

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

REF NO: R/235/15/HH

LOCATION: Parkfield
29 Angmering Lane
Rustington

PROPOSAL: Single storey side extension

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The proposal relates to a single storey extension to the rear of the existing garage to create a study and additional bedroom. The extension would measure 8.5m by 6.5m with an eaves height of 3m. The materials will match the existing.

SITE AREA

N/A

RESIDENTIAL DEVELOPMENT DENSITY (NET)

N/A

TOPOGRAPHY

Predominantly flat

TREES

None of any significance affected by the proposed development.

BOUNDARY TREATMENT

Close boarded fencing and hedging

SITE CHARACTERISTICS

Detached mainly single storey dwelling, central section has a first floor

CHARACTER OF LOCALITY

Predominantly residential characterised by detached dwellings of individual design in large plots set back from the road frontage

RELEVANT SITE HISTORY

R/157/69 House and garage

ApproveConditionally
22-08-1969

REPRESENTATIONS

Representations received:

Rustington Parish Council

No Objection

One letter of objection - Removing trees will destroy the natural habitat for many animals. Will intrude on the privacy of neighbouring property. The noise and inconvenience of the proposal is unacceptable.

Comments on Representations received:

The removal of hedging does not require planning permission. It can be removed at any time without the consent of the Local Planning Authority. The extension would be 1.8m from the side boundary and close boarded timber fencing along the boundary is to be retained. The proposed window on the north elevation would face onto the fencing and would not result in a material loss of privacy. Noise generated from construction works is not a material planning consideration.

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

Designation applicable to site:
Within the Built Up Area Boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	GEN7 DEV19	The Form of New Development Extensions to existing residential buildings
Publication Version of the Local Plan (October 2014):		D DM1 Aspects of Form and Design Quality D DM4 Extensions and Alterations to Existing Buildings (residential and non- residential)
Rustington Neighbourhood Plan 2014 Policy 2		Housing Design

PLANNING POLICY GUIDANCE

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

Arun District Council's Development Plans:

Paragraph 215 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.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place on 30th October 2014 for six weeks.

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 and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. 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: Angmering; Arundel; Barnham & Eastergate; Bersted; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; and Yapton. Policy 2 'Housing Design' of Rustington Neighbourhood Plan is considered relevant.

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 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 application will be assessed against policies GEN7 and DEV19 of the Arun District Local Plan and policies D DM1, D DM4 and D SP1 in the Emerging Arun Local Plan which seek to prevent development that would have an adverse impact upon visual and residential amenities.

DESIGN AND VISUAL AMENITY

The proposal is sympathetic to the appearance of the existing dwelling in design and appearance terms. Matching materials are proposed. The proposed extension will continue existing roof eaves lines to the rear and side, producing a smooth visual transition between the existing building and the extension and, as such, a strong level of visual integration. The modest size of the extension will ensure that it maintains visual subservient towards the host building. In addition, the extension

will not be generally visible from the street and surrounding area.

It is therefore considered that the extension is acceptable in design and visual amenity terms and complies with policies.

RESIDENTIAL AMENITY

The proposed single storey extension retains a gap of 1.8m to the side elevation of the dwelling and has an eaves height of 3m. Therefore, the extension will not appear overbearing or cause undue overshadowing which would be detrimental to residential amenities. Views from ground floor windows towards neighbouring residential properties will be interrupted by site boundary treatment and will therefore not be invasive.

It is therefore recommended that the application is approved, subject to the following conditions

HUMAN RIGHTS ACT

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 (the 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 neutral impacts (negative, Neutral or positive) 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).

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 2015/11/03 revA and 2015/11/02.

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

- 3 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.