

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

REF NO: R/184/14/HH

LOCATION: June Cottage
Herne Lane
Rustington Littlehampton

PROPOSAL: Extension and roof conversion

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

As above. The proposal involves the removal of the existing garage to the west (side) of the dwelling and the replacement with an L-shaped extension projecting approximately 2.3 metres to the side of the existing dwelling and 2.7 metres to the rear. The existing roof of the dwelling will be replaced by a raised roof which will also encompass the extensions. The ridge height of this new roof will be approximately 7.15 metres. Three dormer windows will be formed within the front roof slope.

SITE AREA

Approximately 587 square metres.

TOPOGRAPHY

Predominantly flat.

TREES

None of any significance affected by the proposed development.

BOUNDARY TREATMENT

Low brick wall, trees and hedging to front. The rear garden is enclosed by approximately 1.8 metre high timber close boarded fencing.

SITE CHARACTERISTICS

The site is occupied by a detached bungalow dwelling which has red brick elevation walls and a tiled, hipped roof. There is an attached garage to the side of the dwelling.

CHARACTER OF LOCALITY

The site is located on a residential cul-de-sac which is bordered by dwellings of a mixture of designs and scales including bungalow, chalet style and two-storey dwellings. Buildings are set back from the road helping to generate a sense of openness.

RELEVANT SITE HISTORY

None.

REPRESENTATIONS

Representations received:

Rustington Parish Council

No objection.

Comments on Representations received:

Noted.

CONSULTATIONS

Consultations responses received:

None.

Comments on Consultation responses:

None.

POLICY CONTEXT

Within Built-Up Area

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 (October 2014):	D DM1 Aspects of Form and Quality	
	D DM4 Extensions & Alterations to Existing Buildings	
	D SP1 Design	
	SD SP2 Built -Up Area Boundary	

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
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SUPPLEMENTARY POLICY GUIDANCE

RDS	Rustington Design statement by Rustington Parish Council
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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.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

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 does not comply with relevant Development Plan policy DEV19 in that it would not maintain subservience towards the existing building.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background. Despite the proposed works not maintaining subservience towards the existing dwelling it is considered that this is acceptable due to the modest increase in the overall size of the building and the fact that a building of the proposed scale would be in keeping with the character and appearance of the

surrounding area and would not detract from residential amenities.

CONCLUSIONS

The proposal will result in a change in the overall character of the existing bungalow dwelling to that of a chalet style dwelling. Although the character of the building will be fundamentally altered it is considered that this is acceptable as chalet style buildings, of a similar scale to the proposal, are a regular presence within the street scene. The building, as extended will not be positioned any closer to the road than the existing dwelling and the increase in footprint to the side and rear is considered to be marginal. As such, it is considered that the spatial characteristics of the street will be maintained. It is therefore considered that, given the above, the proposed works will not result in any unacceptable adverse impact upon the character and appearance of the surrounding area.

Whilst the proposed works will not maintain visual subservience towards the existing bungalow dwelling it is not considered that they will result in a building with an unbalanced appearance as the increase in roof height will encompass the whole footprint of the existing dwelling and the proposed extensions to the side and rear. By incorporating all features within a new roof line there will be a strong sense of visual integration. It is considered that the new roof is well proportioned and uncluttered and that the proposed dormers on the front slope will not overpower it.

The two adjacent properties to the sides of 'June Cottage' are both bungalow dwellings. It is considered that the proposed increase in height of the dwelling will not be to an extent that would cause June Cottage to appear overbearing towards these neighbouring dwellings. It is noted that there are windows facing towards the side of 'June Cottage' on both 'Primrose Cottage' to the east and 'Shirley' to the west. All side facing windows on 'Primrose Cottage' are obscure glazed and, as such, it is considered that no principle windows will be overshadowed by the proposed development. There is a bedroom window at 'Shirley' which will face east towards the extension, however, this bedroom is also served by a rear facing dormer window that will not be affected by the proposed extensions. The extensions will not project a sufficient distance to the rear of the site to pose a risk of causing undue levels of principle windows of neighbouring dwellings.

With regard to potential for overlooking, views from all ground floor windows towards neighbouring properties will be interrupted by existing site boundary treatment. Views from the first floor dormer windows within the front roof slope will be directed towards the road. Direct views from first floor rear facing windows will be towards the far end of the site which is considered to be a sufficient distance away to prevent them from being intrusive. Any views towards neighbouring sites to the sides will be at an angle and will be partially suppressed by existing site boundary treatment.

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 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 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 plans:-

SBS/170;
SBS/170/01;
SBS/170/02A;
SBS/170/03A;
SBS/170/06A;
SBS/170/07A;
SBS/170/08;
SBS/170/09;

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

- 3 No first floor windows shall be constructed in the western elevation of the extension hereby permitted without the prior permission of the Local Planning Authority on an application in that behalf.

Reason: To protect the amenities and privacy of the adjoining property 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.