

Recommendation Report for Planning Permission

REF NO: R/189/18/PL

LOCATION: 1 Artex Avenue
Rustington
BN16 3LN

PROPOSAL: Single storey side extension

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The proposed single storey extension would be 3.6m high with a floor area of 3.3m by 6m and would provide an extended play area and toilets.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The site is enclosed by approximately 2 metre high timber fencing
SITE CHARACTERISTICS	The site is occupied by a detached two-storey former dwelling, now in use as a play group/ nursery situated on a corner plot at the junction between Worthing Road and Artex Avenue. There is a flat roof garage building in the north-eastern corner of the site.
CHARACTER OF LOCALITY	The site is located within a mixed use area. An industrial estate extends to the north of the site whilst to the east and west there are predominantly residential dwellings with groups of shops further to the east. There is a nursing home roughly opposite the site.

RELEVANT SITE HISTORY

R/137/16/PL	Change of use from D1 (Non-residential institution) to 1No. residential dwelling (C3 Dwelling house)	ApproveConditionally 12-07-16
R/139/15/PL	Change of use from childcare day nursery (D1 non-residential institution) to 1 No residential dwelling (C3 dwelling house)	ApproveConditionally 17-08-15
R/20/12/	Change of use from residential dwelling (C3 dwelling house) to childcare day nursery (D1 non-residential institution)	ApproveConditionally 30-05-12

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

Rustington Parish Council

No Objection

COMMENTS ON REPRESENTATIONS RECEIVED:

None

CONSULTATIONS

Environmental Health

CONSULTATION RESPONSES RECEIVED:

- None

COMMENTS ON CONSULTATION RESPONSES:

- None

POLICY CONTEXT

Designation applicable to site:

Within Built Up Area Boundary

Class A Road

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
SDSP2	SD SP2 Built-up Area Boundary

[Rustington Neighbourhood Plan 2014 Policy 2](#) Housing Design

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

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.

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.

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.

Policy 2 of the Rustington Neighbourhood Plan applies and has been taken into account in the determination of 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 has no materially adverse effect on the visual amenities and character of the area or the residential amenities of adjoining 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

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 and the Rustington Parish Design Statement.

DESIGN AND VISUAL AMENITY

The detached property is set back from the road frontages and the front gardens are enclosed by 2m high close boarded fencing which partially screen the property from view from both Worthing Road and Artex Avenue. Although the extension is located on the elevation of the premises fronting Worthing Road, due to its staggered position behind 84 Worthing Road and given that it does not project forward of the elevation fronting Artex Avenue it would not be prominently located. It would have a limited height and footprint and would be visually integrated into the existing property and screened by the boundary

fencing. It does not give rise to any unacceptable adverse impact on the character of the locality or the established pattern of development in the area.

The maximum height of the proposed development is the 3.5m ridge which is lower than the height of first floor windows. The dimensions of the extension are limited and therefore, the proposed development is considered to appear subservient to the host property, and is not deemed to harm its appearance.

The proposed development is considered to be in accordance with D DM1, D DM4(a) and (b) of the Arun Local Plan. Additionally, Policy 2 of the Rustington Neighbourhood Development Plan and the criteria within the Rustington Neighbourhood Development Plan.

NEIGHBOURING RESIDENTIAL AMENITIES

The proposed development is not considered to have a detrimental impact on the neighbouring residential amenities of the adjacent occupiers. The property is detached and the extension would be located 1.8m from the adjacent eastern boundary with no 84 which comprises a low 1m high wall with open weave, trellis style, curved top fencing above to approx. 2m. The adjacent dwelling has secondary windows at ground floor on the side elevation and the eaves height of the extension is 2.3m. Therefore, the proposal is not considered to have any significantly detrimental overshadowing or overbearing impact on occupiers of the adjacent dwelling. The proposed development is considered to be in accordance with D DM1(3) and D DM4(c) of the Arun Local Plan.

It is not expected that the number of children attending the nursery would increase as a result of the extension of floor space. Numbers are controlled by condition 5 of planning permission R/20/12/PL which limits the total to 16 at any one time and no application has been submitted to vary this. An informative has been included in the Decision Notice to advise the applicant of this requirement which would be considered on its own merits.

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

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:
Location 1:1250, Block 1:500, Proposed single storey side extension 18/1311/01 and Proposed single storey side extension 18/1311/02.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy DDM1 of the Arun Local Plan.

- 3 INFORMATIVE: This permission does not purport to allow an increase in children numbers at the site which is controlled by condition 5 of planning permission R/20/12 at a maximum of 16 at any one time. An application to vary the condition would be required if additional children numbers are proposed.

- 4 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.