

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

REF NO: R/197/18/HH

LOCATION: 1 Pigeonhouse Lane  
Rustington  
BN16 2AY

PROPOSAL: Rear ground & first floor extension & front first floor gable extension.

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| <b>SITE AND SURROUNDINGS</b> |
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| DESCRIPTION OF APPLICATION | The proposed development seeks to extend the existing property at the front and the rear. At the rear, this is by way of both a ground floor, and first floor extension. At the front, a first floor extension is proposed to the existing Western extension. |
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| <b>RELEVANT SITE HISTORY</b> |
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|          |                                                                                                      |                                  |
|----------|------------------------------------------------------------------------------------------------------|----------------------------------|
| R/55/05/ | Single storey extension & conservatory to rear.<br>New pitched roof to existing front dormer window. | ApproveConditionally<br>18-04-05 |
| R/133/59 | Bungalow And Garage                                                                                  | ApproveConditionally<br>22-09-59 |
| R/45/59  | Bungalow And Garage                                                                                  | Refused                          |

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| <b>REPRESENTATIONS</b> |
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**REPRESENTATIONS RECEIVED:**

Rustington Parish Council

Parish Council - Objection

- The proposal would represent an over-development of the site.

Five letters of objection from local occupiers:

- The plans are out of keeping with neighbouring properties.
- The enlarged property will overbear on its neighbours, in size and overlooking.
- It will have an adverse impact on the street scene.
- The plans will set an unattractive precedent in an area of predominantly chalet bungalows.
- It represents an overdevelopment of a small site, which has been extended already.

- The development is to secure a speculative purchaser at an unacceptable cost to the neighbours.
- Loss of privacy to adjacent occupiers.
- The rear extension is bulky and unattractive, and is not well integrated with the host dwelling.
- The rear extension would cause overbearing and overlooking to adjacent occupiers.
- It would have a dominant effect on adjacent occupiers.
- The proposal adds another story to the development and overshadows the dwelling to the North.

All of above issues will be addressed in Conclusions section of the report.

#### LETTER OF SUPPORT FROM PLANNING AGENT:

- Willowhayne Estate has an application process, independent of the planning process, of which was approved. The Estate imposes design parameters on development within the Estate.
- There are no comments or objections, with relation to the ground floor extensions.

#### Front Gable Extension:

- The proposed development does not cause any direct loss of light upon the doors or windows on the Eastern, or Western elevations.
- The 45 degree angle test shows that there is also no impact on the south facing windows (on #9 Cross Road) that face towards the application site.
- There are examples of similar front gable extensions in the locality, that have similar relationships with their neighbours.

#### Rear First Floor Extension:

- It is noted that the proposed rear extension will project no further East (at first floor level) when compared to the neighbours.
- This extension is also significantly inset from the Northern and Southern boundaries of the roof.
- The dormer to the rear of #9 Cross Road does not have any fenestration on its South side, and therefore, there cannot be any visual impact created by the proposal.
- The dormer at #9 Cross Road has glazed doors and Juliette balconies, which has a greater visual impact than the proposal, and has greater potential for overlooking.
- Due to the lack of windows on the vertical walls, there cannot be a compromise of amenity.
- The first floor extension at #9 Cross Road is considered to add significant bulk to the host dwelling, and the proportion of the dormer, in relation to the ground floor footprint is significantly smaller.
- The proposed rear first floor extension is much more sympathetically detailed than that of the neighbouring dwelling.
- The use of materials also allow the proposed to fit more comfortably in with the local vernacular and host dwelling.

#### Summary & other comments:

- The proposed rear extensions could be done under Permitted Development.
- The Officers Report for the property to the North addresses very similar issues, but finds it to be acceptable.

#### OFFICERS COMMENTS ON AGENTS LETTER:

Willowhayne Estates application process is noted, however, it does not form part of the development plan process.

It is noted that the front gable extension passes the 45 degree rule, which relates to loss of light within principle rooms of dwellings. However, the objection to the front gable predominantly relates to the unneighbourly appearance, and overbearing impact on the dwelling to the North. Reference was made in the original submission to three dwellings in the locality. These dwelling were then referenced in the

support letter as having 'similar relationships' to the case in point. The first referenced dwelling, 20 Pigeonhouse Lane is set forward of the dwelling line, it is noted that it does have a similar front gable, with a similar gap between its residential site and the neighbour. However, due to its siting, any overbearing and overshadowing impact is on a small garage, that is detached from their Northern neighbour at #18 Pigeonhouse Lane. The dwelling at #15 Botany Close has a different relationship with its neighbours, as a result of the aspect and orientation of the dwellings. The dwelling #15 Pigeonhouse lane is a 1.5 storey dwelling, with a two storey dwelling to the North, with no area for 'sitting-out' to its South. Nevertheless, precedent is not a material planning consideration as planning applications are considered on their own merits.

