

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

REF NO: R/187/17/HH

LOCATION: 48 Dinsdale Gardens
Rustington

PROPOSAL: First floor side extension

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above The proposed extension measures approximately 8.7m long, 4m wide and 5.3m high. Materials would match the existing property.
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The property benefits from timber fencing, chain link fencing and mature planting
SITE CHARACTERISTICS	The application site comprises a two storey end terraced property constructed of brick beneath a tile roof. The property has an existing single storey side extension.
CHARACTER OF LOCALITY	Residential comprising similar style and size properties

RELEVANT SITE HISTORY

R/75/88	Extension to form dining room, utility and shower room	ApproveConditionally 11-04-1988
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No relevant planning history

REPRESENTATIONS

Representations received:

Rustington Parish Council

Rustington Parish Council have no objection

One objection has been received as follows:

- 1) Loss of privacy due to overlooking of the back garden
- 2) Loss of light

Comments on Representations received:

The comments are noted and addressed in the conclusions of the report

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

Designation applicable to site:

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 Design Quality
		D DM4 Extensions and Alterations to Existing Buildings (residential and non-residential)
		D SP1 Design
		SD SP2 Built-Up Area Boundary
Rustington Neighbourhood Plan 2014 Policy 2		Housing Design

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

A new local plan is in preparation and is a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taking place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification. The examination was completed in September 2017.

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

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. 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).

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton.

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).

Rustington NP has been made and the relevant policies have been taken into account in determining 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 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

The dwelling is located within the built-up area boundary in an established residential area where the principle of development is acceptable subject to compliance with relevant development plan policy.

The proposed two storey side extension is sited on the north elevation of the house. It would be built above the existing ground floor extension and to the same width and depth being the length of the side elevation of the main house. Due to the estate road layout the extension will not be widely visible from the street and would therefore not form a dominant view. The extension would be seen from the recreation field adjacent and the garage block at the rear. The proposed extension would have a flat roof and be built up to eaves height of the existing house and would

be set in approximately 3m from the side boundary of the site. Although a flat roof is proposed it is considered that. Given its height and its siting within the application site the proposed two storey extension is not harmful to the character and appearance of the area.

Materials to match the existing house will aid with its integration into the host dwelling.

Therefore, it is not considered that the proposed development, as a whole, would have any unacceptable adverse harm to the character and appearance of the host property or the wider area.

With regard to the amenity of adjoining occupiers. To the north there is the recreation ground and as such no impact, given its position on the north elevation there will also be no impact upon No.47 or to the rear where there is a garage block. However, due to the design of the estate No.49 is at right angles to the application site and the proposed extension faces the side elevation of this property and its garden. Objections have been raised regarding possible loss of privacy, however, no windows are proposed at first floor level facing No.49 and therefore there is no overlooking from this aspect. It is considered appropriate to impose a condition on any permission to restrict future windows. There are three windows in the side elevation, the nearest to No.49 is an en suite window which can be obscure glazed. The other two windows are to bedrooms but given their position in the side elevation and the oblique angle of view to No.49 it is not considered that these windows will lead to an unacceptable level of overlooking of No.49. Therefore, it is not considered that the proposal will lead to a loss of privacy to the occupiers of No.49

In addition, concern has been raised regarding loss of light. As the occupiers point out there are no windows in the side elevation of No.49 facing the proposed development and as such there will be no loss of outlook or light to any rooms. With regard to the garden area of No.49, the proposed extension will lead to an increase in height of building of approximately 2.2m, given the distance to the garden of No.49, approximately 4m, it is not considered the proposal will be unduly dominant on the garden area of No.49. With regard to potential loss of daylight/sunlight it is considered that given the increase in height of the proposed extension that this will not lead to a significantly harmful loss of daylight and sunlight to the garden. As such the proposal is considered acceptable in this regard.

Therefore, in summary, it is not considered that there would be any adverse harm to the living conditions of neighbouring properties or the character of the area. The proposed development therefore complies with adopted policies in the Arun Local Plan 2003 and the Rustington Neighbourhood Plan.

It is therefore recommended that permission be granted subject to the following conditions.

HUMAN RIGHTS ACT

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 1440-1, 1440-2, 1440-3, 1440-4 & 1440-5

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 The materials and finishes of the external walls of the extension hereby permitted shall match in colour and texture 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 The en suite window on the north elevation of the building shall at all times be glazed with obscured glass and fixed to be permanently non-opening except for the high level fan light which can be operable.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policies GEN7, DEV19 of the Arun District Local Plan.

- 5 No windows (other than those shown on the plans hereby approved) shall be constructed in the north and east elevations of the extension hereby permitted which adjoins the side

boundary with recreation ground and No.49 Dinsdale Gardens respectively 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, DEV19 of the Arun District Local Plan.

- 6 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.