

Recommendation Report for Planning Permission for Works or Extension to a Dwelling**REF NO:** R/226/12/**LOCATION:** Dominic House
Harsfold Road
Rustington**PROPOSAL:** Single storey and two storey rear extension including a first floor balcony
(revised proposals to R/110/12/)**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	Demolition of existing rear glass conservatory. Construction of two storey rear extension 7.2m wide x 5.5m deep x 6m high (eaves) and 8.5m (ridge) providing new kitchen and dining on ground floor and new bedroom and ensuite on first floor. First floor balcony accessed from bedroom with 1.8m high obscure glazed screen to southern elevation. Rendered brick and tiles to match existing.
SITE AREA	Approx 630sqm
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	2m high timber fences to rear, northern boundary and part southern boundary. Adjacent to the proposed extension, the southern boundary is demarcated by the existing single storey rear extension at Sea Breezes.
SITE CHARACTERISTICS	Existing on site is a two storey semi-detached dwelling with rear conservatory extension and detached garage.
CHARACTER OF LOCALITY	Surrounding the site are a mix of dwelling types including detached, semi-detached and terraced two-storey dwellings, some with extensions and modifications.

RELEVANT SITE HISTORY

R/241/03/	Proposed loft conversion.	Approve Conditionally 12-12-2003
R/110/12/	Single storey rear extension	Approve Conditionally 28-06-2012

REPRESENTATIONS

Representations received:

Rustington Parish Council

- Loss of privacy for occupiers of the adjacent property, Sea Breezes, by reason of overlooking. This would most certainly affect the quiet enjoyment and amenities of the occupiers of the aforementioned property.

Comments on Representations received:

Concur. Addressed in further detail below.

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

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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 conflict with policies GEN7 and DEV19 of Arun Local Development Plan in that it would have a materially adverse effect on the visual amenities of the locality and the residential amenities of the adjoining properties.

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

DEV19 EXTENSIONS TO EXISTING RESIDENTIAL BUILDINGS

VISUAL AMENITY

The proposed two storey rear extension is 5.5m deep, more than half the depth of the original dwelling and is excessive in scale and not subservient to the existing building. The design which incorporates a rear balcony does not relate well to the existing and surrounding properties. The proposed balcony is not characteristic of neighbouring properties.

RESIDENTIAL AMENITY

The proposed first floor balcony is located adjacent to Sea Breezes to the south. The balcony is accessed via a bedroom and is screened by a 1.8m high obscure glass screen set in 0.4m from the boundary and 1.6m from the bay window at the first floor at Sea Breezes to the south. It is considered that whilst this balcony has the potential to result in a significant amenity impact to Sea Breezes in terms of overlooking and overbearing due to the very close proximity to the bedroom window and the boundary. The erection of an obscure glazed 1.8m high screen will prevent any unacceptable overlooking.

The proposed ground floor extension is the same depth as the adjoining rear extension at Sea Breezes and set back 9.5m from the side boundary to the north and 10m from the rear boundary and will not result in an unacceptable overshadowing impact. The proposed first floor extension does not breach the 45 degree line drawn from the centre of the rear first floor window at Sea Breezes, however part of the balcony and privacy screen is in conflict with the 45 degree line. However, this is considered likely to have a minimal impact to occupants of Sea Breezes in terms of overshadowing and is acceptable.

The uncharacteristic rear extension compromises the spatial character and pattern of the street.

SUMMARY

The proposal is in conflict with Policies GEN7 and DEV19 due to the unacceptable design of the proposed development. The proposal is therefore recommended for refusal.

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 refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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

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

REFUSE

- 1 The proposed first floor extension and balcony would be out of scale with the existing property, uncharacteristic of the surrounding area and have an unacceptable and alien impact on the character and appearance of the area in conflict with policies DEV19 and GEN7 of the Arun District Local Plan and the National Planning Policy Framework.
- 2 **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 identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.