

Recommendation Report for Planning Permission

REF NO: R/221/18/PL

LOCATION: Park View Court
Jubilee Avenue
Rustington
BN16 3ND

PROPOSAL: Extension to existing roof to form 2 No. 2 bedroom flats, provision of 3 No. parking spaces & associated works

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The proposal is to build 2 x 2 bedroom flats at 4th storey level in the roof of an existing 3 storey block of flats by raising the hipped roof height by 1.1 metres and creating a pitched roof with a gable end in its place incorporating box dormers in the front and rear elevations and associated works.

The application also includes a proposal to replace the current balcony balustrading with black balustrading and create a privacy screen facing towards residential properties to the sides of the application property at each and every floor level. A further car parking space would be added creating a total of 14 spaces for the 8 flats including 6 garages. 3 spaces would be allocated to the 2 new flats and 11 to the existing 6 flats.

Following discussion with the Planning Officer concerning the potential loss of amenity to the rear amenity areas of gardens on Conbar Avenue and Jubilee Avenue an amendment to the application was received during the process which;

- 1) Reduced the size of north facing dormers facing toward the rear gardens of properties on Conbar Avenue and replacing velux windows on the rear roof elevation created at the east and west ends of the roof closest to the neighbouring terraced dwellinghouses..
- 2) Made the bathroom windows within the remaining north facing dormers obscure glazed and fixed shut.
- 3) Reduced the size of kitchen windows within the north facing dormers.
- 4) Reduced the size of balconies on the south side of the property overlooking the recreation ground from 1 metre in depth to 50cm in depth,

SITE AREA

1042 sq.m.

RESIDENTIAL DEVELOPMENT 80 dph

DENSITY (NET)

TOPOGRAPHY

Predominantly flat. There is a 1.5 metre level difference between the application property and the gardens and ground

	floor level of properties on Conbar Avenue.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Not affected by the proposed development.
SITE CHARACTERISTICS	A block of 6 apartments in a three storey hip roofed building within landscaped grounds, 6 garages and 7 car parking spaces.
CHARACTER OF LOCALITY	A backland plot in a suburban area of Rustington facing out over playing fields to the rear.

RELEVANT SITE HISTORY

R/239/60	6 Flats And 6 Garages	ApproveConditionally 24-01-61
R/192/60	O/A For 6 Flats And 6 Garages	ApproveConditionally 18-10-60
PAA/105/18/	Extension to existing roof to form 2No. 2 bedroom flats, provision of 3no. parking spaces and associated works	Approve Pre App 24-07-18

The block of flats were originally permitted in 1961.

PAA/105/18/ - Pre-application guidance was sought. A meeting was held discussing the scheme and some amendments that might be made to make the application more acceptable and an updated design on the draft scheme was welcomed.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Rustington Parish Council

No objection.

4 letters of support from occupiers of the block were received supporting the proposal. A view was also expressed that the proposed development would upgrade the block as a whole and in particular citing support to upgrade the block as a whole without causing significant loss of amenity to neighbouring properties..

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

Environmental Health
WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

WSCC - No objection subject to conditions relating to the provision of parking spaces and cycle parking.

This proposal has been considered by means of a desktop study, using the information and plans submitted with this application, in conjunction with other available WSCC map information. A site visit can be arranged on request.

This proposal is for the extension of existing roof to form two additional 2 bedroom flats. The site is accessed via a private access drive and located off of Jubilee Avenue, an un-classified no-through residential road subject to a speed limit of 30mph.

No alterations to the existing access arrangements are proposed. Vehicular visibility at the access onto Jubilee Avenue appears sufficient for the anticipated road speeds. An inspection of data supplied to WSCC by Sussex Police over a period of the past five years reveals that there have been no recorded injury accidents within the vicinity of the site. Therefore there is no evidence to suggest that the existing access is operating unsafely or that the addition of two flats would exacerbate an existing safety concern.

The proposed plans indicate that two of the existing 13 parking spaces will be relocated to form a total of 14 parking spaces, of which three will be allocated to the proposed flats. This will result in the loss of two of the existing parking spaces for the existing flats. Whilst on-street car parking is limited in the immediate vicinity there are comprehensive parking restrictions prohibiting vehicles from parking in places that would be detrimental to highway safety. We would not consider that highway safety would be detrimentally affected through the proposed car parking provision. The Planning Authority may wish to consider the potential impacts of this development on on-street car parking.

