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

REF NO: **R/17/14/**

LOCATION: 10 Dolphin Way
Rustington

PROPOSAL: Front extension to garage and glazed porch

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The garage extension will project approximately 1.75 metres forward of the garage and will be 3.015 metres in width. Height to roof ridge will be approximately 3.75 metres. The proposed porch projects approximately 2.3 metres forward of the existing front elevation and measures approximately 4.2 metres in width. Height to the roof ridge will be approximately 2.6 metres.
SITE AREA	Approximately 460 square metres.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Low brick wall to frontage.
SITE CHARACTERISTICS	The site is occupied by a detached bungalow dwelling that has painted render elevation walls, and a tiled, hipped roof.
CHARACTER OF LOCALITY	The site is located on a residential road that is bordered by detached bungalow dwellings that are set back from the road, generating an open and spacious character and appearance.

RELEVANT SITE HISTORY

None.

REPRESENTATIONS

Representations received:

Rustington Parish Council

No objection.

One letter of objection.
*The extended building line should be in line with the front wall of the adjacent bedroom and should not include the extended bay otherwise it could set the precedent for a new building line.
*Not extending in the proposed way would be considered less intrusive.
*It is unclear from the plans whether the dimensions given include the roof overhang.

*Loss of light due to the overhang beyond the natural building line.

Comments on Representations received:

Comments noted. However, development does not need to be in strict adherance to front building lines and will still be considered acceptable. In this case, the overhang of the proposed extension is approximately 0.4m greater than existing which is considered acceptable in design and residential amenity terms for the reasons set out in the Conclusions section of the report. Each case is judged on its own merits and recommending an approval for this application does not affect the determination of any future application for this or any other property.

CONSULTATIONS

Consultations responses received:

None.

Comments on Consultation responses:

None.

POLICY CONTEXT

Within Built-Up Area Boundary

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 - Excluding the Spatial Portrait, Employment, Housing Allocations, Transport, Monitoring and Implementation sections (February 2014):	D DM1 Aspects of Form and Quality D DM4 Extensions & Alterations to Existing Buildings	

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework

SUPPLEMENTARY POLICY GUIDANCE

RDS	Rustington Design statement by Rustington Parish Council

POLICY COMMENTARY

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.

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. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following publication. The Council agreed the majority of the Arun Local Plan in February 2014 (Publication Version) and this is a material consideration in the determination of this planning application. The remaining chapters of the Local Plan namely: the Spatial Portrait, Employment & Enterprise, Housing Allocations, Transport, Monitoring and Implementation will be considered for publication at a later meeting of Full Council. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place. The chapters that have been published will undergo public consultation alongside the remaining chapters when they have been agreed.

The weight given to the current published policies can be significant depending:
- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

The policies within this published version of the plan are at an advanced stage as they have been agreed by Full Council for regulation 19 consultation, they have been subject to independent audit and are considered to meet the NPPF and there are no known significant unresolved issues arising from regulation 18 consultation for the published policies.

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 once the remaining chapters/policies have been published.

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 have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon 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

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.

DESIGN AND VISUAL AMENITY
The proposed works will be made to the front of the dwelling and will therefore alter its appearance within the street scene. The extensions will not project significantly ahead of the forward-most part of the existing dwelling and an adequate space will be maintained between the extensions and the road to preserve the open and spacious character of the surrounding area.

The front of the garage extension will replicate that of the existing garage and will therefore enjoy strong visual integration towards the host dwelling. The eaves height of the porch will match that of the existing dwelling and the sloped roof compliments the form of the main dwelling roof, ensuring a smooth visual transition between original and added features. Both extensions are of modest proportions and, as such, will appear visually subservient towards the host dwelling. It is therefore considered that the proposal will relate sympathetically towards the existing dwelling in terms of design and scale.

The proposal is therefore considered to comply with relevant policies GEN7(ii) and DEV19(i) of the Arun District Local Plan.

RESIDENTIAL AMENITY
The extensions are modestly proportioned, particularly in height, and will therefore not appear overbearing towards neighbouring property. It is noted that the garage extension will project further forward of the front elevation of the neighbouring property to the north, No. 8 Dolphin Way. However, it is considered that a sufficient distance is maintained between the extension and the windows to prevent them from suffering undue levels of overshadowing or loss of light. All views from new windows and openings will be directed towards the road and, as such, not be invasive.

It is considered that the extensions comply with policies GEN7(iv) and DEV19(iii) of the Local Plan.

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 specific 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 plan:- drawing number 14114.1 (Location plan, block plan, elevations, floor plan and sectional drawings) dated January 2014.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with GEN7 of the Arun District Local Plan.

3 The materials and finishes of the external walls of the garage and porch extension and the roof of the garage hereby permitted shall match in colour and texture to those of the existing building.

Reason: In the interests of amenity in accordance with policies GEN7 and DEV19 of the Arun District Local Plan.

4 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.