, render and white cement boarding for the elevations and reconstituted slate for the roof.

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

Front 1m high walling. Sides and rear 1.8m high close boarded fencing with hedging

SITE CHARACTERISTICS

Detached 2 storey dwelling which is centrally sited on the plot and has staggered brick and tile hung elevations and a brown plain tile roof.

CHARACTER OF LOCALITY

Predominantly residential. Characterised by detached mainly 2 storey dwellings of varying design and materials set back a similar distance from the site frontage behind grassed verges.

RELEVANT SITE HISTORY

R/20/14/	Single and two storey extensions, alterations and refurbishment	Refused	02-04-2014	<i>Appealed</i>
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Appeal: Dismissed
02 07 2014

REPRESENTATIONS

Representations received:

Rustington Parish Council

No Objection

One letter of objection - the plan shows a freefall outside the full length windows of bedrooms 1 and 2. It is assumed there would be safety bars in front, but should these become balconies they would look directly into the large West facing complex of neighbour's main living area and adjoining patio areas. It is requested a condition is imposed preventing the building of such balconies. Any overlooking would be totally unacceptable. The windows in the roof of the extension forming the family room are forward of and immediately below neighbour's window and are potentially the source of disturbing light and noise at night. To reduce this a condition requiring non opening and opaque glazing on the east side is requested. The bathroom window in bedroom 3 facing east would look directly into neighbour's west facing windows. Could this window be relocated?

Comments on Representations received:

Any balcony would require the submission of an application for planning permission which would be considered on its own merits. The application can only be considered in relation to what is proposed and it would not be reasonable to impose a condition preventing a structure that would require permission in its own right. The east side of the ground floor extension is mainly brickwork and only the central portion of the roof is glazed. It is not considered that light spill or noise from the family room would adversely affect the residential amenities of neighbouring properties. The levels would not exceed those usually generated by a family home. The proposal as submitted would not result in any materially adverse direct overlooking of the adjoining dwelling. The roof light in the east roof slope would serve a bathroom and would be high level. It is not therefore considered that it would result in materially adverse overlooking or loss of privacy to the adjoining property 5 Cross Road. A condition is imposed relating to obscure glazing, but it is considered that it would be unreasonable to require it to be non-opening given the use of the room and the position and obscure glazing to windows on the side elevation of the adjacent property.

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 dwelling is located on a residential road which is characterised by detached dwellings of individual and varying design, but there is a uniformity to their height and distance from the front boundary. In addition most of these dwellings are located with a gap of a minimum of 1 metre to one of the side boundaries and a greater distance to the other. Nos 5 and 3 are characterised by the provision of dormer windows at first floor level which result in a chalet style appearance to the properties and low eaves heights to the main roof. Therefore whilst these dwellings are located close to site boundaries they appear to retain a separation between them and their site boundaries and do not dominate their plots. The application is a re-submission of an earlier refusal which eroded this character. The current proposal retains the gap to the boundary and the front extensions leave a characteristic space to the front boundary and replicate the first floor glazing in other recently approved development in Cross Road.

The extensions are visually subservient and make a positive addition to the appearance of the dwelling in keeping in the street scene and in compliance with policy DEV19 of Arun District Local Plan and policy DDM4 of the emerging local plan.

It is not considered that the proposed extensions would materially harm the residential amenities of adjoining residential properties given the position of the extensions and first floor windows. The application is therefore recommended for approval 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 1279/14/P/03 and 1279/14/P/01

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 No development shall be carried out unless and until a schedule of materials and finishes to be used for external walls and roof of the proposed extensions have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the extension.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with policy GEN7 of the Arun District Local Plan.

- 4 The window in the east elevation of the roof shall at all times be glazed with obscured glass.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policy GEN7 of the Arun District Local Plan.

- 5 No windows (other than those shown on the plans hereby approved) shall be constructed at first floor level or in the roof in the east elevation of the extension hereby permitted which adjoins the side boundary with 5 Cross Road without the prior permission of the Local Planning Authority on an application in that behalf.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policy GEN7 of the Arun District Local Plan.

- 6 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.