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

REF NO: R/175/20/HH

LOCATION: 16 Jubilee Avenue
Rustington
BN16 3NB

PROPOSAL: Single storey outbuilding to rear for use as a home gym

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION — The application seeks to construct a single storey outbuilding in the rear garden for the use as a gym.

REPRESENTATIONS

Parish Council - No objection.

No representations received from occupiers of nearby dwellings.

CONSULTATION RESPONSES RECEIVED:

None.

POLICY CONTEXT

Designation applicable to site:
Within built up area boundary

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design

Rustington Neighbourhood Plan 2014 Policy 2 — Housing Design

PLANNING POLICY GUIDANCE:

NPPDG	National Design Guide
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

CONCLUSIONS

PRINCIPLE
In this case, the key policy is deemed to be D DM1 of the Arun Local Plan. Additionally, Policy 2 of the Rustington Neighbourhood Development Plan.

Policy D DM1 sets out 13 design aspects of which applications should be assessed against. These include: Character, Appearance, Impact, Innovation, Adaptability, Crime Prevention, Trees, Public realm, Layout, Public Art, Density and Scale.

Policy 2 of the Rustington Neighbourhood Development Plan states that development proposals will be supported providing that their scale, density, massing, height, landscape design, layout and materials reflect and enhance the established character of the area.

DESIGN AND VISUAL AMENITY
Due to the scale and siting of the proposed development there will be few views of it from the public domain, as these are limited to the rear access path to the West. Additionally, these will be limited to a maximum of 1m of the outbuilding above the close boarded fencing. Whilst this is noted, this is not considered to amount to unacceptable harm to the character and appearance of the area. This is specially so given that the elements of it that are visible are of a modest scale, as the roof design allows the proposal to slope down to an eaves height of 2.1m.

As such, the proposed development is considered to be in accordance with D DM1 of the Arun Local Plan.

NEIGHBOURING RESIDENTIAL AMENITY
The proposed development is not considered to result in an overbearing or overshadowing impact upon occupiers of neighbouring dwellings. This is due to the modest scale of the proposal and its separation distance from the occupiers of neighbouring dwellings. The single storey nature of the outbuilding means that the views out from the proposed windows will be no different from current views out of the host garden. There is therefore no additional overlooking of nearby occupiers.

The proposal is considered to be in accordance with D DM1(3) of the Arun Local Plan.

SUMMARY
The proposed development is deemed to accord with relevant development plan policies and as such is recommended for approval 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 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 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).

The proposal would have a neutral impact on the protected characteristics.

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:

- Block Plan
- Floor Plan
- Proposed other side elevation
- Front Elevation
- Elevation

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.

3 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.