

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

REF NO: R/170/15/HH

LOCATION: 12 Amberley Road
Rustington

PROPOSAL: Single storey rear extension, side car port & rear glass roofed veranda.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

It is proposed to erect an extension mainly to the rear of this dwelling which will also extend outwards from the north side wall. An existing detached single garage with flat roof will be demolished, this is located fully to the side of the dwelling and mainly to the rear, but overlaps an existing single rear sitting room extension.

The extension proposed would be 10.8m deep and 3.95m wide and would provide an additional bedroom. It would extend 1.8m out from the side wall of the existing dwelling and approximately 3.05m forward of the front of the garage to be demolished. The side wall of the proposed extension would be 0.9m from the boundary of the site with no.10 to the north. It would have a ridged roof with full hips. The ridge level would be 4.4m and the eaves level would be 2.5m. A lean to type car port is also proposed which would be in front of the extension and which would extend out to the boundary. This would be 2.6m high and would extend up to the front wall of the dwelling. it would be approximately 8.5m in length.

To the rear of the dwelling an area of glazed roof is proposed between the proposed extension and an existing small conservatory. This would form a veranda area.

SITE AREA

The site area is approximately 0.04 hectares.

RESIDENTIAL DEVELOPMENT DENSITY (NET)

The area is a medium density residential one.

TOPOGRAPHY

Predominantly flat.

TREES

None of any significance affected by the proposed development.

BOUNDARY TREATMENT

The side boundary with no.10 to the north is a 1.8m wooden panel fence. The side of the existing garage also forms a part of the side boundary. The front boundary is a low brick wall with hedging behind up to approximately 1.8m. The front side boundaries are low dwarf walls.

SITE CHARACTERISTICS

The site is occupied by a bungalow. This has been previously extended to the rear with a single storey extension. There is also a small rear conservatory on the rear of this extension. There is an existing detached garage set slightly to the rear of the main house and which overlaps the previous rear extension. This is set on the boundary with no.10 adjoining to the north. The dwelling is constructed of some brick with white painted render. Roof tiles are plain small tiles.

CHARACTER OF LOCALITY

The area is predominantly residential and is characterised by detached bungalows of similar design.

RELEVANT SITE HISTORY

No site history.

REPRESENTATIONS

Representations received:

Rustington Parish Council

Rustington Parish Council raises no objection.

The adjoining occupier to the north has objected on the grounds that the extension will block significant light to their kitchen window, particularly the car port and the pitched roof. View will also be lost.

Comments on Representations received:

The impact of the extension is dealt with in the conclusions section of this report.

CONSULTATIONS

Consultations responses received:

None.

Comments on Consultation responses:

N/A

POLICY CONTEXT

Designation applicable to site:
Within Built Up Area

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	<u>GEN2</u> <u>GEN7</u>	Built-up Area Boundary The Form of New Development
Publication Version of the Local Plan (October 2014):		D DM1 Aspects of Form and Design Quality SD SP2 Built-Up Area Boundary D DM4 Extensions and Alterations to Existing Buildings (residential and non-residential) D SP1 Design
Rustington Neighbourhood Plan 2014 Policy 2		Housing Design

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE

RDS	Rustington Design statement by Rustington Parish Council
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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.

Rustington now has a Made Neighbourhood Plan (NP) and as such this is now also part of the Development plan and a material consideration.

In respect of extensions the NP has the following objective which is relevant:

1. Retain the character of the Village - to retain the character of the village and enhance the locality through encouraging the use of sympathetic construction materials (to include extensions to existing properties). The Village has a varied architectural street scene, and good design should reflect existing architecture and integrate with and complement the surroundings, whilst seeking to retain existing building lines from public or private highways or footpaths.

Policy 2 in the NP states:

Development proposals (including alterations to existing buildings) will be supported, provided that their scale, density, massing, height, landscape design, layout and materials reflect the architectural and historic character and scale of the surrounding buildings and landscape. Proposals must also comply with the parking standards adopted by the planning authority.

