

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

REF NO: R/172/14/HH

LOCATION: 7 Barnsite Close
Rustington

PROPOSAL: Rear dormer loft conversion.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

As above. The proposal involves raising the height of part of the roof by 400mm in order for a dormer to be incorporated into the rear roof slope.

SITE AREA

Approximately 168 square metres.

TOPOGRAPHY

Predominantly flat.

TREES

None affected by the proposed development.

BOUNDARY TREATMENT

Open frontage. Rear garden enclosed by approximately 1.8 metre high timber fencing.

SITE CHARACTERISTICS

The site is occupied by a semi-detached two-storey dwelling that has brick elevation walls that are painted to the rear. There is tile hanging above ground floor window heads on the front elevation. A single-storey flat roof extension has been made to the rear.

CHARACTER OF LOCALITY

The site is located on a residential cul-de-sac consisting of terraced and semi-detached two-storey buildings containing houses and flats which are positioned around a central access path. The arrangement is linear with buildings being set a uniform distance back from the path with open frontages helping to generate a spacious character and appearance.

RELEVANT SITE HISTORY

None.

REPRESENTATIONS

Representations received:

Rustington Parish Council

No objection.

Two letters of objection: Not in keeping with other properties in the area. Will not just affect

the back but also the front elevation. Will block the limited morning sunshine we get in our rear garden. Will allow for unobstructed views into the majority of our rear garden. May affect saleability of our property.

Comments on Representations received:

Noted. The increase in roof height is marginal and is achieved by continuing the front roof slope slightly further than it currently extends. It is not considered that this minor change will significantly alter the appearance of the dwelling as seen from the street. The dormer will be constructed alongside the roof slope of the neighbouring property and, given its positioning, it is not accepted that it will cause undue levels of overshadowing. Views towards neighbouring gardens will be similar to those offered by existing first floor windows. They will be at an angle and partially obstructed by existing site boundary treatment. Potential impact upon property value is not a planning matter.

CONSULTATIONS

Consultations responses received:

None.

Comments on Consultation responses:

None.

POLICY CONTEXT

Within Built-Up Area

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: [GEN2](#)
[GEN7](#)
[DEV19](#)

Built-up Area Boundary
The Form of New Development
Extensions to existing residential buildings

[Publication Version of the Local Plan \(October 2014\):](#)

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

SUPPLEMENTARY POLICY GUIDANCE

RDS

Rustington Design statement by Rustington Parish Council

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 proposed dormer will be located on the rear roof slope of the dwelling and will therefore not be visually prominent within the street scene. The appearance of the dwelling frontage will be altered as a result of the increase in the height of the roof. However, the increase in height, at 400mm, is considered to be marginal and it will be achieved by continuing the existing roof slope so as to preserve the general form of the current roof, ensuring that it maintains its general visual similarities with neighbouring properties. Overall, it is considered that the proposed dormer can be incorporated into the building without having an unacceptable adverse impact upon the character and appearance of the surrounding area.

The proposed dormer will be stepped in from the sides of the roof and raised slightly above eaves level. It is therefore considered that, whilst it will occupy the bulk of the rear roof slope, it will not completely overwhelm the roof. Its proportions are modest in comparison to the overall size of the existing dwelling and it is therefore considered that it will maintain visual subservience towards it. The flat roof design of the dormer will complement the appearance of the flat roof extension to the rear of the dwelling.

The proposed dormer will marginally increase the height of the dwelling but not to the degree that would render it overbearing towards neighbouring properties. It will not project any further back than the existing roof eaves and will be directly alongside the roof slopes of neighbouring properties. It is therefore considered that it will not generate undue levels of overshadowing towards neighbouring properties.

The windows of the dormers will not look directly towards any windows belonging to neighbouring properties. Any views towards neighbouring gardens to the sides will be at an angle and partially obstructed by existing site boundary treatment so as to not be intrusive.

It is therefore 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 it has been determined that its approval would result in a neutral impact 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).

As such, there is no requirement for any mitigation measures to be implemented.

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:-

1:1250 Site Plan
1:500 Block plan;
Ground Floor Plan;
First Floor Plan;
Second Floor Plan;
1073/1;
1073/2;

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 The materials and finishes of the external walls of the dormer hereby permitted shall match in colour and texture those of the existing tiles.

Reason: In the interests of amenity in accordance with policies GEN7 and DEV19 of the Arun District Local Plan.

- 4 **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.