

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

REF NO: R/188/18/HH

LOCATION: 81 Sea Avenue
Rustington
BN16 2DR

PROPOSAL: One & two storey extension to (South) side & rear (East)

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal is a resubmission of the previous scheme R/114/15/HH and adds a 2.4m long wall that connects the two previously approved extensions. It extends no higher than the maximum height of these extensions (approximately 2.7m), and is proposed to be made of matching materials.
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RELEVANT SITE HISTORY

R/114/15/HH	Two storey rear extension & single storey side annexe.	ApproveConditionally 22-10-15
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REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Rustington Parish Council

Parish Council - Objection.

- The proposal would have an overbearing appearance, which would have an adverse effect on the amenities of adjacent occupiers.
- The proposal would result in a loss of privacy, by reason of overlooking towards adjacent dwellings.
- The proposal would represent an overdevelopment of the site.
- The proposal would increase the number of vehicles in the adjacent roadsides.
- The proposal would result in the loss of mature trees.

12 Letters of Objection received:

- The scale of the proposed development is disproportionately large within the plot, and in order to undertake the development, several large trees and bushes will need to be removed.
- The proposal will have a detrimental impact on the area and create a precedent.
- There is insufficient parking at the site.
- There will be an increased flood risk.
- There are concerns relating to loss of trees at the site.
- The proposed development is considered to be overdevelopment.

- There are concerns relating to the validity of the plans.
- There are concerns relating to retention of parking at the site.
- The existing building is large enough as it is.
- There are concerns relating to tradesmen parking.
- The extension would be within 1 metre of the boundary.
- The proposed development would increase the ground footprint by 80%, which is in excess of the paragraph 13.4.4. of the Arun Local Plan.
- The application will increase parking on the road.
- The roof of the proposal may be used as a balcony.
- The proposed application could be used as a separate unit, as it would only take a wall to divide it into two units.

OFFICER'S COMMENTS ON REPRESENTATIONS:

Parking remains satisfactory for the dwelling, as there are 2 accesses and up to 4 car parking spaces. It is not considered that the proposed development would result in any change in on-street parking.

Parking by tradesmen is not a material planning consideration.

Flooding concerns have been addressed in the submitted Flood Risk Assessment (ref: 86081-Caldotet-SeaAv - July 2015). The proposed development is not considered to result in an increase in flood risk at the site.

The plans are considered to be clear enough to allow an assessment of what is proposed.

All other matters raised are covered in the Conclusions section of this report.

CONSULTATION RESPONSES RECEIVED:

None.

POLICY CONTEXT

Designation applicable to site:

Within built up area boundary

Tree Preservation Order

Flood Zone 2 & 3

Building of Special Character

DEVELOPMENT PLAN POLICES

DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design
HERDM2	HER DM2 Locally Listed Buildings or Structures of Character
SDSP2	SD SP2 Built-up Area Boundary
Rustington Neighbourhood Plan 2014 Policy 2	Housing Design

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
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SUPPLEMENTARY POLICY GUIDANCE:**CONCLUSIONS****BACKGROUND**

Application reference R/114/15/HH approved the majority of what has been applied for in this application. The relevant policies to this application that are now part of the adopted Arun Local Plan were referred to as emerging policies in application reference R/114/15/HH.

The now adopted Arun Local Plan policies address the relevant visual and residential amenity merits of this application and these largely mirror the then adopted policies that were used to determine visual and residential amenity under R/114/15/HH.

The policies require that residential extensions are in harmony with the design of the host dwelling, have an acceptable impact on the character of the local area as well as on neighbouring residential amenity by not having an adverse overbearing, overshadowing or overlooking effect.

This report therefore will focus on the difference between this application and the previous approved scheme and how this impacts on visual and residential amenity.

PRINCIPLE

The application site is located within the built up area boundary, where the principle of development is acceptable subject to accordance with the relevant development plan policies, as stated in SD SP2 of the Arun Local Plan. In this case, the key policies are deemed to be D DM1 and D DM4 of the Arun Local Plan. Additionally, Policy 2 of the Rustington Neighbourhood Development Plan.

Policy SD SP2 of the Arun Local Plan states that development should be focused within the Built Up Area Boundary and will be permitted subject to consideration against other policies in the Local Plan.

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.

Policy D DM4 sets out criteria for which applications relating to extensions and alterations of existing buildings must be assessed against. They generally seek to minimise the impact of the proposal on the character of the host dwelling, its neighbours and the locality.

As a building of special character policy HER DM2 applies where extensions will be expected to relate sensitively to the buildings recognised architectural character.

Policy 2 of the Rustington Neighbourhood Plan requires that proposals reflect surrounding buildings and landscape in their scale, density, massing, height, landscape design, layout and materials.

