Recommendation Report for Planning Permission

REF NO: R/218/24/PL

LOCATION: Denewood First Floor Flat
74 Woodlands Avenue
Rustington
BN16 3EY

PROPOSAL: Flat roof extension over single storey building below.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE CHARACTERISTICS	The site is first floor flat within a detached building. The building has a commercial/service use occupying the ground floor and a two bedroom flat on the first floor.
CHARACTER OF LOCALITY	The area contains a mix of commercial and residential uses to the south of the site and residential uses to the north. The site is close to the centre of Rustington.

RELEVANT SITE HISTORY

R/130/13/	Change of use of workshop (B1 Businesses) to residential use as a holiday let (C3 Dwelling House)	ApproveConditionally 29-08-13

Planning history noted.

REPRESENTATIONS

Rustington Parish Council - No objection.

No representations were received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

None.

POLICY CONTEXT

CIL Zone 4

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)

PLANNING POLICY GUIDANCE:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD13 Arun District Design Guide (SPD) January 2021

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan and Made Neighbourhood Development Plans. The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

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 does not harm the character and visual amenity of the area, or unacceptably impact neighbouring residential amenity.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that:

(2) in dealing with an application for planning permission the authority shall have regard to -
(a) the provisions of the development plan, so far as material to the application,
(aza) a post examination draft neighbourhood development plan, so far as material to the application,
(b) any local finance considerations, so far as material to the application, and
(c) any other material considerations.

OTHER MATERIAL CONSIDERATIONS

There are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

DESIGN AND VISUAL AMENITY

The proposed first floor extension would extend over the existing flat roofed element to the rear of the property at ground floor level. The addition would be visible on the street scene, as it would extend beyond the existing flank elevation of the host building and from the gardens of neighbouring properties. The extension would extend 2.8m from the existing rear elevation and 1.4m from the side elevation. The extension would have a flat roof. Whilst the flat roof would not integrate with the original dwellinghouse, there are two existing flat-roofed additions at first floor level, which the proposed extension would adjoin. The extension would not harm the character of the building. The extension would introduce a first floor element over an existing extension, creating a two storey addition to the side and rear of the property.

Although the projection from the side elevation is minor, the addition would reduce the distance between the property and its neighbour to the north, and would alter the massing of the building. On balance, as the projection is modest and set towards the rear of the property, the extension would not be prominent on the street scene, and would not harm the character of the area.

The extension is to be finished with composite timber cladding. There are a variety of materials present on the street scene, including some white cladding on properties opposite 74 Woodlands Avenue. Although the material is not currently present on the building, the material would result in harm to the character or appearance of the host building or street scene.

The proposed first floor extension would not harm the visual amenity of the area and would not compromise or detract from the character or visual amenity of the area. The proposal is in accordance with policies D DM1 and D DM4 of the Arun Local Plan.

NEIGHBOURING RESIDENTIAL AMENITY
The proposed first floor extension would extend close to the northern boundary. The extension would be situated adjacent to the single storey rear extension of the property to the north. The proposed extension would not significantly intersect a 45 or 60 degree line taken from the first floor rear windows of the neighbouring property. Furthermore, it is noted that the Council's mapping system indicates that the neighbouring property is a vet practice, and does not list any residential use of the neighbouring building. Although there will be some overbearing impact and overshadowing to the neighbouring property to the north, the impact on the main rear garden amenity space and main building would not be unduly harmful.

The windows proposed as part of the extension are on the rear elevation. There are existing windows at first floor level on this elevation, and the proposed fenestration will not give rise to views of neighbouring properties which are substantially different to those gained from existing windows.

The proposal would not give rise to any adverse impacts upon neighbouring amenity in terms of overlooking, overbearing or overshadowing effects in accordance with policy D DM1 and D DM4 of the Arun Local Plan.

SUMMARY
The proposed development is in accordance with relevant development plan policies 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.

CIL DETAILS

This application is not CIL liable.

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:

- Location Plan
- Proposed Elevations 1101_301 rev A
- Proposed Block and First Floor Plan 1101_201

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Arun Local Plan policy D DM1.

3 Based on the information available, this permission is exempt from the requirement to provide a biodiversity gain plan under Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990. The following exemption applies:

This planning permission is de-minimis as the development does not impact an onsite priority habitat and the development impacts less than 25 square metres of onsite habitat that has a biodiversity value grater than zero and less than then 5 metres in length of onsite linear habitat.

Reason: In accordance with Schedule 7A of the Town and Country Planning Act 1990 (as amended).

4 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). 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.