

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

REF NO: R/224/12/

LOCATION: 17 Barwick Close
Rustington

PROPOSAL: Ramped access leading from front drive to new single storey side extension.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Side extension to dwelling 2.7m high x 2.5m wide x 5.8m deep to provide bedroom and bathroom. New side access door. New wheelchair access ramps from front garden and to rear garden. Materials brick with felt roof.
SITE AREA	Approx 345sqm.
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development. Two small trees are to be removed and replanted in the front garden.
BOUNDARY TREATMENT	2m timber fence to side.
SITE CHARACTERISTICS	Application site contains a two storey detached dwelling with parking at front.
CHARACTER OF LOCALITY	Surrounding the site are two storey detached dwellings with similar side setbacks.

RELEVANT SITE HISTORY

R/201/12/CLP	Application for a Certificate of Lawfulness for a proposed ramped access leading from the front drive to a new single storey side extension.	Withdrawn 09-11-2012
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Certificate of Lawfulness for access ramp was withdrawn as the application site has a PD restriction.

REPRESENTATIONS

Representations received:

Rustington Parish Council
-No objection.

Comments on Representations received:

N/A

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

N/A

POLICY CONTEXT

Designation applicable to site:
Within Built Up Area Boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	GEN7 DEV19	The Form of New Development Extensions to existing residential buildings
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PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
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SUPPLEMENTARY POLICY GUIDANCE

RDS	Rustington Design statement by Rustington Parish Council
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POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

The Development Plan consists of the Arun District Local Plan 2003 and the South East Plan adopted in 2009.

It should be noted that the Arun District Local Plan was adopted in 2003 and the South East Plan in 2009.

In accordance with paragraphs 214 of the NPPF, the South East Plan is afforded full weight as part of the development plan. Footnote 41 (page 49) states the Governments clear policy intention to revoke regional strategies.

Paragraph 214 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight but, because it predates 2004, a reduced 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. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

The emerging local plan has recently been approved by the Council and is therefore a material consideration in the determination of this planning application. Whilst it has not been formally adopted due weight has been given to its policies in terms of the decision making process at this stage.

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 proposal site is located within the built up area boundary and the principle of development is therefore acceptable.

GEN7 FORM OF NEW DEVELOPMENT

The proposal responds to the constraints of the site and will not result in an adverse amenity impact to neighbouring properties.

DEV19 EXTENSIONS TO EXISTING RESIDENTIAL BUILDINGS

The extension relates sympathetically and is subservient to the existing building. The extension is set back 5.8m from the principal elevation of the dwelling, set in 1.1m from side boundary and is flat roofed with a height of 2.7m.

The scale of the side extension is minor and will not result in overshadowing or an overbearing effect to neighbouring properties. The new side access door is not adjacent to any openings at No. 18 and the bedroom and bathroom windows face onto the rear garden with a separation of 8m from rear boundary. An adverse amenity impact will not occur in this instance.

The proposal maintains adequate setbacks from all boundaries and will not result in a material impact to the established spatial character and pattern of the street.

RUSTINGTON VILLAGE DESIGN STATEMENT

Application site is located in Character Area 10 of the Rustington Village Design Statement. The area is characterised by brick 1990's-2000's dwellings some with extensions to rear. The proposal will not materially impact on the street scene and is acceptable.

SUMMARY

The proposal complies with relevant policies and is recommended for approval subject to 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 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 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: mb/01/barwick close 17, mb/03/barwick close 17 both dated 01/10/12 and mb/07/barwick close 17, mb/08/barwick close 17 and mb/09/barwick close 17 all dated 06/12/12.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies GEN7 and DEV19 of the Arun District Local Plan.

- 3 The materials and finishes of the external walls and roof of the extension 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:** Summary of Reasons for Grant Article 31 Development Management Procedure Order 2010

SUMMARY

This planning permission is granted because it complies with the policies listed below in that the development would not cause any material adverse effect on visual or residential

amenity on the surrounding area and its character and there are no material considerations to indicate otherwise.

RELEVANT POLICIES

LOCAL PLAN: GEN7, DEV19

NATIONAL POLICIES: NPPF

SUPPLEMENTARY PLANNING GUIDANCE

Rustington Village Design Statement

This is only a summary of reasons for granting to comply with Article 31 and full reasons appear in the Officer report.

- 5 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.