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

REF NO: **R/217/16/HH**

LOCATION: 45 The Parkway
Rustington

PROPOSAL: Single storey rear extension & loft conversion.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks permission for the construction of a single storey rear extension which will measure approximately 4.2m in depth, with an eaves height of 2.95m and a maximum height of 3.6m. The application also seeks permission for a loft conversion with the construction of a roof extension to the rear of the dwelling. This will consist of the replacement of the existing hip projection to the rear with a gable end extending an additional 3m to the rear of the dwelling.
SITE AREA	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	The front boundary of the site consists of a 0.4m high brick wall with the rear and side boundaries of the site featuring 1.8m high fencing.
SITE CHARACTERISTICS	The application site is occupied by a detached chalet bungalow with eyebrow dormer on the primary elevation and single storey attached garage to the north. The property features white rendered elevations with a tiled roof.
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.

Comments on Representations received:

Comments noted.

CONSULTATIONS

Consultations responses received:

None.

Comments on Consultation responses:

N/A

POLICY CONTEXT

Designation applicable to site:
Within built area boundary
Tree Preservation Order

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	DEV19	Extensions to existing residential buildings
	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
Publication Version of the Local Plan (October 2014):		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
Rustington Neighbourhood Plan 2014 Policy 2		Housing Design

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
NPPG	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; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Yapton.

The Rustington Neighbourhood Plan has been made and policy 2 is considered relevant to 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 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 application site is situated within the built area boundary where the principle of development is acceptable subject to accordance with relevant development plan policy. The key policy considerations in the determination of this application are deemed to be GEN7 and DEV19 of the Arun District Local Plan; Policy 2 of the Rustington Neighbourhood Plan; and the National Planning Policy Framework.

DESIGN AND VISUAL AMENITY

The proposed alterations by virtue of their scale, design, location and the materials proposed are considered to appear subservient and well integrated to the host dwelling in accordance with policy DEV19(i) & (ii) of the Arun District Local Plan.

The proposed alterations will be located to the rear of the existing dwellinghouse and as such will have a minimal presence within the street scene. Therefore, it is considered that the proposed extensions will not have an adverse impact upon the spatial pattern or character of the street scene nor will they harm the established character of the host dwelling. As such, the proposed development is considered to accord with policies GEN7(ii) and DEV19(v) of the Arun District Local Plan and Policy 2 of the Rustington Neighbourhood Plan.

RESIDENTIAL AMENITY
The proposal single storey extension by virtue of its design and distance from the boundaries of the site (4.15m from the northern boundary and 1.65m from the southern boundary) is not considered to give rise to any unacceptably adverse overlooking, overbearing or overshadowing impacts.

The proposed roof alteration will exceed the height of the existing rear hipped projection by approximately 0.9m and will extend an additional 3m to the rear at first floor level. Despite this increase in height to the rear the proposal is not considered to give to any unacceptably adverse overbearing impacts with the proposal according with the 45-degree rule. The proposed roof alterations are not considered to give rise to any unacceptably adverse overshadowing or overlooking.

Therefore, the proposal is deemed to accord with policies GEN7(iv) and DEV19(iii) of the Arun District Local Plan.

SUMMARY
The proposal is deemed to accord with relevant development plan policies and as such is recommended for approval subject to the below 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 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 no impacts have been identified upon any 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: Block Plan; Proposed Floor Plans - 45 TR-PR 01 Rev. B; and Proposed Elevations - 45 TP-PR02 Rev. B.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

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

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.