This applicant is not to determine whether the proposed development is Permitted Development.

#### NEIGHBOURS COMMENTS ON AGENTS LETTER:

- The Willowhayne Estate process is a legal matter and not an ADC planning issue.
- The "side south-facing windows" of 9 Cross Road are the windows of all of the principal living areas of the dwelling, and to suggest that they are not impacted is untrue.
- The proposal would result in a very significant visual reduction to natural daylight and sunlight, as well as causing overshadowing and overhanging effect, which would harm living conditions.
- The extension referenced in the letter is irrelevant, as it does not deprive any neighbours of light, or cause an overshadowing effect, given distance to neighbouring dwellings to the North and East.
- The photos setting precedent are irrelevant, as the spatial relationship of said neighbours is different to the relationship in question.

#### CONSULTATION RESPONSES RECEIVED:

None.

#### POLICY CONTEXT

Designation applicable to site:

Within built up area boundary

#### 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 |

#### 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.

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.

Policy 2 of the Rustington Neighbourhood Development Plan states that development proposals will be supported providing that their scale, density, massing, height, landscape design, layout and materials reflect and enhance the established character of the area.

#### DESIGN AND VISUAL AMENITY

The front extension, by virtue of its siting, is visible from the street scene. The proposed extension would cause this Western projection to measure 9m deep, 5.6m wide and 5.8m high, and is therefore considered to be a significant addition to the host dwelling as a result of its massing and scale. The proposed extension meets the current Westernmost projection of the host dwelling, and extends no closer to the street scene, however, the proposal increases the maximum height of this projection by 1.2m, which gives the appearance of a new storey to the dwelling. With regard to its siting and scale, due to its design, the extension is only 0.2m lower than the ridge height of the host dwelling, which causes the proposal to have a detrimental impact on the visual amenity of the host dwelling, causing the entire Western elevation to appear as a prominent and obtrusive feature.

Due to the siting and design of the ground floor rear extension, it is considered to represent a subservient and sympathetic addition to the host dwelling. However, the proposed first floor rear extension extends 5.6m from the ridge of the host dwelling, past the line of the original dwelling, to reach the rear wall of the ground floor extension. This is not considered to be a sympathetic or subservient addition to the host dwelling, resultant of its significant scale, bulky, unattractive appearance, and the extension height meeting that of the host dwelling.

In terms of impact on the wider area and the character and appearance of the locality, the extensions by virtue of their set back from the roadway and location to the rear of the property, do not have a significantly detrimental impact.

The proposed development is considered to be in conflict with D DM1(1), (2), D DM4(a) and (b) of the Arun Local Plan in terms of design and visual amenity.

#### NEIGHBOURING RESIDENTIAL AMENITY

The proposed development is not considered to result in a loss of privacy to occupiers of adjacent dwellings. This is because the proposed additional windows are either at ground floor level, are rooflights, or face toward the street scene.

The proposed front extension extends 9m from the roof slope of the host dwelling, with the proposed rear extension extending 5.6m from this roof slope. This represents a total depth of property of 18m at first floor level. As a result of a separation distance to the neighbour to the North of 1.2m, this is considered to have a significantly detrimental overbearing impact on the occupiers to the dwelling to the North (#9 Cross Road). This overbearing is unacceptable, as it is unneighbourly, and will have an inappropriately

negative impact on the quality of life of the neighbours to the South.

The proposed development is considered to be in direct conflict with D DM1(3) and D DM4(c) of the Arun Local Plan, resultant of its significant overbearing impact to occupiers of adjacent dwellings.

#### SUMMARY

The proposed development is not considered to be in accordance with D DM1 and D DM4 of the Arun Local Plan. Therefore, the application is recommended for refusal due to its unacceptable detrimental impact on the established character of the host dwelling. Additionally, as a result of its scale and massing having an unacceptable overbearing impact on the occupiers of the dwelling to the North at #9 Cross Road.

#### 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

##### REFUSE

- 1 The proposed first floor extensions, by virtue of their scale, siting, size and proximity to the boundary will have an unacceptable overbearing impact upon the neighbouring property, 9 Cross Road, in conflict with policies D DM1 and D DM4 of the Arun Local Plan.
- 2 The proposed extensions, by virtue of their design, siting, massing and scale are considered to have an unacceptable incongruous impact upon the character and appearance of the host dwelling, and its locality, in conflict with D DM1 and D 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 identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local

Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.