

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

REF NO: R/190/21/HH

LOCATION: 6 Dolphin Way
Rustington
BN16 2EL

PROPOSAL: Removal of existing conservatory & erection of single storey rear extension.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION As above.

The existing conservatory is 3m deep, 4.5m wide, with a flat roof at a height of 2.5m. It has a solid clad base and glazed panels with white UPVC framing.

The proposed replacement rear/side extension would be 2.3m deep at the side and 4m deep at the rear (i.e. total of 6.3m deep on boundary to no.4), 7.8m wide, and would have a flat roof at a height of 2.9m. It would be constructed of facing brickwork to match the existing house on its side elevations and on its rear elevation would have cedar wood cladding, and the extension would have a felt roof with 4 rooflights, and aluminium framed bi-folding doors.

RELEVANT SITE HISTORY

R/104/56	Bungalow And Garage	Approve 13-08-56
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REPRESENTATIONS

Rustington Parish Council - no objection.

No other representations have been received.

CONSULTATION RESPONSES RECEIVED:

No consultations undertaken.

POLICY CONTEXT

Designation applicable to site:

Built-Up Area Boundary
CIL Zone 4

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

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
QESP1	QE SP1 Quality of the Environment
WDM3	W DM3 Sustainable Urban Drainage Systems
ENVDM4	ENV DM4 Protection of trees

Rustington Neighbourhood Plan 2014 Policy 2 Housing Design

Rustington Neighbourhood Plan 2014 Policy 4 Sustainable Drainage

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD13	Arun District Design Guide (SPD) January 2021
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CONCLUSIONS

KEY ISSUES:

- Visual impact
- Residential amenity impact
- Drainage
- Trees

SITE & CONTEXT:

The site consists of a single storey detached bungalow, of post-war (1950s) construction, with brick-built elevations and tiled hipped roof. To the front of the site there is a low brick wall, paved and tarmac front garden area and driveway and an attached single storey garage to the side. At the rear, the property has a rear conservatory and garden.

The property is located on a residential road 'Dolphin Way', a short distance to the sea. Properties in the immediate area consist of similar detached 1950s bungalows (some of which have undergone modernisation) and some terraced and flatted development. The area has a sub-urban residential character.

VISUAL AMENITY:

Policy D SP1 of the Arun Local Plan (ALP) states development should reflect the characteristics of the site and local area. ALP policy D DM1 looks at aspects of form and design quality, including; character, attractiveness, residential amenity impact and scale. ALP policy D DM4 sets out requirements for extensions and alterations to existing buildings, including that they should; sympathetically relate to and visually integrate with the building, be visually subservient to the main building, if the area is characterised by gaps between buildings at first floor then any first floor extensions maintain a 1m gap to

the side boundary, and that extensions and alterations do not compromise the established spatial character or pattern of the place.

Rustington Neighbourhood Plan (made 2015) Policy 2 states "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."

Section M of the adopted ADC Design SPD (Jan 2021) provides detailed advice regarding extensions including; "Extensions should respond to and complement the existing character and appearance of the building and wider townscape in terms of scale, massing, materials, openings and roof form. This is best achieved through simple and unobtrusive design. In addition it states, "The scale, massing and positioning of extensions should be visually subservient to the existing property in order to ensure that the latter remains the dominant form, with extensions of over 50% of existing floorspace unlikely to be considered acceptable (Figure 274)."

The proposed rear extension would be a replacement of an existing conservatory (albeit larger in scale and of a more solid materials/appearance). Due to its siting at the rear of the property and its single storey scale it would not be readily visible in public views from within the street scene. The new extension would have a footprint under 50% of the total floor area of the dwelling and would be single storey and below the main ridge line of the dwelling. As such, it would be of a scale which would appear visually subservient to the main building. The proposed facing brickwork side elevations would match and be sympathetic with that of the existing building. Although the cedar clad rear elevation and aluminium folding doors would be different materials than in evidence on the existing building, and the flat roof form would not match the hipped roof form of the main building, some variation in materials and form/design for rear-sited extensions is acceptable and the extension would sufficiently visually integrate with the host building.

In conclusion, the proposed extension would have an acceptable impact on the appearance of the dwelling and the character and appearance of the locality, in accordance with ALP policies D SP1, D DM1 and D DM4, Policy 2 of the RNP, and the ADC Design SPD.

RESIDENTIAL AMENITY:

Policy QE SP1 of the Arun Local Plan requires development contributes positively to the quality of the environment and ensures development does not have a significantly negative impact upon residential amenity. Policy D DM1(3) of the Arun Local Plan requires development has a minimal impact to users and occupiers of nearby property/land e.g. by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance. NPPF para 127(f) requires decisions to create places with a high standard of amenity for existing and future users. The ADC Design SPD sets out amenity requirements, including the 25 and 45 degree tests for daylight loss and minimum separation distances to avoid overlooking etc.

