

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

REF NO: R/236/15/HH

LOCATION: 5 Broadmark Way
Rustington

PROPOSAL: Rear conservatory.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

As above. The proposal relates to the provision of a conservatory to the rear of the property measuring 3.5m deep and 3.36m wide, with an eaves height of 2.3m and an overall height of 3.285m.

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 to 1.8m on side site boundary. Hedging/trees along boundaries in front of fencing

SITE CHARACTERISTICS

Semi-detached 2 storey dwelling with first floor on roof with dormers. Pitched roof detached dwelling to side.

CHARACTER OF LOCALITY

Predominantly residential characterised by detached and semi detached dwellings of varying design set back a uniform distance from the road frontage.

RELEVANT SITE HISTORY

None

REPRESENTATIONS

Representations received:

Rustington Parish Council

No Objection

Comments on Representations received:

None

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

Designation applicable to site:
Within Built Up Area Boundary

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#) GEN7
DEV19

[Publication Version of the Local Plan \(October 2014\):](#)

The Form of New Development
Extensions to existing residential buildings

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 to this type of development.

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 planning policies in the Development Plan relating to design, visual amenities and residential amenity.

Policies GEN7 and DEV19 relate to the design of new development and extension to residential properties respectively. Policies DDM1 and DDM4 in the Emerging Arun District Local Plan are also considerations, these also seek to ensure that development would not have an adverse impact upon visual and residential amenities.

The extension is single storey and would be located on the rear elevation and would not be readily visible in the street scene. It would be subservient to the main dwelling in terms of its scale, footprint, height and position.

The extension would leave a gap of 20cm from the western boundary and would project 3.5m from the rear elevation of the host property. It is not considered that given the size and height, distance to the boundaries and boundary screening that it would have an adverse overbearing impact on the adjoining properties to the west.

The Council has adopted the 45 degree rule as a tool to balance the interest of those persons

wishing to extend their premises and their neighbours by ensuring that extensions do not seriously affect a neighbour's outlook or daylight. The rear projection of the proposed extension combined with the proximity to the boundary means that the extension does not comply with the Council's adopted 45 degree rule. However the extension would not result in a materially adverse overbearing effect on the garden or rear elevation of No. 7 given the limited eaves projection above boundary fencing and that the roof has a low ridge which pitches away from the boundary and the rear elevation of the extension.

The proposed rear extension is considered to accord with policies GEN7 and DEV19 of the Arun District Local Plan and and policies DDM1 and DDM4 of the Emerging District Local Plan and is recommended for approval subject to the following conditions.

HUMAN RIGHTS ACT

FOR APPROVAL

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 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

report

approved plans Location, Block Proposed Plan and Elevations 099/87332 Page2 of 2.

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 The materials and finishes of the non glazed sections of the conservatory 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: 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.