The text accompanying Policy 2 deals with requirements and considerations in more detail and makes particular reference to the character of different areas and reflecting the character of these.

The site is within Village Design Statement (VDS) Character Area 6. VDS guidance for Area 6 is as follows:

Three separate areas that are characterised by mainly 1950's/1960's detached and semi-detached bungalows.

General Design Statement Planning Guidelines Character Areas 5-12:

Each Character Area has its own design and use of materials, requested development, whether in the form of new builds or alterations, should respect those materials and design. By doing this the character of each area will be maintained. Each area has its own guidelines and along with the following general guidelines will help maintain the character of these areas.

Alterations and Conversions

The alteration and conversion of buildings affects both the buildings themselves and the area as a whole. In this section we deal with the impact on the fabric and integrity of the areas.

Inappropriate changes to the essential character of the buildings should be resisted. Following extension or conversion it should be possible to appreciate the structure and appearance of the original building.

The architecture of the Character Areas 5-12 is very varied but it is possible to characterise the nature of the smaller areas identified. Changes of use or new developments must respect the inherent character of the locality.

Any alterations should be in keeping with these original features as they provide the character of the area and should be in keeping with the immediate environment. This can be aided by materials, colour used on alterations, redecorations, extensions and new developments reflecting and sympathising with the appropriate surrounding buildings.

The proposal is generally in accord with the Neighbourhood Plan and the Design Statement.

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 located within the built-up area where the principle of development is acceptable, subject to accordance with relevant planning policies. In this instance, the main criteria against which the application will be assessed is contained within the Arun District Local Plan which in this case is considered to be policies GEN7 and DEV19 of the Arun District Local Plan, 2003 and policies D DM1, D DM4 and D SP1 in the Emerging Arun Local Plan 2011-2031 (Publication Version, October 2014) which seek to prevent development that would have an adverse impact upon visual and residential amenities.

DESIGN AND VISUAL AMENITY

This application seeks planning permission for the development outlined in this report and will result in limited change to the appearance of this dwelling. The proposal is sympathetic to the appearance of the existing dwelling in design and appearance terms. Matching materials are proposed. In addition, the extension will not be generally visible from the street and surrounding area.

It is therefore considered that the extension is acceptable in design and visual amenity terms and complies with policies.

RESIDENTIAL AMENITY

The proposed extension has no side windows and does not give rise to privacy loss in this sense. The extension will be 0.9m away from the site boundary and therefore 0.9m further away from the side boundary than the existing garage. The ridged and hipped roof mitigate impact on light, as does the location away from the boundary. It is not considered that the extension gives rise to significant light loss such that permission could be reasonable withheld, although there will be some limited impact on no.10 adjoining. It also has to be noted that the side openings at no.10 are already part screened by the existing boundary fence and that the car port has to be considered in the context of the much larger bungalow behind the car port. The car port is not considered to give rise to light loss or loss of outlook such that permission ought to be refused.

It is therefore considered that the extension is acceptable in residential amenity terms and complies with policies.

PARKING

At the present time, the application dwelling benefits from 3 parking spaces. The extension and car port will result in no loss of parking and therefore parking provision at the site will remain in accord with parking standards for a dwelling of the size proposed.

It is therefore recommended that the application be 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 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 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 drawings:

Drawing Number SM/15/01 - Proposed Block Plan - Dated June 2015

Drawing Number SM/15/04 - Proposed Ground Floor Plan - Dated June 2015

Drawing Number SM/15/05 - Proposed Elevations - Dated June 2015

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies GEN7 and DEV19 of the Arun District Local Plan, 2003 and policies D DM1, D DM4 and D SP1 in the Emerging Arun Local Plan 2011-2031 (Publication Version, October 2014).

- 3 The materials and finishes of the external walls and roofs of the extension and car port hereby permitted shall match in colour and texture those of the existing dwelling.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies GEN7 and DEV19 of the Arun District Local Plan, 2003 and policies D DM1, D DM4 and D SP1 in the Emerging Arun Local Plan 2011-2031 (Publication Version, October 2014).

- 4 **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.