

REPORT UPDATE

Application No: R/174/14/HH

Reason for the Update / Changes

Reason for Update/Changes:

The wording of the Policy Commentary section of the report is incorrect and should be substituted with the following:-

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: Arundel; Barnham & Eastergate; Felpham.

NOTE:

The changes to recommendation, conditions and/or reasons are attached on the amended replacement recommendation sheet.

Notes: Changes to recommendations, conditions and / or reasons for refusal will

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always be reflected in the recommendation section of the attached Officer's Report/Recommendation.

R/174/14/HH

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

REF NO: R/174/14/HH

LOCATION: 32 Broadmark Lane
Rustington

PROPOSAL: Demolition of existing conservatory together with existing roof removal to construct a new chalet style loft conversion with new pitched roof with dormers.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

As above. The existing hipped roofing will be removed and replaced by gable roofing which will be raised in height in order to accommodate first floor living space. Two dormer windows will be installed within the northern slope of the replacement roof. The ridge height of the new roof will be approximately 6.8 metres, the eaves height will remain as existing.

SITE AREA

Approximately 368 square metres.

TOPOGRAPHY

Predominantly flat.

TREES

None affected by the proposed development.

BOUNDARY TREATMENT

Marked by a mixture of timber fencing, brick walling and hedging, generally approximately 1.8 metres in height.

SITE CHARACTERISTICS

The site is occupied by a detached bungalow dwelling which has red brick elevation walls and a tiled, hipped roof. A garage extension has been added to the side (south). There is a single-storey flat roof extension to the rear and a conservatory extension to the side (north).

CHARACTER OF LOCALITY

The site is located at the junction between two residential roads that are bordered by detached and semi-detached dwellings of a

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variety of designs and scales. Buildings are set back from the road with grass verging to the front helping to generate an open and spacious character within the surrounding environment.

RELEVANT SITE HISTORY

R/10/99/	Removal of substandard garage and erection of new garage incorporating a new hallway.	ApproveConditionally 25-02-1999
R/77/99/	Single storey extension to dining room (giving increased floor area to previous approval under R/10/99).	ApproveConditionally 01-06-1999

REPRESENTATIONS

Representations received:

Rustington Parish Council

Objection: Would be overbearing by reason of its mass and design. Would have an adverse impact upon the amenities of neighbouring properties, in particular No. 50 Shaftsbury Road. Would result in a loss of light and privacy. Would represent an overdevelopment of the site.

Comments on Representations received:

Noted. The current building has a significantly lower profile than the adjacent properties and, by raising the roof, it will be of comparable size to them and, therefore, not be overbearing.

The footprint of the building will not be impeded upon, in fact, extra amenity space will be created through the demolition of the existing conservatory. Small plots are a common feature of properties of a comparable size on the southern side of Shaftsbury Road, which extends to the west, and the proposal is considered to be in keeping with this pattern. It is therefore considered that the proposal does not represent overdevelopment.

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	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)
D SP1 Design
SD SP2 Built-Up Area Boundary

PLANNING POLICY GUIDANCE

NPPF National Planning Policy Framework

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.

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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 does not comply with relevant Development Plan policy DEV19 in that it would not maintain subservience towards the existing building.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background. Despite the proposed works not maintaining subservience towards the existing dwelling it is considered that this is acceptable due to the modest increase in the overall size of the building and the fact that a building of the proposed scale would be in keeping with the character and appearance of the surrounding area and would not detract from residential amenities.

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 Arun District Local Plan Policies GEN7 and DEV19 which seek to prevent development that would have an adverse impact upon visual and residential amenities.

VISUAL AMENITY:

The proposal will fundamentally alter the appearance of the current bungalow dwelling to that of a chalet style dwelling. It is not considered that this altered appearance will be damaging to the overall character and appearance of the surrounding area. This is due to the fact that nearby dwellings are of a mixed design and scale and the altered appearance of the building will be in keeping with this overall character. It is noted that the adjacent property to the south is a two-storey building whilst the adjacent property to the west is a chalet style dwelling of similar appearance to the proposed dwelling. It is therefore considered that the proposal will not result in any unacceptable adverse impact upon the character and appearance of the surrounding area.

DESIGN & SCALE:

The proposal will not maintain visual subservience towards the existing dwelling as it will involve raising the overall height of the majority of the existing building. However, it is considered that the height increase is not excessive, and that the new roof line will appear balanced. By incorporating various additions that have been made to the original dwelling it will lead to a more visually coherent appearance to the dwelling than is currently the case. The proposed dormers within the northern slope of the new roof are modestly sized and, as such, will not overwhelm it.

RESIDENTIAL AMENITY

It is considered that, given the modest increase in height and the fact that the adjacent dwellings to the site are both taller than the current building, the extended building will not appear overbearing. It is noted that there are two first-floor windows on the neighbouring property to the south that will look directly towards the extended roofline. These windows are obscure glazed and appear to serve bathrooms. There is also a ground floor window but this already looks directly towards the existing bungalow and the increase in height will not give rise to any significant addition in overshadowing. There are no other windows on any neighbouring property that would be directly affected by the proposed extension. It is therefore considered that the proposal will not cause undue levels of overshadowing towards neighbouring property.

The proposed dormer windows will look towards the road and the front windows of properties on the other side of the road are considered to be a sufficient distance away to prevent invasive views. All other first floor windows will be in the form of roof lights which will be angled upwards and, in any case, will face towards either the road or the elevation walls of neighbouring dwellings. No new ground floor windows will be formed. It is therefore considered that the proposal will not result in any intrusive levels of overlooking towards neighbouring residential property.

SUMMARY:

It is considered that this report has demonstrated that the proposed extension satisfies relevant planning policies in that it will effectively integrate with the existing dwelling and will not result in any unacceptable adverse impact upon the character and appearance of the surrounding area or the amenities of neighbouring residents.

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 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;
2014/05/1001;
2014/05/1002;

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 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.