DESIGN AND VISUAL AMENITY

The proposed alteration links the previously approved side and rear extensions. This would be by way of a 2.4m long wall that connects the two extensions. It matches the roof and eaves height of these extensions, it is also made of matching materials. The proposed development is screened by significant foliage to the South, and by 2m high fencing to the East. Equally positioned to the rear of the existing dwelling and between structures that were approved under R/114/15/HH the linking section is screened

from the street scene so does not negatively impact in this regard. It is matching in height with what has already been approved and so is sympathetic to the design of the host dwelling.

It is noted that during the determination of the application, foliage on the Eastern aspect of the application site was felled, however, this action is not considered to be reason alone for refusal of the application as it has not resulted in the linking extension having an unacceptable impact by way of the character of the host dwelling/local area and the amenities of neighbouring residents.

The proposed development is considered to remain acceptable in terms of design and visual amenity, and is therefore in accordance with policies D DM1 and D DM4 of the Arun Local Plan and policy 2 of the Rustington Neighbourhood Plan.

NEIGHBOURING RESIDENTIAL AMENITY

By reason of its acceptable height, boundary screening and lack of openings the proposed change in the development is not considered to result in any significant change in neighbouring residential amenity. Therefore, it is in accordance with D DM1 and D DM4 of the Arun Local Plan.

BUILDING OF SPECIAL CHARACTER

The extension blends in by way of height and design with what was approved under R/114/15/HH and can therefore be regarded as being in compliance with policy HER DM2 of the Arun Local Plan

CONDITIONS

All conditions imposed under R/114/15/HH will be imposed except for condition number 8 which required 'The existing trees and hedges on the site boundaries shall be retained and protected in a manner to be agreed with the Local Planning Authority before the development commences and for the duration of the development and shall not be damaged, destroyed, uprooted, felled, lopped or topped during that period without the previous written consent of the Local Planning Authority. Any trees removed without such consent or dying or being seriously damaged or becoming seriously diseased during that period shall be replaced in the following planting season with trees of such size and species as may be agreed with the Local Planning Authority.'

The reason for this being that that condition is not considered to have been necessary. The site is well screened and loss of privacy/overlooking does not arise from any of the works. New openings are at ground floor level, except for the north facing stair window. Formation of further windows on the stair wall can be controlled by condition.

Government guidance stipulates that for conditions to be valid they need to be necessary.

SUMMARY

The proposed development is deemed to accord with relevant development plan policies and as such is recommended for approval 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 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

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:

- Existing Floor Plans, Elevations, Roof Plan & Location - 14060/01 - 11/02/2015
- Proposed Floor Plans, Elevations, Roof Plan & Block - 14060/02R7 - 16/06/2015

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 accommodation hereby permitted shall be occupied solely for purposes incidental to the occupation and enjoyment of 81 Sea Lane, Rustington as a single family dwellinghouse and shall not be used as a separate unit of accommodation.

Reason: To accord with D DM1 and D DM4 of the Arun Local Plan 2011-2031 (Publication Version, October 2014) and to prevent the establishment of an additional independent unit of accommodation which would give rise to an over-intensive use of the site and lead to an unsatisfactory relationship between independent dwellings and detriment to the amenities of the occupiers of adjoining and nearby dwellings.

- 4 No development above damp proof course (DPC) level shall take place until detailed drawings of the design and materials of the proposed windows to be used for the extension hereby permitted and any replacement windows, if proposed, at the existing dwelling have been first submitted to and approved in writing by the Local Planning Authority and the details so approved shall be used in the construction of the extensions or replacement of any windows in the existing dwelling.

Reason: To protect the character and appearance of the existing dwelling which is a Building of Special Character and to ensure a satisfactory visual appearance in accordance with

policies D DM1, D DM4 and HER DM2 of the Arun Local Plan.

- 5 The window in the side (north) elevation of the two storey staircase element of the extension hereby permitted shall at all times be glazed with obscured glass and be non-opening.

Reason: In the interests of amenity to protect the privacy of the adjoining occupiers in accordance with policies D DM1 and D DM4 of the Arun Local Plan.

- 6 The roof of the proposed extension hereby permitted shall not be used as a balcony, veranda or sitting out area. There should be no access to this area, except for purposes of general maintenance.

Reason: In the interests of amenity to protect the privacy of the adjoining occupiers in accordance with policies D DM1 and D DM4 of the Arun Local Plan.

- 7 No windows (other than those shown on the plans hereby approved) shall be constructed in the east elevation of the extension to the east side of the existing dwelling hereby permitted which adjoins the side boundary with the dwelling known as Half Timbers, The Thatchway without the prior permission of the Local Planning Authority on an application in that behalf.

Reason: In the interests of amenity to protect the privacy of the adjoining occupiers in accordance with policies D DM1 and D DM4 of the Arun Local Plan.

- 8 No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes and samples of such materials and finishes to be used for external walls and roofs of the proposed extension have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the building/extension.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity and the character and appearance of the existing dwelling by endeavouring to achieve a building of visual quality in accordance with policies D DM1, D DM4 and HER DM2 of the Arun Local Plan.

- 9 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.