

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

REF NO: R/21/15/HH

LOCATION: 22 Ruston Park
Rustington

PROPOSAL: Single storey extension to front elevation, replace annex with single extension to connect house, demolish conservatory & new vehicular access.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	Approximately 880 square metres.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Brick walling and hedging to the front at over 1m in height. Hedging along front sides at approximately 1.5m in height. There is brick walling and hedging at over 2m along the rear eastern boundary, hedging and trees along the rear northern boundary at over 2.5m in height and brick walling at approximately 2m along the rear western boundary.
SITE CHARACTERISTICS	A detached bungalow with smooth rendered elevations painted white and a hipped roof with plain tiles. An attached garage is situated to the side (west) of the property and a PVCu conservatory with a brick plinth base to rear.
CHARACTER OF LOCALITY	Predominantly residential in character, there are detached bungalows, chalet style bungalows and two storey detached properties in the surrounding area.

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:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Adopted Local Plan

Public Sewer on Site

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

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.

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

report

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: Arundel; Barnham & Eastergate; Bersted; Felpham; Littlehampton; Yapton. The Rustington Neighbourhood Plan was made of the 11th March 2015 and Policy 2 will be considered in its determination.

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 site is located within the built-up area where the principle of development is acceptable, subject to accordance with relevant planning policies. In this instance, the main criteria against which the application will be assessed is contained within Arun District Local Plan Policies GEN7 and DEV19 which seek to prevent development that would have an adverse impact upon visual and residential amenities.

DESIGN AND VISUAL AMENITY

This application seeks permission for a single storey extension forward of the primary elevation and the replacement of the existing annexe with a rear extension.

The proposed extension forward of the primary elevation will extend 1.5 metres beyond existing elevation and will be set back from the front boundary of the site by approximately 9 metres. It is therefore considered that this extension will not have an unacceptably adverse impact upon the existing character and appearance of the street scene.

The proposed rear extension will extend 5 metres from the rear wall of the existing dwelling and

be located within 1.5 metres from the northern boundary. This is no closer than the existing dwelling and is in accordance with the 45 degree rule.

The proposal also includes alterations to the roof with a pitched roof added over the existing flat roof to the south of the property. The alterations to the roof have been deemed to constitute an improvement to the appearance of the dwelling.

Therefore, the proposed alterations have been deemed to be in accordance with policies GEN7(ii), DEV19(i), (ii) and (v) of the Arun District Local Plan and Policy 2 of the Rustington Neighbourhood Plan.

RESIDENTIAL AMENITY

The proposed alterations to the dwelling are not deemed to give rise to any adverse overbearing or overshadowing impacts upon neighbouring properties. The proposed rear extension replaces an existing annexe which is situated closer to the boundary. Whilst the alterations to the roof will see an increase in height of 1.4 metres on the northern boundary of the site. However, given the distance from the boundary and the roof slope this will not give rise to any additional overbearing or overshadowing effects.

The proposal includes the addition of two roof lights on the rear of the dwelling and a single roof light on the primary elevation. These due to their location will not give rise to any additional overlooking.

Therefore, the proposed works are deemed to be in accordance with policy DEV19(iii) of the Arun District Local Plan.

CONCLUSION

Given the above it is recommended that permission is granted subject to the below conditions.

HUMAN RIGHTS ACT

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-Site/Location Plan - GarR/OS/00; Proposed Ground Floor - GarR/P/03; Proposed Elevations - GarR/P/01; Proposed Elevations - GarR/P/02; and Proposed Roof - GarR/P/05.

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 extensions 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 The hard surface hereby approved shall either be constructed from porous materials, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse.

Reason: In the interest of highway safety.

- 5 INFORMATIVE: The applicant is advised to contact the West Sussex Area Highways Officer covering the respective area (01243 642105) to obtain formal approval from the highway authority to carry out the site access works on the public highway.

- 6 INFORMATIVE: Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. 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.