The side/rear extension in total would extend along the boundary to no.4 Dolphin Way by 6.3m and would have a flat roof with a height of 2.9m. The windows most affected would be the rear kitchen window at no. 4 beyond which the proposed extension would project 6.3m deep and at a height of 2.9m and the side-facing living room window to no.4. In respect of the neighbouring rear window, the proposals appear to fail the 45 degree test for daylight i.e. the proposed development would breach a 45 degree line taken from the mid-point of this nearest neighbouring window, when tested on both plan and elevation. But this line would only be minimally breached in the test on elevation, given the single storey nature of the extension. As such, whilst the breach indicates there would be a material impact on daylight

to this neighbouring rear window, this would not be so substantial or harmful as to warrant a refusal. There would also be some enclosing impact and reduction in outlook to this rear window, since the extension would project 6.3m deep past it and at a height of 2.9m (i.e. rising almost 1m above the height of the existing fence line or what would be allowed under permitted development rights, 2m). However, this rear window to no.4 serves a kitchen (non-habitable room) and is not the sole opening to this room (there appears to be a kitchen side window and door too). As such, the impact is considered acceptable in this particular circumstance. In respect of the side-facing living room window at no.4, the proposed development would appear to breach the 25 degree line when taken from the midpoint of this opposite neighbouring window. This indicates the proposals would have a material and significant impact on the daylight to this window. In terms of outlook, there would be some impact but due to the set-back of the extension from this window it is not considered significant. However, although this neighbouring side window serves a living room (habitable room), this is not the sole or largest opening (there are double doors from the living room through to a rear conservatory which is the main source of light and outlook). As such, the impact is considered acceptable in this particular circumstance.

The extension would result in some enclosure and loss of outlook to the side/rear patio area at no.4. However, as the patio extends to the side and around to the rear of the property and is some size, the proposed development would not impact all of or the majority of the primary outdoor amenity space (nearest the rear of the property/used for sitting/eating etc.) and so the impact is considered acceptable in this instance.

On the other (northern) side, the extension would replace an existing conservatory 3m deep with a 4m deep extension, and it would be sited at sufficient distance from the boundary to no. 8 that it would not result in any significant or harmful loss of outlook or daylight to these neighbours.

In terms of overlooking and loss of privacy, no side facing windows are proposed to the extension, the extension is single storey with all openings at ground floor level only and thus screened behind boundary treatments which would avoid inter-visibility, and the proposed rear folding doors would be sited at sufficient distance, with vegetative screening on the borders, and the new doors would not provide any additional angles of view to neighbours than existing. As such, the proposed extension would not have any overlooking or privacy impacts.

In conclusion, whilst there would be some impact and harm in terms of loss of outlook and daylight to no.4 as a result of the extension, for the reasons given i.e. type of room window serves or no. of windows to that room, overall a satisfactory level of residential amenity of neighbouring occupiers would be maintained, in accordance with the NPPF, ALP policies D DM1 and QE SP1 and the ADC Design SPD.

DRAINAGE:

Policy W DM3 of the Arun Local Plan states that "all development must identify opportunities to incorporate a range of Sustainable Urban Drainage Systems (SUDS), appropriate to the size of development" and that "Proposals for both major and minor development proposals must incorporate SUDS within the private areas of the development in order to provide source control features to the overall SUDS design. These include; green roofs, permeable driveways and parking, soakaways, water harvesting and storage". Policy 4 of the Rustington Neighbourhood Plan 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

The rear/side extension would replace an existing rear conservatory, albeit with a larger footprint. The majority of the larger replacement extension would be sited mainly on areas of existing hardstanding (side/rear patio), so there would be little if no increase in impermeable surfaces on site and thus are unlikely to affect surface water drainage. The majority of the rest of the garden is laid to lawn, so there is less opportunity to improve existing surface water drainage conditions in the garden. However, as part of a building control submission soak aways would be required.

The proposal therefore accords with the objectives of policy W DM3.

TREES:

Arun Local Plan policy ENV DM4 states that "Development will be permitted where it can be demonstrated that trees protected by a Tree Preservation Order(s), (TPO)...or contributing to local amenity, will not be damaged or destroyed now and as they reach maturity" unless certain exception tests are met.

There are no TPOs on the site/immediate area, and the site is not in a Conservation Area, nor appears to contain any mature trees of particular visual amenity value to the local area. As such, the proposals would not harm trees subject to a TPO, in a Conservation Area or of local amenity value, in accordance with ALP policy ENV DM5.

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.

CIL DETAILS

This application is not CIL liable since it is for minor household extensions of less than 100sqm floor area.

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 Block Plan and Floor Plan (Sheet 1 of 2)
- Proposed Elevations (Sheet 2 of 3)
- Proposed Roof Plan (Sheet 3 of 3)

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies D SP1, D DM1, D DM4, QE SP1 and ENV DM4 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.