

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

REF NO: R/1/20/HH

LOCATION: 19 Botany Close
Rustington
BN16 2BJ

PROPOSAL: Alterations to existing planning application (reference R/139/17/HH) for 'Ground and first floor extensions to front & rear, dormer extension to rear elevation, balcony & staircase to rear elevation & detached garden room' This application proposes some changes changes to fenestration and the proposed screening to the rear balcony.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION The majority of the extensions proposed under the application have been approved under R/139/17/HH. This application proposes alterations to the proposal, these are listed below:

- Change of shape to the North-facing kitchen window.
- Bedroom 3 window changed to sliding doors.
- Small fanlight window added to first floor Western bathroom.
- The proposal implements obscure screening at first floor level.

RELEVANT SITE HISTORY

R/264/19/DOC	Approval of details reserved by condition imposed under ref R/139/17/HH relating to Condition No 3 - schedule of materials and finishes.	DOC Approved 14-11-19
R/139/17/HH	Ground & first floor extensions to front & rear elevations, dormer extension to rear elevation, balcony & staircase to rear elevation & detached garden room.	ApproveConditionally 10-10-17

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

Rustington Parish Council
Parish Council - No objection.

No representations received from occupiers of nearby dwellings.

CONSULTATION RESPONSES RECEIVED:

None.

POLICY CONTEXT

Designation applicable to site:

Within built up area boundary

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

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

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 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 proposed development is not considered to result in any significantly harmful impact upon the character of the host dwelling, or its locality. This is as a result of the minor scale of the proposed alterations allowing there to be no significant change to the appearance of the host dwelling when viewed within the public realm. The proposed obscure screening projects from the Southern elevation of the host dwelling and as such is screened from public view by built form.

The proposed development is considered to be in accordance with D DM1, D DM4(a) and (b) of the Arun

Local Plan.

NEIGHBOURING RESIDENTIAL AMENITY

The proposed development seeks to create a built form screen to the East of the proposed balcony. The balcony was not screened as proposed under the previous application, as such a condition was imposed ensuring that obscure screening was installed on the Eastern and Western elevations of the balcony. The proposal is considered to mitigate any overlooking impact of the proposed balcony upon the occupiers of neighbouring dwellings. This is because the views of which the previous condition sought to remove, as in, direct views towards the rear of the dwelling to the East, will be screened by this proposal. More oblique views, that show areas of the garden South of this neighbouring dwelling are the same as from the existing dwelling, and as such, are not considered to be harmful to the neighbouring occupier. Therefore, it is considered that whilst the amendment would not prevent the same views as the previous condition would prevent, it screens those which are the reason the condition was imposed (the direct views).

The proposed development is considered to be in accordance with D DM1(3) and D DM4(c) of the Arun Local Plan.

SUMMARY

The proposed development is deemed to accord with relevant development plan policies and as such 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 (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

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:

- Proposed Plan - Block Plan - 16164_002 - Rev. A - Dec 2019

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.

- 3 The proposed balcony shall not be occupied until the obscure screening, shown on plan reference 'Proposed Plan - Block Plan - 16164_002 - Rev. A - Dec 2019' has been constructed, and shall remain in perpetuity thereafter.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policy D DM1 of the Arun Local Plan.

- 4 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 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.