The plans indicate that two of the three relocated parking spaces do not meet the minimum depth of 4.8 m per space. The applicant should increase the depth of these spaces to meet the minimum specifications of 2.4 x 4.8m in accordance with WSCC guidelines. Details of this can be secured via condition.

The site is located within walking distance of a variety of local shops and services, including a local primary school and bus stops providing access to Littlehampton, Worthing and Brighton. Cycling is a viable option within the vicinity and the applicant proposes to include cycle storage on site, this should be secure and covered.

Conclusion

The LHA does not consider that the proposal for two dwellings would have 'severe' impact on the operation of the Highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal.

If the LPA are minded to approve the application, the following conditions should be applied (see conditions section of this report).

ADC Environmental Health - No comments received.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

Designation applicable to site:

ADOPTED LOC PLN

DEVELOPMENT PLAN POLICES

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design
SDSP2	SD SP2 Built-up Area Boundary
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality
WDM3	W DM3 Sustainable Urban Drainage Systems

[Rustington Neighbourhood Plan 2014 Policy 2](#) Housing Design

Rustington Neighbourhood Plan 2014 Policy 4 Sustainable Drainage

PLANNING POLICY GUIDANCE:

NPPG	National Planning Practice Guidance
NPPF	National Planning Policy Framework

SUPPLEMENTARY POLICY GUIDANCE:

RDS	Rustington Design statement by Rustington Parish Council
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POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans 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.

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.

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).

Policy NER 2 of the Rustington Neighbourhood Plan are relevant to this application.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

PLANNING

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 lies within the built up area boundary where development is acceptable in principle in accordance with policy SD SP2 of the Arun Local Plan 2011-2031 subject to accordance with other policies of the Arun Local Plan, Rustington Neighbourhood Plan and Rustington Design Statement covering such issues as visual amenity/character, residential amenity, highway safety and parking.

Further, the NPPF generally seeks to promoting effective use of all land (para 117) and gives weight to proposals that develop under-utilised land (para 118(d)).

CHARACTER AND DESIGN.

Policy D DM1 of the Arun Local Plan 2011-2031 (ALP) requires that the Council have regard to certain aspects including:

- (1) Character - "Make the best possible use of the available land by reflecting or improving upon the character of the site and the surrounding area, in terms of its scale, massing, aspect, siting, layout, density, building materials (colour, texture), landscaping, and design features.";
- (2) Appearance/attractiveness - "Demonstrate a high standard of architectural principles, use of building materials, craftsmanship and hard and soft landscaping to reflect the local area";
- (13) Density - "The density of new housing will make efficient use of land while providing a mix of dwelling types and maintaining character and local distinctiveness. Higher densities will be more appropriate in the most accessible locations. Proposals should take into account the density of the site and its surroundings. The density of large sites should be varied to guard against uniformity"; and
- (14) Scale - "The scale of development should keep within the general confines of the overall character of a locality unless it can be demonstrated that the contrary would bring a substantial visual improvement."

Furthermore, policy D SP1 "Design" states that all development proposals should seek to make efficient use of land but reflect the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details.

Policy NER2; Housing Design of the Rustington Neighbourhood Plan seeks to support development proposals 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. In addition requires the design of all housing schemes to reflect the local character of different parts of the Parish, by responding positively to the relevant guidance in the adopted 2010 Rustington Village Design Statement and seeks to ensure that the density of new development is in keeping with the Character Area.

The key points regarding the proposed dwelling are that;

Design

The proposal to create two further flats in the roof would reflect the existing design and materials of the host building and other dwellinghouses in the area which are constructed of similar materials and typically have box dormers.

The Rustington Village Design Statement identifies design guidelines for development proposals. Jubilee Avenue is within Character Area 8, a largely residential area in the north of the parish. Block of flats are typical in the area backing onto the sports fields and the description of the street scene of Character area 8 states 'Many of the properties have already been extended and the buildings very mixed area with high density and low density residential areas'.

Mass and Scale

The overall scale and mass of the proposed 4 storey building would be at the upper end in terms of mass and scale of similar apartment buildings in the area however the proposal would only increase the overall height of the building by 1.1 metres although the impact of this would be greater because it would create a gable ended roof rather than a hipped roof.

Visual impact and character

Every effort has been made to reduce the visual impact of the building to properties to the east west and north bringing in the boxdormers on the eastern and western end of the north facing roof slope in an amendment to the scheme.

