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

REF NO: **R/1/13/**

LOCATION: 2 Highfield Gardens
Rustington

PROPOSAL: Conservatory to south elevation.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Construction of brick and UPVC conservatory to front elevation of dwelling. 3m wide x 4m deep x 2.8m high.
SITE AREA	Approx 426sqm
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGROPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Front generally open with low brick fence to part. Timber fence approximately 1.5m high to side.
SITE CHARACTERISTICS	Application site is a single storey detached bungalow with double garage in front garden.
CHARACTER OF LOCALITY	Application site is surrounded by dwellings of similar scale and design.

RELEVANT SITE HISTORY

R/2/64	2 detached bungalows	Approve 23-01-1964

REPRESENTATIONS

Representations received:

Rustington Parish Council

No objection

Comments on Representations received:

Noted

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

N/A

POLICY CONTEXT

Designation applicable to site:
Within built up area boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	GEN7	The Form of New Development
	DEV19	Extensions to existing residential buildings

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 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

PRINCIPLE
Application site is located within the built up area boundary where the principle of development is acceptable.

GEN7 FORM OF NEW DEVELOPMENT
Proposed conservatory responds to the characteristics of the site and will not result in significant impact on the amenity of surrounding residential dwellings.

DEV19 EXTENSIONS TO EXISTING RESIDENTIAL BUILDINGS
The conservatory sympathetically relates to and is visually integrated with the existing building. It is sited 9.5m from the public footpath and is of lightweight design and materials and of an appropriate scale.

The proposed conservatory is visually subservient to the dwelling. The ridge of the conservatory is 0.5m below the ridge of the main dwelling. The conservatory is also set in from the sides of the building.

The conservatory will not have an adverse overshadowing, overlooking or overbearing effect on neighbouring properties. The structure is adjacent to a lane used for vehicle access to the side boundary and is located 20m from the nearest dwelling. The conservatory is low, set back from the street and behind a fence. Shadow will fall generally within the subject property.

The proposed extension is located in the corner of the street and set back from the public highway. The spatial character of the street will not be compromised.

RUSTINGTON VILLAGE DESIGN STATEMENT
Application site is located in Character Area 11 of the Rustington Village Design Statement. The area is characterised by semi-detached and detached brick and tile houses and bungalows with most extensions to the rear. Due to the minor nature of the conservatory and its setback from the street no significant impact will occur to the street scene.

SUMMARY
The proposal complies with the relevant policies as discussed above and is recommended for approval subject to 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

In assessing this proposal a neutral impact has 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: 4595/1 and 4595/2 dated December 2012.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies GEN7 and DEV19 of the Arun District Local Plan.

3 INFORMATIVE: Summary of Reasons for Grant Article 31 Development Management Procedure Order 2010

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: GEN7, DEV19

NATIONAL POLICIES: NPPF

SUPPLEMENTARY PLANNING GUIDANCE: Rustington Village Design Statement

This is only a summary of reasons for granting to comply with Article 31 and full reasons appear in the Officer report.

4 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.