

Recommendation Report for Planning Permission

REF NO: R/17/20/PL

LOCATION: 84 North Lane
Rustington
BN16 3PW

PROPOSAL: Replacement of 1 No. existing dwelling.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal is to demolish the existing house and replace it with a new dwelling of similar size and proportion to the existing.
SITE AREA	0.072 hectares
RESIDENTIAL DEVELOPMENT DENSITY (NET)	14 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	No trees of any significance exist on site.
BOUNDARY TREATMENT	2 metre flint and lime wall to front garden. 1.8 metre close boarded fence and 2.5 metre beach hedging to rear garden.
SITE CHARACTERISTICS	A residential property with a driveway to the side.
CHARACTER OF LOCALITY	A residential neighbourhood with a primary school grounds adjoining the rear of the residential plot.

RELEVANT SITE HISTORY

R/136/19/HH	Two storey side extensions, new roof, single storey side extension, single storey front extension and single storey rear extension.	Approve Conditionally 12-08-19
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REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Rustington Parish Council
No objection.

Rustington Primary Community School - No objection. The local school has requested that the applicant be mindful of traffic congestion at school drop off and pick up times during the period of construction.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted. A condition to control construction traffic would be unreasonable to impose for what is a one for one replacement dwelling.

CONSULTATIONS

Parks and Landscapes

Engineering Services Manager

Engineers (Drainage)

Arboriculturist

CONSULTATION RESPONSES RECEIVED:

ADC Surface Water Drainage - No objection subject to building regulations.

COMMENTS ON CONSULTATION RESPONSES:

Noted.

POLICY CONTEXT

Designation applicable to site:

ADOPTED LOC PLN

CLASS C ROAD

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
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DSP1	D SP1 Design
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SDSP2	SD SP2 Built-up Area Boundary
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Rustington Neighbourhood Plan 2014 Policy 2	Housing Design
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Rustington Neighbourhood Plan 2014 Policy 4	Sustainable Drainage
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PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
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NPPG	National Planning Practice Guidance
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SUPPLEMENTARY POLICY GUIDANCE:

RDS	Rustington Design statement by Rustington Parish Council
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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.

Policy 2 and 4 of the Rustington Neighbourhood Plan are considered relevant to this application.

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 the proposed dwelling would be of a high quality design in character with the local area and would not have an adverse impact on the residential amenity of neighbouring properties.

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

Background

The proposed new house is in dimensions and appearance identical to the refurbished house which was approved planning permission under R/136/19/HH. The reason for building the site out as a new dwelling rather than a refurbishment is to address damp issues, low thermal performance and high energy demand of the current structure which refurbishment would not satisfactorily counteract.

Principle

The principle of development is acceptable as the site is located within the built up area boundary.

Visual Amenity and Character

The site falls within 'Character Area 7' of Rustington Village Design Statement which is identified as an area 'characterised by terraced dwellings with predominantly clay tiled roofs. The existing dwelling is a detached dwelling as are a number of the surrounding dwellings which have a bespoke character. The design of the dwelling would not be substantially different than the existing design. The design is therefore considered acceptable within the character area.

Policy 2 of Rustington Neighbourhood Plan relates to Housing Design and states that 'development proposals (including alterations to existing buildings) will be supported, provided that their scale, density, massing, height, landscape design, layout and materials reflect the architectural and historic character and scale of the surrounding buildings and landscape. Proposals must also comply with the parking standards adopted by the planning authority.'

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.

The proposed dwelling would have a hipped roof to the front as the existing dwelling does, it would use concrete grey tiles rather than natural slate as existing with off white rendered facing elevation walls. The design would 'tidy up' the existing front elevation which currently incorporates a 2 storey flat roofed side

extension into a single unified front elevation.

The plot size and position of the dwelling are not substantially altered and remain in keeping with the character of adjoining plots in the area. The height of the dwelling would be slightly lower than neighbouring dwellings but would relate closely to them and as a whole the dwelling would not be out of character with its neighbours.

Furthermore the development proposal retains the 2 metre flint and lime wall on the frontage which contributes to the character of the local area.

The development is therefore considered to comply with policy 2 of the Rustington Neighbourhood Plan and policy D DM1 of the Arun Local Plan

Residential Amenity

The proposed dwelling would be of the same size as the extended dwelling already approved at the site (R/139/19/HH) with the same relationship to neighbours elevations and fenestration.

The dwellings to the north and south have a number of ground floor windows in the side elevation however they are not considered to be primary habitable room windows. The bulk of the development would be between the front and rear building lines of the neighbouring dwellings. The only exception to this would be the ground floor element to the front of the new dwelling which would comply with the 45 degree rule when measured from the front elevation windows at no. 86 and therefore would not cause any significant loss of light or overbearing impact to the neighbouring property.

The proposed dwelling would not have any windows above ground floor level (other than a single obscure glazed window in the north elevation) that would look directly toward the neighbours property and therefore the proposed development would not be considered to cause a loss of privacy.

The proposal would therefore accord with policy D DM1 of Arun Local Plan.

Highways

The proposal would retain the same access to the highway as existing and would comply with the Council's Parking Standards Supplementary Planning Document as it would provide space for up to 3 cars in a single garage with 2 further spaces on the driveway.

Drainage

Policy 4 of the Neighbourhood Plan is concerned about 'sustainable drainage' and states that 'development proposals likely to affect surface water drainage will be supported, provided they are able to demonstrate that they include one or more of the following sustainable drainage design features as appropriate for the ground conditions:

- i. Permeable driveways and parking areas;
- ii. Water harvesting and storage features;
- iii. Green roofs; and
- iv. Soakaways.'

Surface water will be drained through soakaways in accordance with the building regulations and the parking areas will have permeable finishes. The Council's Drainage Engineer has no objection to the proposal which would accord with policy W DM3 Sustainable Urban Drainage Systems of Arun Local Plan.

Conclusion

The application is recommended for approval subject to the following conditions.

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:

Proposed Floor Plans Dwg.no. 2003 Rev 00 dated Dec 2019

Proposed Elevations Dwg.no. 2005 Rev 00 dated Dec 2019

Proposed Block Plan Dwg.no. 1002 Rev 01 dated Dec 2019

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.