The visual impact of the proposal would be limited to the rear of the two/three storey dwellings on Jubilee Avenue and Conbar Avenue and from visiting members of the public to the playing fields behind. It is considered given that apartment blocks are reasonably typical within the surrounding area, the backland location of the block and given the proposal would not significantly increase the overall height of the block in combination with the benefits of the block refurbishments proposed the proposal is above that the

The site has been fully appraised via the Design and Access Statement.

In summary the general design of the proposed property following the additions of 4th floor extensions is considered to be acceptable and given the upgrading of the block proposed alongside the extension proposal, the development would be likely to represent an improvement in the character of the area. The proposal is therefore considered to comply with policies D SP1 and D DM1 of the Arun Local Plan and Policy NER2 of the Rustington Neighbourhood Plan .

RESIDENTIAL AMENITY

Arun Local Plan 2011-2031 policy D DM1 requires that the Council have regard to certain aspects when considering new development including: (3) Impact - "Have minimal impact to users and occupiers of nearby property and land. For example, by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance."

Regard should be had to paragraph 127 of the NPPF which states that:

"Planning policies and decisions should ensure that developments: (f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience."

Loss of privacy

There would be some loss of privacy to the rear amenity areas of the gardens of properties Conbar Avenue and Jubilee Avenue caused by the additional kitchen windows in the centrally located north facing box dormers at fourth floor level. Amendments were made during the processing of the planning application to reduce the size of the box dormers and the size of facing kitchen windows and obscure glaze the bathroom windows in the box dormers reducing the impact overall on privacy. Given that there is a strip of primary habitable room windows at third floor level, the additional loss of privacy is not considered significant as a result of the scheme.

The privacy of neighbouring properties on Conbar Avenue would improve as external balconies which currently have an open side face would be enclosed with obscure glazed panels as part of the scheme.

Loss of daylight/sunlight

There would be a marginal loss of light to residential properties close to the east, west and north of the site as a result of the increase in height to the roof of 1.1 metres and the additional mass of the gable ends of the roof which would replace an existing hip ended roof. It is not considered that this would cause a significant loss of daylight or sunlight such that a refusal of the scheme would be warranted on this ground.

Overbearing impact

The key issue in relation to the loss of amenity to neighbouring residential properties is the potential for the new gable ends of the building to have a significant overbearing impact on the rear residential windows of properties on Conbar Avenue and Jubilee Avenue.

Currently, taking into account the 1.5 metre difference in floor levels the properties on 73-77 Conbar Avenue face an side elevation of the block of flats of 8.9 metres to the eaves level and 11.7 metres to the ridge of the hipped roof. This would increase to a similar eaves level and 12.8 metres to the ridge of the facing gable end. The side elevation of the box dormer on the southern roof slope set back 0.5 metres from the gable roof end would increase the impact of the facing mass.

The separation distance between the rear of 48-54 Conbar Avenue to the side elevation of the block of flats is 19 metres at its closest although a rear conservatory extension at 77 has a rear elevation within 17 metres. At 48-52 Jubilee Avenue the primary rear elevation of the properties is separated from the side elevation of the block of flats by 16.5 metres with a ground floor extension at no. 50 facing at 13.5 metres. The height of the new gable end would be 11.3 metres to the ridge with the eaves level remaining the same. The overbearing impact is however only marginally increased as a result of the scheme given the existing bulk and scale of the building and given that no objections have been received from neighbouring properties or the Parish Council and the application was re-advertised in order to ensure that all neighbouring properties had the opportunity to comment, it is not considered that on this ground alone a refusal of the application would be justified..

On balance, given the improvements in privacy as a result of the balcony screening and the overall improvement in the appearance of the block and the marginal nature of the impacts in terms of a loss of

light and overbearing impacts, the proposal is considered to comply with policy D DM1 of the Arun Local Plan, policy NER 2 of the Rustington Neighbourhood Plan and para. 127 of the NPPF.

SPACE STANDARDS

Policy D DM2 of the ALP states that: "The planning authority will require internal spaces to be of an appropriate size to meet the requirements of all occupants and their changing needs. Nationally Described Space Standards will provide guidance". It is therefore necessary to assess the proposal against the internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard) in order to determine whether the two houses are suitable for residential use.

The proposal is for 2 x 2 bedroom flats.

