

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

REF NO: R/215/15/HH

LOCATION: 28 Park Drive
Rustington

PROPOSAL: Demolition of sunroom & erection of two storey rear extension

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	Approximately 578 metres squared.
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The front boundary of the site consists of a 1 metre high brick wall with the side boundaries of the site consisting of a 1.8 metre high close boarded fence with additional planting to the rear of the dwelling.
SITE CHARACTERISTICS	The site is occupied by a detached chalet bungalow with rendered elevations and a tiled roof. The property features a detached garage to the south of the host dwelling.
CHARACTER OF LOCALITY	The character of the locality is residential and features properties of various designs and styles.

RELEVANT SITE HISTORY

None.

REPRESENTATIONS

Representations received:

Rustington Parish Council

My Council has noted the above application and wishes to raise no objection to it.

Two No. Letters of Objection from one address:-

· The proposed window on the western elevation of the property at first floor level will give rise to unacceptable levels of overlooking.

Comments on Representations received:

The comments of the Parish Council are noted. In relation to the 2 No. letters of objection, the concerns are noted. However, the proposed window is located on the rear elevation of the dwelling and such windows can be installed without the requirement of planning

permission under Schedule 2, Part 1, Class A of the Town and Country (General Permitted Development) Order 2015. It should also be noted that the window will be located 12.5m from the western boundary of the site, with the rear of 6 Park Drive being located 32.5m away.

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

N/A

POLICY CONTEXT

Designation applicable to site:

Within Built Area Boundary

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)
SD SP2 Built-Up Area Boundary
Housing Design

[Rustington Neighbourhood Plan 2014 Policy 2](#)

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

SUPPLEMENTARY POLICY GUIDANCE

RDS

Rustington Design statement by Rustington Parish Council

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.

The Rustington Neighbourhood Plan has been made and Policy 2 is considered relevant in the determination of this application.

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 not considered to comply with relevant Development Plan policies in that it would have a materially adverse effect on the visual amenities of the locality or and would 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 site is situated within the built-up area boundary where the principle of development is acceptable, subject to accordance with relevant planning policies. The main criteria against which this application will be assessed is contained within the Arun District Local Plan which in this case are policies GEN7 and DEV19. The Rustington Neighbourhood Plan has been made and as such Policy 2 will be relevant to the determination of this application.

DESIGN AND VISUAL AMENITY

This application seeks permission for the construction of a two storey rear extension and the addition of two dormer windows on the primary elevation of the property.

The proposed two storey rear extension will extend 5.1 metres from the existing roof slope at first floor level and 2.9 metres from the wall of the original dwelling at ground floor level. The proposed extension will measure 7 metres in width and have a maximum ridge height of 7.2 metres. The main projection of the proposed two storey rear extension to the west of the property will feature a half-hipped roof with a catslide roof extending down to the north of the proposed extension. The proposal then features a dormer which extends at its furthest point 2.2 metres to the north from the proposed catslide roof.

Attempts have been made to design the extension so as to appear subservient to the host dwelling with the ridge height being stepped down by 0.2 metres; the half hip roof to reduce some of the bulk; and the use of the side dormer rather than having a solid extension across the rear. However, despite these attempts at mitigation the proposed extension still appears overly bulky and dominant upon the rear elevation of the property and has a considerable detrimental impact upon the character and appearance of the dwelling.

The proposed two storey rear extension is intended to feature cream coloured weatherboard cladding at first floor level and cream painted render at ground floor level with clay tiles to match those already present at the property. Therefore, the proposed materials are considered to be acceptable. However, due to the scale, bulk and mass of the proposed extension it is not considered to appear integrated with the original dwellinghouse.

The proposed two storey rear extension is therefore considered to be in conflict with policies GEN7 (ii) and DEV19 (i) & (ii) of the Arun District Local Plan.

However, the two proposed dormer windows located on the primary elevation of the property due to their location, size and design are considered to appear subservient and well integrated with the host dwelling in accordance with policies GEN7 (ii) and DEV19 (i) & (ii) of the Arun District Local Plan.

RESIDENTIAL AMENITY

The proposed dormers on the primary elevation of the property are not considered to give rise to any unacceptably adverse overlooking, overshadowing or overbearing impacts and as such are deemed to be in accordance with policies GEN7 (iv) and DEV19 (iii) of the Arun District Local Plan.

The proposed two storey rear extension is located at its closest point 4.75 metres from the northern boundary, 4.5 metres from the southern boundary and 12.5 metres from the western boundary. Due to the distance of the proposed two storey rear extension from the boundaries it is not considered to give rise to any overshadowing or overbearing impacts upon adjoining occupiers.

The proposed two storey rear extension features two windows on the northern elevation which have the potential to give rise to unacceptable overlooking of the neighbouring property, but this could be adequately controlled through the use of condition. An objection has been received in relation to the window proposed on the western elevation of the property but given the extensions location 12.5 metres from the rear boundary of the site, this distance is considered adequate to

alleviate the potential harmful overlooking. It should also be noted that windows can be installed on the rear elevation of the dwelling under permitted development rights with no requirement for them to be obscurely glazed. Therefore, the proposal is considered to be in accordance with policies GEN7 (iv) and DEV19 (iii) of the Arun District Local Plan.

SUMMARY

Due to the unacceptable impact that the proposed two storey rear extension will have upon the character of the dwelling it is recommended that permission is refused for the below reason.

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 and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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 no impacts have been identified upon any protected characteristics.

RECOMMENDATION

REFUSE

- 1 The proposed two storey rear extension by reason of its size and design would not be in keeping with or subservient to the host dwelling and thereby have an unacceptable impact on its current visual appearance contrary to Policy DEV19 of the Arun District Local Plan 2003, and DDM4 of the Emerging Arun Local Plan October 2014 and the National Planning Policy Framework.
- 2 **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 identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.