

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

REF NO: R/243/12/

LOCATION: 26 Milton Avenue
Rustington

PROPOSAL: Side and rear extension

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Proposal is for: - Demolition of existing rear extension and construction of new rear extension with flat roof and roof light. 7.5m deep x 4.2m wide x 2.9m high. - Bi-fold doors on northern elevation leading onto existing decking. - Extension of first floor to side and rear to enlarge bedroom 3 and provide two ensuite bathrooms. - Tiles and white render to match existing.
SITE AREA	Approx 370sqm
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Timber fences to side and rear, picket fence to front.
SITE CHARACTERISTICS	Application site is two storey semi-detached dwelling with rear extension, rear deck and two small outbuildings in rear garden.
CHARACTER OF LOCALITY	Surrounding area is characterised by similar dwellings, some of which have been modified.

RELEVANT SITE HISTORY

LU/238/77/B	Conversion of garage to kitchen	Passed 21-07-1977
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REPRESENTATIONS

Representations received:

Rustington Parish Council

No objection.

Comments on Representations received:

Noted.

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

N/A

POLICY CONTEXT

Designation applicable to site:

Within built up area boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:

[GEN7](#)
[DEV19](#)

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 and the South East Plan adopted in 2009.

It should be noted that the Arun District Local Plan was adopted in 2003 and the South East Plan in 2009.

In accordance with paragraphs 214 of the NPPF, the South East Plan is afforded full weight as part of the development plan. Footnote 41 (page 49) states the Governments clear policy intention to revoke regional strategies.

Paragraph 214 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight but, because it predates 2004, a reduced 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.

The emerging local plan has recently been approved by the Council and is therefore a material consideration in the determination of this planning application. Whilst it has not been formally adopted due weight has been given to its policies in terms of the decision making process at this stage.

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 application site is located within the built up area boundary where the principle is acceptable.

GEN7 FORM OF NEW DEVELOPMENT

The proposal responds to the characteristics of the surrounding area and will not result in an adverse impact to any neighbouring properties.

DEV19 EXTENSIONS TO EXISTING RESIDENTIAL BUILDINGS

The proposed extensions sympathetically relate to and are visually integrated with the existing building. Side and rear extensions sited and scaled appropriately in relation to existing and surrounding dwellings and design and materials match existing.

Proposed side and rear first floor extension is set down from the existing ridge by 450mm and back 3.3m from the front elevation of the dwelling. The proposed rear extension is behind the dwelling, 2.9m high and set in from both boundaries and is subservient to the existing dwelling.

The overshadowing from the rear ground floor extension will not result in an adverse overshadowing impact to any adjoining property. A 45 degree line drawn from the centre of ground floor windows on the adjoining properties would result in only a minor conflict by the proposed extension. The shadowing from the first floor extension will generally fall within the subject site. There are no windows at first floor in the flank wall of the adjoining property at No. 24, the ground floor windows are already overshadowed by the existing building at the subject site and a large portion of the garden would remain in sunlight for the majority of the day. Proposed openings to the front and rear will not adversely impact on any neighbouring property and the windows to the northern flank wall face toward No. 24 which has no first floor level windows on the adjacent flank wall. The proposed extensions are set 800mm from the wall and not in the vicinity of any windows serving principal indoor or outdoor living areas. The proposal will not result in an adverse amenity impact in terms of overshadowing, overlooking or overbearing.

The proposed extension does not compromise the established spatial character and pattern of the street.

RUSTINGTON VILLAGE DESIGN STATEMENT

Application site is located in Character Area 8 of the Rustington Village Design Statement, characterised by large wide pavements, grass verges and tree lined streets and semi-detached

bungalows many of which have been extended. The proposal maintains these key features of the Character Area and is acceptable in this regard.

SUMMARY

The proposal is acceptable in regard to relevant policies and is recommended for approval subject to 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 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

In assessing this proposal a neutral impact has 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: MIL-01/A3, MIL-02/A3, MIL-03/A3, MIL-04/A3, MIL-05/A3, MIL-06/A3, MIL-07/A3, MIL-08/A3, MIL-09/A3, MIL-10/A3, MIL-11/A3, MIL-12/A3, MIL-13/A3, MIL-14/A3 and MIL-15/A3 all dated 10/12/12.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with GEN7 and DEV19 of the Arun District Local Plan.

- 3 The materials and finishes of the external walls and roof of the extension 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: Summary of Reasons for Grant Article 31 Development Management Procedure Order 2010

SUMMARY

This planning permission is granted because it complies with the policies listed below in that the development would not cause any material adverse effect on visual or residential amenity on the surrounding area and its character and there are no material considerations to indicate otherwise.

RELEVANT POLICIES

LOCAL PLAN: GEN7, DEV19

NATIONAL POLICIES: NPPF

SUPPLEMENTARY PLANNING GUIDANCE: Rustington Village Design Statement

This is only a summary of reasons for granting to comply with Article 31 and full reasons appear in the Officer report.

- 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.