For a 2 bedroomed, 3 person property the national space standards state a required minimum gross internal floor area of 61 metres squared including a minimum of 2.0 metres allocated as built in storage. From an assessment of the submitted floor plans each of the flats would have a gross internal floor area of 65.sq.m..

As such, the proposed flats would comply with the internal space standards as set out in the 'Technical housing standards - nationally described space standard (2015)' and Policy D DM2 of the Arun Local Plan 2011-2031.

ALP policy D DM1 refers to the need for compliance with the Arun Design Guide. This is to replace policy D DM3 "External Space Standards" which was deleted at the request of the Local Plan Inspector. Until such time as this Design Guide is published, there is no policy within the Arun Local Plan regarding private gardens sizes. However, regard should be had to paragraph 127 of the NPPF which requires that new development has a high standard of amenity for existing and future users. The proposal includes a balcony space 1 metre in depth with a total area of 3.2 sq.metres as well as there being a large public recreation ground including a sports field, MUGA, youth club and playground adjacent which the flats overlook and overall the external amenity space is considered acceptable.

PARKING AND HIGHWAY SAFETY

Arun Local Plan 2011-2031 Policy T SP1 seeks to ensure that development: provides safe access on to the highway network; contributes to highway improvements & promotes sustainable transport, including the use of low emission fuels, public transport improvements and the cycle, pedestrian and bridleway network. In respect of parking, it states that:

"The Council will support transport and development which: incorporates appropriate levels of parking in line with West Sussex County Council guidance on parking provision and the forthcoming Arun Design Guide taking into consideration the impact of development upon on-street parking"

In respect of highway safety, it states that:

"The Council will support transport and development which: Explains how the development has been designed to: (i) accommodate the efficient delivery of goods and supplies; (ii) give priority to pedestrian and cycle movements and have access to high quality public transport facilities; (iii) create safe and secure layouts for traffic, cyclists and pedestrians whilst avoiding street clutter."

Regard should also be had to paragraph 109 of the NPPF which states that: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

West Sussex County Council Highways Department have assessed the scheme and consider it has a suitable access arrangement, would not have 'severe' impact on the operation of the Highway network and complies with the WSCC car parking demand calculator. They have requested that conditions be applied with respect to the provision of cycle parking and the laying out of the car parking prior to the occupation of the development.

It should be noted that WSCC have identified that a number of the car parking spaces do not meet their minimum size standards and they have requested a condition be applied to any final approval that these sizes be amended and approved by the LPA.

It is therefore considered that the proposal is in accordance with policy T SP1 of the Arun Local Plan.

SUMMARY.

This proposal is considered to represent an efficient use of urban brownfield land and does so without compromising the visual amenity of the area, highway safety or the amenities of existing residential occupiers. It is therefore recommended that permission be granted subject to the following 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 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 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.

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;
Proposed Third Floor Layout Plan Dwg.no.3279/4 Rev b dated 01/12/2018
Proposed North & East Elevation Dwg.no. 3279/1 Rev a dated 01/12/2018
Proposed South & West Elevation Dwg.no. 3279/2 dated May 2018
Proposed Sections Dwg.no. 3279/5 dated May 2018
- Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.
- 3 No development above damp proof course (DPC) level shall take place unless and until details of a minimum of 1.8 metre high obscure glazed privacy screen on the east and west and elevations of the balconies at ground, first and second floor levels including a schedule of materials and finishes to be used, have been submitted to and approved by the Local Planning Authority and the details and materials so approved shall be used in the construction of the privacy screens and retained thereafter in perpetuity.
- Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity of neighbouring properties in accordance with policy D DM1 of the Arun Local Plan.
- 4 The materials and finishes of the external walls and roofs of the extensions hereby permitted shall match in colour and texture those of the existing building (The tile cladding of the box dormer to match the roof tile).
- Reason: In the interests of amenity in accordance with policies D DM1 of the Arun Local Plan.
- 5 No part of the development shall be first occupied until the car parking spaces have been constructed in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. These spaces shall thereafter be retained at all times for their designated use.
- Reason: To provide car-parking space for the use and in accordance with policy T SP1 of the Arun Local Plan.
- 6 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority. These spaces shall thereafter be retained at all times for their designated use.
- Reason: To provide alternative travel options to the use of the car in accordance with policies T SP1 of the Arun Local Plan.
- 7 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.