

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

REF NO: R/221/15/HH

LOCATION: 5 Hawke Close
Rustington

PROPOSAL: Porch to front elevation

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	Approximately 673 metres squared.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The front boundary of the site is open with planting adjacent to the highway. The side and rear boundaries of the site consist primarily of 1.8 metre high fencing.
SITE CHARACTERISTICS	The site is occupied by a detached bungalow constructed from brick with a brown tiled roof.
CHARACTER OF LOCALITY	The character of the locality is residential in nature and features bungalows of a similar design and style.

RELEVANT SITE HISTORY

None

REPRESENTATIONS

Representations received:

Rustington Parish Council

My Council has considered this application and wishes to object to it on the following grounds:-

- (i) The proposal would have a detrimental effect on the visual amenities and quiet enjoyment of the neighbouring properties and, in particular No.6 Hawke Close
- (ii) The proposal would also result in a loss of privacy, by reason of overlooking, for the aforementioned property.

Additional consultation response received from Rustington Parish Council on the 3rd November 2015:-

My Council has now had an opportunity to consider further detailed information received by email on the 28th October 2015, from Mr David Easton, Senior Planning Officer of the Arun District Council.

As a result of this, if possible, I would be grateful if you could arrange for the Council's previous objection in respect of this application to be withdrawn.

Thanking you in anticipation of your positive response in this matter.

2 No. Letter of Objection:-

- Proposed alterations to the roof will detrimentally impact upon the view from neighbouring property.
- Proposed rear dormer will be intrusive.
- Change from a 2 bedroom bungalow to a 5 bedroom house.
- Floor Plans do not show the intended floor plans at ground or first floor.
- Details contained in R/220/15/CLP omitted from the application.
- Addition of 3 No. dormer windows out of keeping with the area.
- Proposed porch would adversely impact upon the character of the street scene.
- Proposed rear dormer would create overlooking.

Comments on Representations received:

Parish Council objections withdrawn . The proposed 3 No. dormers have been deleted and the impact on the street scene is considered to be acceptable.

- The impact of a proposal upon a view is not a material planning consideration.
- The proposed rear dormer is not being considered in the determination of R/221/15/HH and is the subject of a separate application.
- Floor plans showing the proposed porch have been submitted and a proposed floor plan for first floor level was subsequently submitted.
- There is no requirement for the details of R/220/15/CLP to be submitted or shown on this application as it is to be considered as a certificate of lawfulness.
- The impact of the proposed porch will be considered in the conclusion of this report.
- The rear dormer is not included as part of this application and will be determined as a Certificate of Lawfulness under reference R/220/15/CLP.

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

N/A

POLICY CONTEXT

Designation applicable to site:

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

[Rustington Neighbourhood Plan 2014 Policy 2](#) D DM4 Extensions and Alterations to Existing Buildings (residential and non-residential)
SD SP2 Built-Up Area Boundary
Housing Design

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 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 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. Policy 2 of the Rustington Neighbourhood Plan is also deemed to be relevant in the determination of this application. It states development proposals (including alterations to existing buildings) will be supported, provided that their scale, density, massing, height, landscape design, layout and materials reflect the architectural and historic character and scale of the surrounding buildings and landscape.

DESIGN AND VISUAL AMENITY

This application seeks permission for the addition of 4 No. roof lights on the primary elevation of the property and the addition of a porch forward of the primary elevation.

The front porch extends 1.5 metres forward of the primary elevation and measures 2.5 metres in width with a ridge height of 3.7 metres. The proposal due to its acceptable size and scale is considered to appear subservient to the host dwelling in accordance with the requirements of DEV19 (i) of the Arun District Local Plan,

The proposal will be clearly visible within the street scene, but is not considered to adversely impact upon the spatial character and pattern of the street. Numbers 10, 11 and 12 Hawke Close feature similar porches forward of the primary elevation and as such the proposal is considered to be in accordance with the character of the area as well as that of the host dwelling in accordance with policies GEN7 (ii) and DEV19 (v) of the Arun District Local Plan.

The proposed porch will be constructed from materials which match in appearance those used in the construction of the original dwellinghouse and as such the proposal is considered to appear

well integrated in accordance with policy DEV19(i) of the Arun District Local Plan.

The application originally included the addition of 3 No. dormers on the primary elevation of the dwelling and these were considered in conflict with local development policy. As such, the proposal has been amended to include 4 No. rooflights on the primary elevation of the property which benefit from permitted development rights under Schedule 2, Part 1, Class C of the Town and Country (General Permitted Development) Order 2015. However, the proposed rooflights are not considered to conflict with policies GEN7 or DEV19 of the Arun District Local Plan as they will have a negligible impact on the street scene.

RESIDENTIAL AMENITY

The proposed porch due to its design, size and location is not considered to give rise to any unacceptably adverse overlooking, overbearing or overshadowing effects and is therefore deemed to be in accordance with policies GEN7 (iv) and DEV19 (iii) of the Arun District Local Plan.

The proposed roof lights being located on the primary elevation of the property are not considered to give rise to any unacceptably adverse overlooking.

SUMMARY

The proposal 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 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 a neutral impact has 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.

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: Site Plan - DRG No HC/13A; Roof Plan & Floor Plan - DRG No HC/11A; and Proposed Elevations - DRG No HC/12A.

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 porch 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 identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.