

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

REF NO: R/176/20/HH

LOCATION: 6 Ruston Avenue
Rustington
BN16 2AP

PROPOSAL: Erection of new 1.8m high garden wall to side frontage facing Ruston Avenue

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION The application seeks to construct a 1.8m boundary wall to the Western frontage.

REPRESENTATIONS

Parish Council - No objection.

1 letter of objection from nearby occupier:

- Wall comes within 50mm of inspection cover.
- There are no details of subgrade.
- The wall will block the view down the road from the living room of the neighbouring dwelling.
- The wall has a harmful impact upon the character and environment of the area.
- The plans are inaccurate.

OFFICERS COMMENTS ON OBJECTIONS:

Comments noted. Planning considerations raised will be addressed in the conclusion sections. The plans become the approved plans following the decision of the application, and as such, the proposal must be built in accordance with these.

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
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
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 policies are deemed to be D DM1 and D DM4 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 D DM4 sets out criteria for which applications relating to extensions and alterations of existing buildings must be assessed against. They generally seek to minimise the impact of the proposal on the character of the host dwelling, its neighbours and the locality.

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 siting of the proposed development, it will be visible within the street scene of Ruston Avenue and as such, is considered to result in a visual change to the host dwelling when viewed from the street scene. However, this is not reason alone for refusal of the application, as it has to be established that the proposal would result in harm to the character of the host dwelling, or its locality.

Whilst it is noted that the area is of an open character, there is an existing boundary wall, of which the proposed wall replaces in order to afford the dwelling additional private amenity space. The proposal will be of materials to match the existing wall, of the same scale and of a similar design. The wall is approximately 4m closer to the street scene and 2m closer to the street scene than the host dwelling. To site this wall 2m closer to the street scene does not result in any additional material harm, compared to that of the existing wall of the host dwelling.

The proposed boundary wall is sited over 5m from the roadside in the area, and is of a design of which is similar to that existing. As such, whilst the wall may have a visual impact on the character of the area, in that it brings forward the existing boundary treatment for the host dwelling it is not considered to be significantly harmful, given the use of matching materials, and an acceptable distance retained to the street scene itself.

The application is considered to be in accordance with D DM1, in that it cannot be demonstrated that the proposal results in significant harm to the character of the locality.

NEIGHBOURING RESIDENTIAL AMENITY

The proposed development is not considered to result in any significantly harmful overbearing or overshadowing impact upon the occupiers of nearby dwellings. This is as a result of the modest scale of the proposed wall, and the aspect of the development site which allows for any potential overshadowing

to fall within the development site itself. The proposal will not result in any loss of privacy to local occupiers in that it is a wall.

The application 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 plan:

- Proposed Location Plan, Block Plan, Site Layout & Elevations - JW01-01A - 12.09.20

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.