

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

REF NO: R/19/14/

LOCATION: 34 Cudlow Avenue
Rustington

PROPOSAL: Demolition of detached garage and erection of new two storey chalet style extension and roof extension

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The proposal involves a number of elements which are as follows:- The existing roof ridge line will be extended to the sides with the current hipped ends being replaced by half-hipped ends. Three pitched roof dormers will be formed in the extended front roof slope on the front elevation. This will enable first floor accommodation. A two-storey extension projecting 6 metres back from the existing rear elevation and measuring 7.9 metres in width and 6.7 metres to roof ridge height will be added to the rear. The rear extension will be flanked on either side by single-storey extensions. The extension on the western elevation will house a garage and measure 5.4 metres in length by 3.6 metres in width and 5 metres to roof ridge height. The extension to the eastern elevation measures 5.4 metres in length by 3.3 metres in width and 3.9 metres to roof top height. A lantern style roof light will be installed on the roof top.
SITE AREA	Approximately 590 square metres.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Side and rear boundaries marked by approximately 1.8 metre high timber close boarded fencing.
SITE CHARACTERISTICS	The site is a detached bungalow dwelling which has painted render elevation walls and a tiled, hipped roof. There is a detached garage positioned adjacent to the western site boundary. The garage building is set back from the line of the dwelling. There are various outbuildings within the rear garden.

CHARACTER OF LOCALITY

The site is located on a gated residential road that is bordered by a broadly linear arrangement of detached dwellings. Buildings consist of a variety of designs and scales.

RELEVANT SITE HISTORY

R/30/07/	Extension to provide living area, garage and office	ApproveConditionally 22-03-2007
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REPRESENTATIONS

Representations received:

Rustington Parish Council

Objection.

(i) The proposal, by reason of its size, mass and design, would most certainly represent a severe over-development of the site and would be out of keeping with the street scene.

(ii) This type of development would, if approved, make it increasingly more difficult for the Local Planning Authority to resist similar proposals in the vicinity, the cumulative effect of which would be to alter the character of the locality to the serious detriment of the amenities of the area.

(iii) The proposal, by reason of the height and mass, would present an overbearing appearance which would have a detrimental effect on the visual amenities and quiet enjoyment and loss of privacy of the neighbouring properties.

Comments on Representations received:

Comments noted. The proposal is considered acceptable in design and residential amenity terms for the reasons stated in the Conclusions section of the report.

CONSULTATIONS

Consultations responses received:

None.

Comments on Consultation responses:

None.

POLICY CONTEXT

Within Built-Up Area

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
	DEV19	Extensions to existing residential buildings

Publication Version of the Local Plan - Excluding the Spatial Portrait, Employment, Housing Allocations, Transport, Monitoring and

D DM1 Aspects of Form and Quality
D DM2 Internal Space Standards
D DM4 Extensions & Alterations to Existing Buildings

Implementation sections
(February 2014):

PLANNING POLICY GUIDANCE

NPPF National Planning Policy Framework

SUPPLEMENTARY POLICY GUIDANCE

RDS Rustington Design statement by Rustington
Parish Council

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

The Development Plan consists of the Arun District Local Plan 2003.

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. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following publication. The Council agreed the majority of the Arun Local Plan in February 2014 (Publication Version) and this is a material consideration in the determination of this planning application. The remaining chapters of the Local Plan namely: the Spatial Portrait, Employment & Enterprise, Housing Allocations, Transport, Monitoring and Implementation will be considered for publication at a later meeting of Full Council. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place. The chapters that have been published will undergo public consultation alongside the remaining chapters when they have been agreed. The weight given to the current published policies can be significant depending:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

The policies within this published version of the plan are at an advanced stage as they have been agreed by Full Council for regulation 19 consultation, they have been subject to independent audit and are considered to meet the NPPF and there are no known significant unresolved issues arising from regulation 18 consultation for the published policies.

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 once the remaining chapters / policies have been published.

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 conflict with Arun District Local Plan Policy DEV19 in that the extensions would not appear visually subservient towards the existing dwelling. However, it is considered that this conflict in policy is acceptable given the mixture of dwelling designs and scales present on Cudlow Avenue and the large plot size. In addition the extensions 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

PRINCIPLE:

The site is located within the built-up area where the principle of development is acceptable, subject to accordance with relevant planning policies. In this instance, the main criteria against which the application will be assessed is contained within Arun District Local Plan Policies GEN7 and DEV19 which seek to prevent development that would have an adverse impact upon visual and residential amenities.

