

Recommendation Report for Planning Permission

REF NO: R/176/21/PL

LOCATION: 58 Dinsdale Gardens
Rustington
BN16 3NH

PROPOSAL: Erection of outbuilding for use as a home salon. This site is in CIL Zone 4 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks to construct an outbuilding to the rear of the property which will be used as a hairdressing salon.
SITE CHARACTERISTICS	The site is occupied by a semi detached two storey dwelling with parking to the front and rear side of the property.
CHARACTER OF LOCALITY	The area is predominately residential.

RELEVANT SITE HISTORY

PAA/39/21/	Advice relating to the erection of a garden building on my property to use for my own business.	Refused 03-06-21
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Noted.

REPRESENTATIONS

Rustington Parish Council provided no objection.

2 letters of no objection and 2 letters of support were received from nearby occupiers

- There is concern about extra cars parking.
- No objection and support the scheme.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATIONS**CONSULTATION RESPONSES RECEIVED:**

Environmental Health - We require information regarding the machinery which will create noise, opening hours and number of clients.

ADC Drainage - Due to the scale there are no conditions to request.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

Additional information was provided stating the only machinery used would be a hairdryer. Opening hours would be 9-5pm, the number of clients would be approximately 8 a day and there would only be the applicant employed by the business.

POLICY CONTEXT

Built up area boundary

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

DDM1	D DM1 Aspects of form and design quality
QEDM1	QE DM1 Noise Pollution
TSP1	T SP1 Transport and Development
DSP1	D SP1 Design

[Rustington Neighbourhood Plan 2014 Policy 2](#) Housing Design

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD13	Arun District Design Guide (SPD) January 2021
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POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

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 not have a materially adverse impact on the residential amenities of nearby properties nor would it have a significant adverse impact upon the established character of the surrounding area

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

- (2) in dealing with an application for planning permission the authority shall have regard to -
- (a) the provisions of the development plan, so far as material to the application,
 - (aza) a post examination draft neighbourhood development plan, so far as material to the application,
 - (b) any local finance considerations, so far as material to the application, and
 - (c) any other material considerations.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are/are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

PRINCIPLE

The key policies considered are D DM1, TSP1 and QEDM1 of the Arun Local Plan.

Rustington has a made Neighbourhood Plan with policy 2 of relevance to the application. The proposal complies with this.

DESIGN AND VISUAL AMENITY

The outbuilding is located to the rear end of the garden and is not visible from the street scene or wider area.

The size of the building is modest at 2.6m in height, with a length of 5.3m and a depth of 3.35m. It will be clad in appearance.

It sits relatively close to the boundaries retaining around 0.5m however it is only 0.1m higher than an outbuilding which could be constructed under permitted development and the scale of the building proposed is considered acceptable.

The Arun Design Guide states 'new development should respond to and complement the existing character and appearance'. The outbuilding is of a modest size, appropriate for the size of the plot.

The design and appearance of the outbuilding is acceptable and in compliance with D DM1 of the Arun Local Plan.

RESIDENTIAL AMENITY

The structure is located to the rear boundary of the site and due to its size is not deemed to result in adverse overbearing or overshadowing.

To the rear of the site is Rustington football club and cricket field, with the neighbouring garden at No.54 located west. 8.4m is retained to the eastern boundary.

The outbuilding is proposed to be used for a home business as a hairdressing salon. The hours of the business would be 9am-5pm weekdays. The applicant would be the only employee and it is estimated there would be a maximum of 8 clients or day. There would be 1 client at any one time with roughly 10 mins between appointments.

It is considered given the limited scale of the proposal and its location sited a sufficient distance from neighbouring properties the proposal would not generate a significant increase in noise or activity levels at the site above that which would generally result from a family home in accordance with D DM1 and

QEDM1 of the Arun Local Plan.

An issue of parking was also raised. There is a parking area to the front of the property for approximately 3 cars. There is also 2 spaces to the side/rear of the property located within a garage compound. With only 1 client at any one time using the service, there would only be 1 additional vehicle at the property. It is considered the use of the outbuilding as a hairdressing business would not result in excessive number of vehicles at the property and would not result parking issues in compliance with TSP1 of the plan.

It is considered due to the size of the outbuilding and small scale business proposed, with only the applicant working, the works proposed would not result in a materially adverse impact on the residential amenities of adjoining properties and comply with D DM1 of the Arun Local Plan.

SUMMARY

The proposed development is deemed to comply with relevant development plan policies and is recommended for approval subject to the following conditions and informatives.

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

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

- Location Plan
- Block Plan
- Elevation and Roof Plan

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 The premises shall not be open for business except between the hours of Monday to Friday 9am to 5pm without the prior written consent of the Local Planning Authority.

Reason: To safeguard the amenities of the neighbouring properties in accordance with D DM1 of the Arun Local Plan.

- 4 There shall be no more than one employee associated with the hairdressing salon at any one time without the prior written consent of the Local Planning Authority.

Reason: To safeguard the amenities of the neighbouring properties in accordance with D DM1 of the Arun Local Plan.

- 5 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.