

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

**REF NO:** R/213/17/HH

**LOCATION:** 33 Knightscroft Avenue  
RUSTINGTON

**PROPOSAL:** Single storey front extension, replacement roof to existing front extension, loft conversion including dormers to front & rear roof slopes, single storey rear extension.

**SITE AND SURROUNDINGS**

**DESCRIPTION OF APPLICATION**

As above.

The proposed front extension measures approximately 1.6m deep, 3.7m wide and 3.1m high. There is a further open porch beyond this extension.

The single storey rear extension measures approximately 1.5m deep, 5.2m wide and 3.1m high.

The roof alterations comprise a change in roof design from a hipped roof to a gable two front dormer windows measuring 1.7m wide and 2m high and three rear dormer windows measuring 1.7m wide and 2m high and 2.9m wide and 2.1m high.

Materials will be painted pebble dash and Marley Eternit smooth grey plain tiles.

**SITE AREA**

N/A

**RESIDENTIAL DEVELOPMENT DENSITY (NET)**

N/A

**TOPOGRAPHY**

Predominantly flat

**TREES**

None of any significance affected by the proposed development.

**BOUNDARY TREATMENT**

The rear of the property has a timber fence approximately 1.5 - 1.8m high. To the front has a low wall approximately 0.5m high.

**SITE CHARACTERISTICS**

The application site comprises a single storey detached property constructed of render beneath a tile roof. It set on a relatively large plot. The property has an access drive to the

side of the house leading to a detached garage.

**CHARACTER OF LOCALITY**

Residential comprising properties of varying design and size including single storey and two storey properties.

**RELEVANT SITE HISTORY**

|          |                                                                    |                                    |
|----------|--------------------------------------------------------------------|------------------------------------|
| R/221/63 | Garage alterations & extension                                     | ApproveConditionally<br>11-12-1963 |
| R/232/65 | Minor alterations extension to existing room and rebuilding garage | ApproveConditionally<br>24-01-1966 |

No relevant planning history

**REPRESENTATIONS**

**Representations received:**

Rustington Parish Council

Rustington Parish Council has no objection

On representation has been received which states that it is unclear if the proposal is conflict with the legal covenants on the Cudlow Estate. If there is no breach the proposal is considered as a positive improvement.

**Comments on Representations received:**

Comments noted. The covenant would not be a material consideration for the planning application. However, the planning permission would not override property rights and as such the legal obligations apply if planning permission is granted.

**CONSULTATIONS**

**Consultations responses received:**

None

**Comments on Consultation responses:**

None

**POLICY CONTEXT**

Designation applicable to site:

Built up area

**DEVELOPMENT PLAN POLICIES**

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

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

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

residential)  
D SP1 Design  
SD SP2 Built-Up Area Boundary  
Rustington Neighbourhood Plan 2014 Policy 2 Housing Design

## **PLANNING POLICY GUIDANCE**

NPPF

National Planning Policy Framework

### **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.

A new local plan is in preparation and is a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taking place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification. The examination was completed in September 2017.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

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. 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: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton.

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).

### **DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND**

#### **PLANNING**

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**

The application site is situated within an established residential area where the principle of development is acceptable subject to compliance with relevant development plan policy.

The proposed rear extension would infill the existing gaps at the rear with a further central portion extending beyond. The cumulative extension would be the full width of the house with a hipped roof. The proposed extension would be sited approximately 1.6m from the boundary with No.31 and 2.6m from boundary with No.35. The proposed rear extension retains a large part of the garden area and would be approximately 22m from the rear boundary. The extension would not be readily viewed from the road. Given the depth and height the single storey rear extension is subservient to the main property.

The proposed front extension similarly levels off the existing front elevation with a further projection and open porch beyond this. It would be sited approximately 2.8m from the boundary with No.35 and 1.5m from boundary with No.31. The proposed front extension retains a large part of the front garden area and would be 5.5m from the front boundary. Given the depth, width and height the front extension appears subservient to the main property.

The ground floor extension includes a roof overhang along the side elevations of the house. Furthermore there is a change from hipped roof to gable on the main roof. Given the variation in properties in the locality including two storey properties this change is not considered harmful to the character of the property or the area. The proposed roof includes two front dormers which appear in a symmetrical position well within the roof slope and appear as subservient additions. At the rear there are two similar design and position dormers with a further larger central dormer. Again these do not appear unduly dominant on the rear roof slope.

Materials of all extensions are considered acceptable.

Therefore, whilst there are significant changes to the existing property the proposed extensions and alterations are not considered to be harmful to the character and appearance of the host property or the wider area.

There are no windows proposed in the first floor side elevations of the proposed extensions and only one additional window to an ensuite in the ground floor side elevation. The main windows

facing onto the front and rear garden it is not considered that the proposed extension is harmful to the privacy or outlook of the occupiers of the adjoining properties. However, it is considered that a condition restricting future windows at first floor level is appropriate. In addition, the proposed change in roof design together with the extensions are not considered unduly dominant on the adjoining properties and will not lead to a loss of outlook or sense of enclosure. Given the separation distance to properties to the rear of the application site it is not considered that the proposed development will not be harmful to the amenity enjoyed by the occupiers of these properties either.

There are no parking implications arising from the proposed development.

In summary, the proposed development is not considered to be visually obtrusive or prominent and would not have an adverse impact on the visual or residential amenity. The proposed development complies with adopted planning policy in the Arun Local Plan 2003 and the Rustington Neighbourhood Plan. As such the proposed development is therefore 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**

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 1126.01.a & 1126.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7the Arun District Local Plan.

- 3 No windows (other than those shown on the plans hereby approved) shall be constructed in the east and west elevation of the extension hereby permitted which adjoins the side boundary with No.31 and No.35 Knightscroft Avenue without the prior permission of the Local Planning Authority on an application in that behalf.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policies GEN7, 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.