

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

REF NO: R/212/19/HH

LOCATION: 6 The Martlets
Rustington
BN16 2TY

PROPOSAL: Removal of side garage and rear conservatory and erection of two storey side extension and single storey rear extension.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks to remove the existing side garage, and rear conservatory, and replace with a two storey side extension, and a rear extension.
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REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Rustington Parish Council
Parish Council - No objection.

1 letter of objection:

- The access path from the front to the rear of the development has a party wall on one side.
- There is potential for noise from the use of the passageway, interfering with the neighbouring property.

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:

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 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 considered to result in a change of appearance of the host dwelling, due to the scale of the proposed extension. However, it is not considered to have a significantly detrimental impact on the established character of the host dwelling as a result of its design and use of materials. Whilst it is not considered to be a subservient addition to the dwelling as a result of its scale, it appears to be visually integrated well with the existing dwelling. Therefore, the proposed extension is considered to be in conflict with D DM4(b) of the Arun Local Plan. However, it is in accordance with D DM4(a) of the Arun Local Plan.

The proposed extension is readily visible from the street scene, resultant of its prominent location. These two lots of semi detached properties are fairly uniform in appearance with the main houses remaining largely unaltered other than garages built to the side. However, the wider area does not have a uniform spatial character as a result of inconsistent roof shapes found along the road.

Together with the position and dimensions of the extension it is considered that as a result of the appearance of the properties and the integration of the extension, the development is considered to be visually acceptable to the established character of the area or the property. As a result of this, the proposal is deemed to be in accordance with Policy 2 of the Rustington Neighbourhood Development Plan and D DM1 and D DM4(e) of the Arun Local Plan.

NEIGHBOURING RESIDENTIAL AMENITY

The proposed extension is not considered to give rise to any significantly adverse impact on the neighbouring dwellings. The impact of overlooking from the rear is no worse than that resulting from the existing dwelling. In fact, the proposal involves the removal of two windows on the Northern elevation of the dwelling, which lessens the overlooking impact in this aspect. It is noted that the neighbour to the North has concerns relating to disturbance occurring from the passageway between the application site, and #4 The Martlets. The use of this side passageway is not considered to intensify the use of the site, and it is not considered that noise and disturbance will increase as a result of the siting of this

passageway. As such, 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 D DM1, D DM4(a) and (e) of the Arun Local Plan. Whilst it is noted that the proposal is in conflict with D DM4(b) and (d) it is considered that in the 'planning balance' the positives aspects of the development are deemed to mitigate any significant harm caused by this conflict, 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 Ground Floor Plan, Location and Block - Sheet 1 of 3
 - Proposed First Floor Plan and Elevations - Sheet 2 of 3
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 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.