

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

REF NO: R/237/20/HH

LOCATION: 2 Central Avenue
Rustington
BN16 2HG

PROPOSAL: Two storey side extension.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION The application seeks to construct a two storey side extension to the Northern side of the host dwelling.

REPRESENTATIONS

Rustington Parish Council - No objection.

1 letter of objection:

- The proposal is very close to the Northern boundary of the application site.
- The bulk of the proposal will visually impact the occupiers of the dwelling to the North, and result in a loss of light.
- The proposal could become a separate dwelling with few modifications.
- There would be a loss of privacy.
- The proposal would be out of character with the area.
- The proposal would result in a loss of value of the neighbouring property.

OFFICERS COMMENTS ON REPRESENTATIONS:

Comments noted. Concerns relating to the loss of value of the neighbouring property are not planning considerations.

CONSULTATION RESPONSES RECEIVED:

None.

POLICY CONTEXT

Designation applicable to site:
Within built up area boundary

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

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

PLANNING POLICY GUIDANCE:

NPPDG	National Design Guide
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

CONCLUSIONS**PRINCIPLE**

The key policies are D DM1 and D DM4 of the Arun Local Plan. Additionally, Policy 2 of the Rustington Neighbourhood Development Plan.

Policy D DM1 sets out 13 design aspects of 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 the locality.

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.

DESIGN AND VISUAL AMENITY

The host dwelling is sited in an area of mixed character where there is a wide variety of dwelling styles, types and scales.

The large scale of the extension is not subservient to the host dwelling. However, the proposed extension is considered to be well integrated with the host dwelling as a result of its appropriate design and use of materials to match the host dwelling.

As a result of these factors, the proposed development will not appear unduly dominant within the street scene, or have a harmful impact upon on the character of the area.

Therefore, whilst the proposal is considered to conflict with D DM4(a) of the Arun Local Plan, it is considered to accord with D DM1 and D DM4(b & e) of the Arun Local Plan, Policy 2 of the Rustington Neighbourhood Plan and the Arun Design Guide.

NEIGHBOURING RESIDENTIAL AMENITY

The proposed development will have a significantly harmful impact upon the residential amenities of the neighbouring dwellings due to its excessive scale in such close proximity to the Northern boundary of the application site. It will have, as a result, an overbearing impact on the occupiers of the property directly to the North, #25 Cudlow Avenue.

The proposed extension is at an eaves height of 2.4m, which is approximately 0.6m above the height of the boundary treatment fencing between the application site and 25 Cudlow Avenue at a distance of only approximately 1.4m from the boundary line. This height then slopes up to approximately 6.1m high when 4m away from the eaves. At a length of 8m, this is considered to result in a significantly harmful overbearing impact upon the occupiers of 25 Cudlow Avenue as the roof will have a significant visual

bulk when within 2m of the boundary.

With regard to loss of privacy through overlooking, all of the proposed openings are at ground floor level, and therefore, do not provide any views different to those available from the application site at current.

SUMMARY

The proposed development is considered to be in conflict with D DM1(3) and D DM4(c) of the Arun Local Plan, due its detrimental impact on the occupiers of the dwelling to the North of the application site, by way of an overbearing, and overshadowing effect.

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), 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 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

REFUSE

- 1 The proposal, due to its height, length and siting, will have an unneighbourly and unacceptable overbearing effect on the occupiers of Number 25 Cudlow Avenue, Rustington, in conflict with policies D DM1(3) and D DM4(c) of the Arun Local Plan.
- 2 **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 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.