

Recommendation Report for Planning Permission

REF NO: R/193/12/

LOCATION: Land to the West of
2 Cross Road
Rustington

PROPOSAL: Minor alterations to the elevations and window configuration following the approval of R/273/08/

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application seeks to amend the approved elevation and window positions approved under R/273/08 for a new 2½ storey detached dwelling with an integral garage. The proposal relates to : Amendment to ground floor windows on front elevation; Change in shape and increase in size of roof area above garage on front elevations; Change from conservatory on rear elevation to single storey structure with glazed central portion and longer ridge line; Change in window shape of roof lights on all elevations and increase in size of ground floor windows on east elevation; Increase in height of chimney
SITE AREA	Approximately 0.081 hectares
RESIDENTIAL DEVELOPMENT DENSITY	12 dwellings per hectare
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The site was formerly within the curtilage of 2 Cross Road, and formed part of the garden. Trees and shrubbery which varies between approximately 2 to 5 metres in height are located along site boundary. There is also approximately 1.8 metre high timber close boarded fencing running parallel to the north, south and west boundaries.
SITE CHARACTERISTICS	The site was formerly part of the side garden of 2 Cross Road. The existing dwelling, to the west of the site is a detached bungalow with brown brick elevation walls and a tiled, hipped roof with a flat roof dormer in the front side. Building works to construct the approved dwelling are underway on site.
CHARACTER OF LOCALITY	The site is located on a residential road which is characterised by detached dwellings that are a mixture of bungalow, chalet and two storey properties. The presence

of buildings on the road is softened by the mature landscaping of trees, shrubs and grass verges that line and run parallel to it. There are generally fairly small gaps maintained between each property on the road. The site backs onto the rear gardens belonging to detached two storey dwellings on The Oaks.

RELEVANT SITE HISTORY

R/115/07/	Extension/ alterations	Approve Conditionally 04-07-2007
R/273/08/	Erection of a single detached house with integral garage	Approve Conditionally 25-02-2009
R/134/12/NMA	Application for a non-material amendment following a grant of planning permission R/115/07/ to extend garage & minor amendment to south elevation fenestration	Approve 10-07-2012
R/133/12/NMA	Application for a non-material amendment following a grant of planning permission R/273/08/ for minor alterations to the elevations	Refused 27-07-2012
R/5/12/DOC	Application for approval of details reserved by conditions 2, 3 & 5 of planning approval R/273/08/	DOC Part Approved 30-07-2012
R/100/53	Dwelling and garage	Approve 06-10-1953

REPRESENTATIONS

Representations received:

Rustington Parish Council

No objection

Comments on Representations received:

None

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

None

POLICY CONTEXT

Designation applicable to site:

Within Built-Up Area

DEVELOPMENT PLAN POLICIES

Arun District Local Plan: [GEN7](#) The Form of New Development

PLANNING POLICY GUIDANCE

NPPF National Planning Policy Framework

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to

The Development Plan consists of the Arun District Local Plan 2003 and the South East Plan adopted in 2009.

It should be noted that the Arun District Local Plan was adopted in 2003 and the South East Plan in 2009.

In accordance with paragraphs 214 of the NPPF, the South East Plan is afforded full weight as part of the development plan. Footnote 41 (page 49) states the Governments clear policy intention to revoke regional strategies.

Paragraph 214 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight but, because it predates 2004, a reduced 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.

The emerging local plan has recently been approved by the Council and is therefore a material consideration in the determination of this planning application. Whilst it has not been formally adopted due weight has been given to its policies in terms of the decision making process at this stage.

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 site lies within the Built Up Area boundary where the principle of residential development is generally accepted subject to complying with other development plan policies.

The 2½ storey dwelling has previously been approved, only the alterations proposed can therefore be considered in relation to this application.

The increased volume of the proposal will not have a harmful impact on the spatial characteristics of the street. The increases do not significantly alter the bulk of the building. There would be no change to the position of the property on the site or its approved distances to site boundaries.

It is considered that the alterations will not have an unacceptable impact on the amenities of nearby residents.

The proposal does not produce a significant overshadowing effect towards neighbouring properties. The dwelling will be constructed in line with neighbouring properties and therefore will not be in a position to cause overshadowing to garden/amenity areas.

It is considered that the change in window sizes and position mainly at ground floor will not have a significant impact on the privacy of neighbouring properties by way of overlooking.

It is therefore recommended that this application is approved, subject to the conditions set out overleaf.

HUMAN RIGHTS ACT

FOR APPROVAL

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(the 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 proposal no negative 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).

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 1056/020, 1056/021, 1056/001revD, 1056/002revD, 1056/003revD, 1056/007revF and 1056/008revD

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 development shall take place until details of screen walls and/or fences for the front boundary treatment have been submitted to and approved by the Local Planning Authority and the dwelling shall not be occupied until such screen walls and/or fences associated with it have been erected.

Reason: In the interests of amenity in accordance with policy GEN7 of the Arun District Local Plan.

- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, no windows or other openings (other than those shown on the plans hereby approved) shall be formed at first floor roof level or in the roof of the building without the prior permission of the Local Planning Authority on an application in that behalf.

Reason: To protect the amenities of adjoining residential properties in accordance with policy GEN7 of the Arun District Local Plan.

- 5 No development shall take place unless and until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, which shall include indication of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.

Reason: In the interests of amenity and of the environment of the development in accordance with policy GEN7 of the Arun District Local Plan.

- 6 **INFORMATIVE:** Summary of Reasons for Grant Article 22(1) General Development Procedure Order 1995

SUMMARY

This planning permission is granted because it complies with the policies listed below in that the development would not cause any material adverse effect on visual or residential amenity on the surrounding area and its character and there are no material considerations to indicate otherwise.

RELEVANT POLICIES

LOCAL PLAN: GEN2, GEN7

NATIONAL PLANNING POLICY FRAMEWORK

This is only a summary of reasons for granting to comply with Article 22 and full reasons appear in the Officer report.

- 7 INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.