

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

REF NO: R/229/19/HH

LOCATION: 15 Drewetts Close
Rustington
BN16 3TL

PROPOSAL: Single storey rear extension

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION As above

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Rustington Parish Council

Rustington Parish Council has noted the above application and wishes to raise no objection to it.

No representation from nearby occupiers.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Network Rail:

The developer must ensure that their proposal, both during construction and after completion of works on site,
does not:

- Encroach onto Network Rail land
- Affect the safety, operation or integrity of the company's railway and its infrastructure
- Undermine its support zone
- Damage the company's infrastructure
- Place additional load on cuttings
- Adversely affect any railway land or structure
- Over-sail or encroach upon the air-space of any Network Rail land
- Cause to obstruct or interfere with any works or proposed works or Network Rail development both now and in the future

The developer should comply with the following comments and requirements for the safe operation of the railway and the protection of Network Rail's adjoining land.

Any future maintenance works must be conducted solely on the applicants land without encroaching or adversely effecting the land or air-space of network rail's. If the applicant gains permission for works then

they will need to receive approval for works from the Network Rail Asset Protection Engineer. Any drainage from the works would need to not discharge onto Network Rails property or culvert or drains. If scaffolding is used it must have surrounding netting and be working at a height that is acceptable. Where vibro-compaction/displacement piling plant is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Network Rail's Asset Protection Engineer prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement. The applicant must install fencing at their own expense up to 1.8m. Existing fencing must not be damaged or removed at any point. Any lighting that is used must not interfere with signalling apparatus or train drivers vision. The potential for any noise/ vibration impacts caused by the proximity between the proposed development and any existing railway must be assessed in the context of the National Planning Policy Framework which hold relevant national guidance information. The current level of usage may be subject to change at any time without notification including increased frequency of trains, night time train running and heavy freight trains. There are landscaping considerations that need to be followed.

POLICY CONTEXT

Within the Built Up Area Boundary
Tree Preservation Orders

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design
SDSP2	SD SP2 Built-up Area Boundary

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

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

CONCLUSIONS

Principle

The proposed development is situated within the built up area boundary. Where the principle of development is acceptable subject to accordance with relevant development plan policies. As stated in SDSP2 the key policies considered are D DM1 and D DM4. The site is occupied by a detached property with front and back gardens in a mixed design area.

Policy

Policy D DM1 sets out 13 design aspects pf which applications should be assessed against. These include: Character, Appearance, Impact, Innovation, Adaptability, Crime Prevention, Trees, Public realm, Layout, Public art, Density and Scale.

Policy D DM4 sets out criteria for which applications relating to extensions and alterations of existing buildings must be assessed against. They generally seek to minimise the impact of the proposal on the character of the host dwelling, its neighbours and locality.

Policy DSP1 of the Arun Local Plan sets out 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 2 of the Rustington Neighbourhood Development Plan states that development proposals will be supported providing that their scale, density, massing, height, landscape design, layout and materials reflect and enhance the established character of the area.

Site history

Relevant site history noted.

Design and Visual Amenity

The applicant seeks planning permission for the construction of a rear extension to the established dwelling. The proposed rear extension will measure approximately 4.8m wide, 4m in depth and be built to the proposed height at top of lean to of 3.5m and eaves measuring 2.6m.

The proposed extension given its location will not be visible from the street scene. It will therefore not have a detrimental impact on the character of the host dwelling or the street scene.

The proposed extension is considered to appear subservient to the host dwelling and would not result in any adverse impact on the spatial pattern or character of the area and would therefore accord with the policies D DM1 and D DM4 of the Arun Local Plan.

Neighbouring Residential Amenity

The proposed rear extension will be located 11m from the northern boundary which affronts the railway line and will run the width of the majority of the current garden. On the northern elevation there is 1 No. proposed set of doors to the rear that are to be the same style as the existing. The proposal includes two roof lights, these are not considered to cause any overlooking by virtue of their location given the proposal looks over the railway line therefore it has no impact on neighbouring amenities.

Given the design and location of the extension it is not considered to give rise to adverse impacts in terms of overlooking, overshadowing and overbearing and is therefore deemed to accord with D DM1 and D DM4 of the Arun Local Plan.

The 45 degree rule does impact this application as all development would be within the view of the window on the neighbouring properties northern elevations. The impact on residential amenities is acceptable given that the extension is single story and has a sloping roof. Therefore, it does not appear to be overbearing on the property and does not significantly impact the view from the adjoining property, therefore it is not a cause 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 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:
- Location Plan
- Site Plan
- 2019/09/1001

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 INFORMATIVE: There is an expansive consultation response from Network Rail. This response should be read separately and the requests that have been made should be followed and the request for an application needs to be carried out before the works commence on the site.
- 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 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.