

Recommendation Report for Planning Permission

REF NO: R/223/18/PL

LOCATION: 35 Seafield Road
Rustington
BN16 2JH

PROPOSAL: Variation of condition 2 imposed under R/130/18/PL relating to fenestration alterations.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION As above. The proposal relates to demolition of the existing dwelling and its replacement with a 3 bedroom 2 storey dwelling measuring 12m by 10m with a ridge height of 6.2m. The only external changes that have been made to the originally approved plans is a slight change to the patio doors on the rear elevation and the addition of 2 bedroom windows in the east elevation of the dwelling at first floor to serve bedroom one.

SITE AREA 405 sq m

RESIDENTIAL DEVELOPMENT DENSITY (NET) 25 dwellings per hectare

TOPOGRAPHY Predominantly flat.

TREES None of any significance affected by the proposed development.

BOUNDARY TREATMENT 1.8m close boarded fence to access road to side. 2m high hedging to site frontage. To west 2m high close boarded fencing and side elevation of part of no 33.

SITE CHARACTERISTICS Site is being cleared. Dwelling is being demolished.

CHARACTER OF LOCALITY Residential comprising a mix of dwelling type and height on medium/small plots of varying style and design set back from the road frontages

RELEVANT SITE HISTORY

R/130/18/PL	Erection of 1 No. replacement dwelling	ApproveConditionally 17-08-18
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The proposal seeks amendments to the fenestration details approved under R/130/18/PL.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Rustington Parish Council

None

COMMENTS ON REPRESENTATIONS RECEIVED:

None

CONSULTATION RESPONSES RECEIVED:

- none

COMMENTS ON CONSULTATION RESPONSES:

- None

POLICY CONTEXT

Designation applicable to site:

Within Built Up Area Boundary

DEVELOPMENT PLAN POLICES

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
TSP1	T SP1 Transport and Development
DSP1	D SP1 Design
WDM3	W DM3 Sustainable Urban Drainage Systems

Rustington Neighbourhood Plan 2014 Policy 2	Housing Design
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Rustington Neighbourhood Plan 2014 Policy 4	Sustainable Drainage
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PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

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 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. 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: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton.

Policies 2 and 4 of Rustington Neighbourhood Plan are considered relevant to 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

The site lies within the built up area boundary where residential redevelopment is acceptable in principle. There is also already an established and existing property on the site and permission has been granted for a replacement dwelling under R/130/18/PL . This application seeks permission to amend the approved dwelling by slightly altering the rear patio doors and adding 2 bedroom windows at first floor in the side elevation.

Seafield Road is characterised by detached dwellings of varying design and style and there is no uniform pattern to the development, although most dwellings are set back a similar distance from the road frontage. There is no dominant material used in the existing dwellings and it is considered that the proposed use of cladding would not be inappropriate in this location. The addition of windows in the side elevation would not detract from the appearance of the street scene. The replacement dwelling would not appear out of character with the area or overly dominant in the street scene and would accord with the provisions of policy DDM1 of the Arun Local Plan.

Policy 2 of Rustington Neighbourhood Plan relates to Housing Design and states that '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. Proposals must also comply with the parking standards adopted by the planning authority.' The existing access and parking area would be retained are included in the proposal.

In terms of design it is considered that the dwelling fully responds to the context of the site, reflecting the architectural styles and massing of nearby properties as well as using the highest quality materials to be consistent with the local context.

The site falls within 'Character Area 8 of Rustington Village Design Statement which is identified as an area 'characterised by mainly pre-war housing including bungalows, semi detached and terraced housing. The application site lies in the southern section which is characterised by relatively higher densities. It is considered that the proposal is compliant with this policy on the basis of the existing plot size and the proposed house design. The incorporation of gabled elements reflects the design of other properties.

It is considered that the proposed dwelling would be acceptable in terms of its design, appearance, position and site coverage and would have no materially adverse impact on the visual amenities or character of the area.

With regard to the impact on residential amenity, the only alteration that would impact on neighbouring properties is the addition of the 2 first floor windows in the side elevation. These have the potential to look into the side facing windows of the dwelling to the east and the garden. It is therefore proposed to condition the glazing to be obscured to ensure that no materially adverse overlooking results in accordance with policy DDM1 of Arun Local Plan.

It is therefore recommended that the application be approved, 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

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 Block Plan and Street Scene 18/030/101 and Ground Floor Plan 18-030 rev E, First Floor Plan 18/030 FF rev E , Side Elevations 18-030 E2 rev E, Front, Rear and Side Elevations 18-030 E1 revE & Basic Sections 18-030 SEC revE

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy DDM1 of the Arun District Local Plan.

- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015, (or any Order revoking or enacting that Order) no windows or other openings (other than those shown on the plans hereby approved) shall be formed at first floor level or above in the east or west elevation of the building without the prior permission of the Local Planning Authority on an application in that behalf.

Reason: To protect the amenities of adjoining residential properties in accordance with policy D DM1 the Arun Local Plan.

- 4 The first floor windows on the east elevation of the building shall at all times be glazed with obscured glass and fixed to be permanently non-opening below 1.7m internal floor level.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policy DDM1 of the Arun Local Plan.

- 5 No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes to be used for external walls and roofs of the proposed building have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the building.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with policy D DM1 of the Arun Local Plan.

- 6 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.