

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

REF NO: R/196/14/HH

LOCATION: 3 The Bramblings
Rustington

PROPOSAL: Rear attic extension & side dormers

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The proposal relates to a rear extension in the northwest corner of the property and the addition of 2 dormer windows to both side elevations of the roof. The sloping roof above the flat roofed extension to the south would be deleted.

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

Fencing on rear boundary to 1.8m. To south hedging to approx. 3m. Fencing behind and to other side boundary. Frontage 1m high walling.

SITE CHARACTERISTICS

Detached chalet style dwelling. Plain tile roof with brick and rendered elevations. Mock tudor style. Sloping roofed projection on south side elevation. Flat roofed extension to rear.

CHARACTER OF LOCALITY

Predominantly residential characterised by detached dwellings of varying design and height in relatively large plots. Properties are set back a similar distance from the site frontage.

RELEVANT SITE HISTORY

R/187/05/	Extension and alteration to top floor	Refused 15-09-2005
R/243/05/	Extensions and alteration to top floor (Resubmission following R/187/05)	ApproveConditionally 28-11-2005
R/98/06/	New garage to replace existing.	

ApproveConditionally

12-05-2006

The approved extension in 2005 (R/243/05) was for a larger a deeper extension to the rear and larger dormers.

REPRESENTATIONS

Representations received:

Rustington Parish Council

No Objection

One Objection - 3 and 1 The Bramblings are built close together. 2 windows on the south side elevation would grossly intrude on neighbour's privacy and with the rear extension would reduce the light. The extension in the roof would look down on the neighbouring property. Request development only takes place on the north elevation.

Comments on Representations received:

The dormer windows in the south side elevation of the roof would face directly into habitable rooms of the adjoining property and would result in a material loss of privacy. A condition has therefore been imposed to ensure that they are obscure glazed below 1.7m height and do not result in harm to the adjacent dwelling. The rear extension would have no adverse impact on the adjacent property to the south being located on top of an existing single storey roof slope which pitches away from the boundary.

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

Designation applicable to site:
Within Built Up Area Boundary
Tree Preservation Order

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	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	

PLANNING POLICY GUIDANCE

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.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry 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.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place on 30th October 2014 for six weeks.

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 and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. 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: Arundel; Barnham & Eastergate; Felpham.

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 proposal is for an extension at the rear and 4 dormer windows which would facilitate an increase in size of the 2 bedrooms at first floor.

The extensions would be visually integrated into the existing dwelling, following the angle of the existing roof slope and the dormers would not dominate the side elevations of the building. The extensions would be subservient to the main dwelling. The dormers would be located 1m higher than the eaves level and would be set back along the roof slope away from the front elevation and the road frontage reducing their prominence.

The property to the north has a garage on the boundary with the application site and the application property has a garage on its northern side. The distance between the properties is therefore acceptable to ensure that no materially adverse overbearing effects result to this adjoining dwelling from the rear extension. The dwelling to the south has 2 habitable room windows on the side elevation facing the application site. The distance from the property to the rear extension is 8m and this is sufficient to prevent any adverse overbearing effects. The windows would result in a material loss of privacy to these rooms. The application is recommended for approval subject to a condition restricting obscure glazing to all windows below 1.7m to ensure no adverse overlooking results to the neighbouring dwellings or their gardens from the windows which face directly on to them. The application accords with policy DEV19 of the Arun District Local Plan.

The application 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 (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 neutral 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

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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 A-054-01 rev C.

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 dormer windows on the south elevation of the building and the bedroom dormer on the north elevation shall at all times be glazed with obscured glass and fixed to be permanently non-opening below 1.7m above floor level.

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

- 4 No development shall be carried out unless and until a schedule of materials and finishes to be used for external walls and roofs of the proposed extensions have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the extensions.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with policy GEN7 of the Arun District Local Plan.

- 5 **INFORMATIVE:** Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. 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.