

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

REF NO: R/231/13/

LOCATION: 13 Chaucer Avenue
Rustington
Littlehampton

PROPOSAL: Loft conversion to provide live in carer accommodation plus conservatory extension to house motorised wheelchair.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The loft conversion as described will involve a roof extension being added to the south and west elevations of the property measuring approximately 4m in length, approximately 1.5m in depth and a maximum height of approximately 3m. The roof extension incorporates a dormer on the west elevation measuring approximately 2.5m in length, approximately 3m in depth and approximately 2m in height. There will also be a rooflight inserted into the east and west elevation roofslopes and a window at first floor level in the south elevation. All materials to match existing.
SITE AREA	Approximately 260 square metres.
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	A brick wall and wooden trellis fence at approximately one metre in height fronting Chaucer Avenue and fencing with dense hedging and trees generally over 2m in height fronting Milton Avenue.
SITE CHARACTERISTICS	A semi-detached bungalow with smooth rendered and brickwork elevations painted white. The roof is hipped with brown plain tiles. There is a bay window to front and a wooden lean-to with decking to the rear of the property. The property is located on a corner plot at the junction of Chaucer Avenue and Milton Avenue.
CHARACTER OF LOCALITY	Predominantly residential in character, there are detached bungalows, chalet bungalows and two storey detached properties in the area. There are a number of residential extensions observed in the close vicinity of the property.

RELEVANT SITE HISTORY

R/65/10/	New driveway and path providing level access to the side door of the property and onto the pavement at the front of the property	ApproveConditionally 02-06-2010
R/30/12/	Erection of garden shed to house mobility equipment	Refused 04-04-2012 Appeal: Dismissed 23 08 2012

REPRESENTATIONS

Representations received:

Rustington Parish Council
No objection.

Comments on Representations received:

Noted.

CONSULTATIONS

Environmental Health
Building Control

Consultations responses received:

Environmental Health
No comments.

Comments on Consultation responses:

Noted.

POLICY CONTEXT

Designation applicable to site:
Within the Built-Up Area Boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	GEN2 GEN7 DEV19	Built-up Area Boundary The Form of New Development Extensions to existing residential buildings
---------------------------	---	---

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
------	------------------------------------

SUPPLEMENTARY POLICY GUIDANCE

RDS	Rustington Design statement by Rustington Parish Council
-----	--

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.

Paragraph 214 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry 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.

NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following publication. The Council published the Draft Arun Local Plan in July 2012 and this is a material consideration in the determination of this planning application. A pre-submission Plan has yet to be endorsed and published. Following publication of a pre-submission draft, there is required to be a formal public consultation, resolution of objections, examination and formal adoption. At this time, the emerging Local Plan is afforded very limited weight in terms of the decision making process.

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 is located within the built-up area where the principle of development is acceptable, subject to accordance with relevant planning policies. In this instance, the main criteria against which the application will be assessed is contained within Arun District Local Plan Policies GEN7 and DEV19 which seek to prevent development that would have an adverse impact upon visual and residential amenities.

DESIGN AND VISUAL AMENITY

This application seeks planning permission for a loft conversion to provide live-in carer accommodation and a rear extension to house a motorised wheelchair. The loft conversion will involve a roof extension to the west and south elevations of the property. This will mean that whilst the roof extension will be visible from the road of Chaucer Avenue, it will not be unduly prominent on account of a sufficient separation distance (9m) being retained from the road. The extension will also not be prominent from Milton Avenue due to a good level of screening along the eastern boundary of the site consisting of close boarded fencing and hedging at approximately 2m in height.

The roof and rear extensions are considered to be visually subservient to the host property in their

dimensions and design and so complies with policy DEV19(ii). With matching materials and a sympathetic design, they also relate well with the existing property and are considered in-keeping with the residential character observed in the area. The proposal is therefore considered to be acceptable in design terms and so comply with relevant policies GEN7(ii) and DEV19(i) of the Arun District Local Plan.

RESIDENTIAL AMENITY

The main effect of the proposal is considered to be on Number 11 Chaucer Avenue immediately to the west. It is acknowledged that the extension comes within approximately one metre from the western boundary at first floor level and will face on to the side (and principal elevation on account of its front door) of Number 11. However, due to the orientation of the subject property (Number 13) which faces south-east on its corner plot, the rear and side elevations of the proposal will be angled away from Number 11. The result of this will mean that whilst the roof extension will be in close proximity to the boundary, it will only be so at one corner of the development and not along its flank walls. Consequently, any overlooking has been assessed as not being direct or of an unacceptable level of harm.

The property of Number 11 also has a dormer in the roofspace on the side (east) elevation which faces on to the proposed extension. However, the window in this dormer is stained glass and so effectively obscure glazed and there are no other windows in the eastern roofslope of this neighbouring property. Consequently, the extensions as well as rooflights and a window in the south elevation are unlikely to cause any adverse residential effects to this or any other property by way of overshadowing, overbearing effect, overlooking or loss of privacy.

That said, due to the tight spatial arrangement between the property and Number 11 Chaucer Avenue, a condition is recommended to be placed on the permission to prevent any further windows or other openings from being formed in the south and west elevation roof slopes of the extensions without an application first being made to the Local Planning Authority for appropriate consideration.

With this condition in place, the proposal is considered acceptable in residential amenity terms and so complies with policies GEN7(iv) and DEV19(iii) of the 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 family and private 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 positive impact has been identified upon those people with the following protected characteristics: age and disability.

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: 001A (Location plan, site plan and block plan), 002 (Existing plans, elevations and section) and 003 (Proposed plans, elevations and section) dated 2013.

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

- 3 The materials and finishes of the external walls and roof of the extensions hereby permitted shall match in colour and texture to 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 No windows or other openings (other than those shown on the plans hereby approved) shall be constructed in the south and west elevation roofslopes of the extensions hereby permitted without the prior permission of the Local Planning Authority on an application in that behalf.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policies GEN7 and DEV19 of the Arun District Local Plan.

- 5 **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 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.