DESIGN AND VISUAL AMENITY (POLICY GEN7)

The proposed extensions will significantly alter the appearance and scale of the existing bungalow dwelling. However, there is no set design pattern for buildings on Cudlow Drive and the mixture of buildings present include those that are comparable, or larger, in size than the extended dwelling would be. Further, the proposal will not bring the principal elevation of the dwelling further towards the road and will therefore not compromise the linear rhythm of building arrangements on the street. It is also noted that the plot includes a sizeable rear garden and that these extensions could be accommodated without significantly depleting the overall proportion of amenity space available to occupants. It is therefore considered that the proposal will not result in an unacceptable adverse impact upon the character and appearance of the surrounding area.

Whilst the scale of the extensions will significantly increase the footprint as well as the overall mass of the existing dwelling, and thereby not appear visually subservient towards it, in conflict with Arun District Local Plan Policy DEV19, it is considered, on balance, that this would be acceptable given the mixed building styles and scales present within the street scene and the large plot size, which can comfortably accommodate the increased building size. The extensions themselves appear well thought out and designed with most having barn-hipped ended roofing which will help produce an uncluttered and visually integrated appearance. The extensions are also distributed around both sides and the rear of the building and are of varying height, helping to break up the overall mass of the building in order that it does not appear overwhelming or poorly balanced.

The proposal is therefore considered to comply with relevant policies GEN7(ii) and DEV19(i) of the Arun District Local Plan.

INTERNAL SPACE STANDARDS (EDDM2 OF THE EMERGING LOCAL PLAN)

The scheme meets the required internal space standards including the internal floor area, combined kitchen/living/dining room and sizes for all three bedrooms. It is therefore considered acceptable and complies with this emerging policy.

RESIDENTIAL AMENITY (POLICY DEV19)

With regard to the amenities of neighbouring residents, the roof extensions over the existing dwelling will be in line with flank elevations of neighbouring dwellings as so will not cause undue levels of overshadowing. The two-storey extension will be stepped in from site boundaries and the hipped slope will pitch away from neighbouring properties, helping to limit shading of neighbouring properties. Although the extensions to the side will be built close to site boundaries, their single-storey height, and the fact that they will not project significantly along the overall length of the side boundaries shared with neighbouring dwellings will prevent them from causing undue levels of overshadowing.

The overall height of the extended dwelling will be comparable in height to the neighbouring property to the west, No. 36 Cudlow Avenue, and below that of the neighbouring property to the east, No. 32 Cudlow Avenue which is a two-storey dwelling. It is therefore considered that the proposed extensions will not appear overbearing towards neighbouring properties.

Any views from new windows at ground floor level towards neighbouring residential properties will be interrupted by existing site boundary treatment and will therefore not be intrusive. The first floor dormer windows to the front will face towards the road and not offer invasive views. The first floor window on the rear elevation will look directly towards the far end of the site, the neighbouring property to the rear is considered to be a sufficient distance away to prevent harmful levels of overlooking. Views to neighbouring properties to the side will be at acute angles only. All roof lights will be raised well above floor levels and angled upwards so as to prevent overlooking. To summarise, it is considered that the proposal will not be unneighbourly.

The proposal is considered to comply with policies GEN7(iv) and DEV19(iii) of the Local Plan.

It is therefore recommended that the application is approved, 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 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 it has been determined that its approval would result in a neutral impact 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.

As such, no specific mitigation measures will need to be implemented.

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:-

0149/100;
0149/101 Revision B;
0149/102 Revision B;
0149/103;
0149/104;

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 materials and finishes of the external walls and roofs of the extensions hereby permitted shall match in colour and texture those of the existing building.

Reason: In the interests of amenity in accordance with policies GEN7 and DEV19 of the Arun District Local Plan.

- 4 The first floor window serving the bathroom on the southern elevation of the building and the roof light serving the en-suite within the western roof slope of the extension hereby permitted shall at all times be glazed with obscured glass and, other than parts over 1.7 metres above floor level, be fixed to be permanently non-opening.

Reason: In the interests of amenity in accordance with policies GEN7, DEV19 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.