

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

REF NO: R/200/15/HH

LOCATION: 33 Glenville Road
Rustington

PROPOSAL: Rear dormer roof extension with Juliet balcony.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

A rear roof dormer extension at first floor level facing the back garden of the dwellinghouse measuring 4 metres in width located in the centre of the rear roof elevation, set back 20cm from the eaves of the existing roof. The height of the dormer roof would be 3 metres to the ridge which would be at the same height as the existing main roof pitch.

SITE AREA

approx. 475 sq.metres.

TOPOGRAPHY

Predominantly flat.

TREES

None of any significance affected by the proposed development.

BOUNDARY TREATMENT

A 2 metre close boarded fence surrounds the rear garden bordering back gardens of neighbouring residential to the sides and rear.

SITE CHARACTERISTICS

A detached bungalow with a flat roofed garage to the west side on a medium sized plot with front and rear gardens extending approximately 10 metres on both directions

CHARACTER OF LOCALITY

A residential neighbourhood between Rustington Village Centre and the beach front.

RELEVANT SITE HISTORY

R/208/97 - New dormer to first floor bedroom and ground floor extension - approved.

R/52/04 - Conservatory to the rear elevation - approved.

REPRESENTATIONS

Representations received:

Rustington Parish Council

No objection

2 Neighbour objections received;

- The planning application will take away our privacy as it will overlook our property and we feel this would be detrimental to the value of our property.
- The proposed extension will directly overlook our back garden and we will therefore lose all privacy at the back of our house. Anyone standing at the Juliet balcony will be able to look directly onto our back garden. We have lived in our house for 30 years and always enjoyed privacy from neighbours at the rear of our property and this will no longer occur.

Comments on Representations received:

The objections have been received from properties to the rear of the application site. The separation distance between the rear elevation of the proposed dormer and the rear elevations of the bungalows concerned is in excess of 40 metres. The minimum separation distances between the rear elevations of two storey properties is usually not less than 20 metres and therefore in this case the distances between the two properties back to back at 40 metres plus is well in excess of the minimum required to protect against loss of privacy and overlooking.

Furthermore there is a belt of trees mid way up the objectors gardens which would be likely to shield any possible loss of privacy/overlooking to habitable rooms.

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

ADOPTED LOC PLN

NO PUBLIC SEWER

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#) DEV19
 GEN2
 GEN7

[Publication Version of the Local Plan \(October 2014\):](#)

Extensions to existing residential buildings
Built-up Area Boundary
The Form of New Development
D DM1 Aspects of Form and Design Quality
D DM4 Extensions and Alterations to Existing Buildings (residential and non-residential)
SD SP2 Built-Up Area Boundary
Housing Design

[Rustington Neighbourhood Plan 2014 Policy 2](#)

PLANNING POLICY GUIDANCE

NPPF
NPPG

National Planning Policy Framework
National Planning Practice 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: Angmering; Arundel; Barnham & Eastergate; Bersted; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; and Yapton.

Policy 2 of Rustington Neighbourhood Plan para 4.12 - 'Development should not impact on surrounding properties but should seek to maintain privacy and alleviate possible noise issues to existing neighbouring properties as well as seek to lessen its impact on the surrounding area'

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

The proposal is to construct a rear roof dormer, the same height as the current roof and 4 metres across in the centre of the rear elevation of the roof incorporating a set of double doors and a Juliet balcony in the dormer at first floor level.

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 the Arun District Local Plan which in this case are considered to be policy 2 of the Rustington Neighbourhood Plan which require that developments reflect the architectural and historic character and scale of surrounding buildings' and GEN7 and DEV 19 which seeks to prevent development that would have an adverse impact upon visual and residential amenities. Policies D DM1, D DM4 and D SP1 in the Emerging Local Plan are also considerations, these also seek to ensure that development would not have an adverse impact upon visual and residential amenities.

The proposed extension at 12 cu. metres in volume in addition to the existing front dormer at 6 cu. metres benefits from permitted development rights under Class B, Part 1 Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as the total volume of dormer extensions in the roof would be 18 cu. metres substantially below the permitted limit of 50 cu. metres.

DESIGN & VISUAL AMENITY

The proposal is for a rear dormer incorporating a Juliet balcony. The proposal would be subservient to the existing dwelling, set back 20 cm from the existing eaves level of the primary roof to the rear (not projecting over the rear conservatory) and it's roof would not project above the existing roof. There would be a separation distance of in excess of 10 metres to the rear garden fence. It would not have an impact upon the street scene and would generally have a form, scale, roof slope and materials in character with the existing building.

The proposal is therefore considered to be consistent with policy 2 of the Rustington Neighbourhood Plan and policies GEN 7 (ii) and DEV 19 (i) , (ii) and (v) of the Arun District Local Plan and policies D DM1 (1),(2) and D DM4 (a),(b)and (e) of the Emerging Arun District Council Local Plan.

RESIDENTIAL AMENITY

The proposed dormer would have a set of double doors opening out onto the rear garden over a Juliet balcony which would be separated by a distance of 13 metres to the rear garden where there is a 2 metre high fence and hedging. The properties to the rear in Bushby Avenue have 30 metre long gardens with substantial trees and landscaping within these rear gardens.

In effect the proposal introduces a first floor to the applicant's bungalow and the level of privacy will not be as high to the rear of the property as it was prior to the development however given the adequate separation distances that exist between the rear neighbouring properties and the extensive screening it is not considered that the proposal would cause an unacceptable loss of

residential amenity in terms of loss of privacy, overlooking or overbearing impact, loss of daylight or sunlight to any neighbouring property caused by this proposal.

The properties on either side of the applicant's dwelling house would only be obliquely overlooked by the opening of the double doors and Juliet balcony at first floor level. The Juliet balcony does not allow for views directly into the neighbours gardens as occupants physically remain within the room.

The proposal is therefore considered to be consistent with policies relating to loss of residential amenity namely GEN 7 (iv) DEV 19 (iii) of the Arun District Council Local Plan and D DM1 (3) and D DM4 (c) of the Emerging Arun District Local Plan.

CONCLUSION

It is therefore considered that the proposal is consistent with policies relating to design, visual amenity and the amenity of neighbouring properties.

It is therefore recommended that planning permission is approved subject to the following conditions;

HUMAN RIGHTS ACT

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 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 dwg.no.s;
33gle/GA/lw/001 REV A- ADC-19/08/15.
33gle/GA/lw/002 - August 2015

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN 7 and DEV 19 of the Arun District Local Plan.

- 3 The materials and finishes of the external walls and roof of the building hereby permitted shall match in colour and texture those of the existing building(s).

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