

Recommendation Report for Planning Permission

REF NO: R/175/12/

LOCATION: 46 Seafield Road
Rustington

PROPOSAL: 1 no. replacement dwelling

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks permission for the demolition of a semi detached single storey dwelling and garage to be replaced with a detached 1 1/2 storey dwelling with a flat roof dormer extending across the rear roof slope. Access would be achieved from the existing driveway.
SITE AREA	0.043 hectares.
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Timber fencing enclosing site, to a height of 2 metres. Some mature hedging noted to the western boundary.
SITE CHARACTERISTICS	Semi detached single storey property. Timber frame construction with pebble dash panels and hipped concreted tiled roof with gable projection over sun room. Property set back from highway with driveway running alongside the adjoining property. Detached UPVC clad garage.
CHARACTER OF LOCALITY	Residential, mix of residential properties surrounding or blocks of flats and bungalows. Site to rear of properties that front Seafield Road.

RELEVANT SITE HISTORY

None

REPRESENTATIONS

Representations received:

Rustington Parish Council

Objection;

-The proposal by reason of its mass would most certainly represent an overdevelopment of the site.

-The proposal would result in a loss of privacy for the occupiers of both No.s 42 and 44 Seafield Road which would have a detrimental effect on their quiet enjoyment and amenities.

6 Letters of objection:

- Overdevelopment of the site in relation to the surrounding buildings.
- Existing property is relatively small retirement/holiday home whereas the proposal is a 2 storey family home, with little space to the front and rear.
- Mass inappropriate when compared to the surrounding area.
- Existing floor plans show a four bed dwelling without, proposals represents a 68% increase in footprint.
- Concerned with the increased ridge height.
- Large retained gable wall of Seagulls will look unsightly when viewed from neighbouring properties.
- Amenity of 44 Seafield Road is considerably affected particularly in terms of privacy, with 1st floor windows overlooking No.44 and the rear of the Benevolent Funds property.
- Loss of daylight due to the close proximity of the gable to No.46.
- Overdevelopment of the site will have a serious impact on at least 8 residents in Millfield Close and Overstrand Avenue due to loss of privacy.
- If development should proceed the mature Oak on the boundary should be afforded some protection, it is not shown on the plans submitted.

Comments on Representations received:

Comments noted and agreed.

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

None

POLICY CONTEXT

Designation applicable to site:

Built-up area boundary

DEVELOPMENT PLAN POLICIES

South East Plan:	SEPPC1 SEPPC4 SEPT4	Sustainable Development Sustainable Design and Construction Parking
Arun District Local Plan:	GEN2 GEN7 GEN12	Built-up Area Boundary The Form of New Development Parking in New Development

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
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SUPPLEMENTARY POLICY GUIDANCE

RDS	Rustington Design statement by Rustington Parish Council
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POLICY COMMENTARY

PLANNING

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 and the South East Plan

adopted in 2009.

It should be noted that the Arun District Local Plan was adopted in 2003 and the South East Plan in 2009.

In accordance with paragraphs 214 of the NPPF, the South East Plan is afforded full weight as part of the development plan. Footnote 41 (page 49) states the Governments clear policy intention to revoke regional strategies.

Paragraph 214 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight but, because it predates 2004, a reduced 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.

The emerging local plan has recently been approved by the Council and is therefore a material consideration in the determination of this planning application. Whilst it has not been formally adopted due weight has been given to its policies in terms of the decision making process at this stage.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

PLANNING

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 conflict with relevant Development Plan policies in that it would have a materially adverse effect on residential amenities of the adjoining properties and 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 application seeks permission for the demolition of the existing semi-detached bungalow and its replacement with a 1 1/2 storey detached dwelling. Works would also be carried out to make good the remaining bungalow and provide a gable end to its northern elevation.

The principle of the replacement dwelling is acceptable given that the dwelling is located within the defined built-up area boundary. The scale, bulk and orientation however is not considered to be acceptable. The proposed dwelling would have a significantly greater footprint than the existing dwelling, which together with the first floor accommodation and dormer extensions would result in a cramped form of development which would be to the detriment of neighbouring sites. This would result in direct overlooking of the garden area and windows serving 42 Seafeld Road, detrimental to the private amenity currently enjoyed by the occupants of the dwelling. This coupled

with overbearing affect upon No.44 to the east means that the proposed dwelling would be unacceptable and detracts from the amenity of the adjoining neighbouring sites.

In addition to this, the private garden area that would be provided for what is a 4 bedroom dwelling would be inadequate to serve the dwelling, detrimental to the provision for future occupants.

It is therefore recommended that the application be refused for the reasons given below.

HUMAN RIGHTS ACT

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), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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 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

REFUSE

- 1 The proposed replacement dwelling would represent an unneighbourly form of development, which would adversely affect the privacy and quiet enjoyment of neighbouring properties to the detriment of residential amenity by reason of the direct overlooking that would result towards 42 Seafield Road to the north of the site and the scale and proximity to the rear garden serving 44 Seafield Road. The development would therefore be contrary to policy GEN7 of the Arun District Local Plan and paragraph 17 of the National Planning Policy Framework (2012).
- 2 The private amenity area maintained to serve the proposed dwelling is considered to be inadequate, detrimental to the private amenity provision of future occupants of the dwelling. The proposal is therefore contrary to Local Plan Policy GEN7.