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

REF NO: **R/245/14/HH**

LOCATION: 11 Broadmark Avenue
Rustington

PROPOSAL: Single storey rear extension

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	Approximately 553 square metres.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	1.5m high fence forward of the primary elevation with 1.8m high close boarded fencing to the rear and side elevations.
SITE CHARACTERISTICS	The property is a detached two storey dwelling featuring dormer at first floor level to the rear. The property is of brick construction and half rendered at ground floor level with grey weatherboarding below the windows on the primary elevation, with white uPVC windows and brown tiled roof.
CHARACTER OF LOCALITY	The area is residential in character and consists of detached dwellings of various designs and styles.

RELEVANT SITE HISTORY

REPRESENTATIONS

Representations received:

Rustington Parish Council

"My Council has noted the above application and wishes to raise no objection."

Comments on Representations received:

Comments noted.

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

POLICY CONTEXT

Designation applicable to site:
No Public Sewer

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	GEN7	The Form of New Development
	DEV19	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)	

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework

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: Arundel; Barnham & Eastergate; Bersted; Felpham; Littlehampton; Yapton

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 situated within the built-up area boundary where the principle of development is acceptable, subject to accordance with relevant planning policies. The main criteria against which this application will be assessed is contained within the Arun District Local Plan which in this case are policies GEN7 and DEV19.

DESIGN AND VISUAL AMENITY
This application seeks permission for the erection of a single storey rear extension.

GEN7 seeks to prevent development where it would have an adverse impact upon the visual and residential amenity of the area. Whilst, DEV19 requires extensions to existing residential buildings to be sympathetic in relation to the existing building in siting, design, form, scale and materials; subservient to the main building; and to not cause any overshadowing, overlooking or overbearing effects upon neighbouring properties.

The proposed rear extension extends 4.7 metres from the rear wall of the original dwelling and is 1.4 metres from the western boundary and 6 metres from the eastern boundary. An outbuilding (which abuts the boundary) is constructed to the rear of 13 Broadmark Avenue which provides considerable screening to the proposed rear extension. Similarly, a detached garage within the curtilage of 11 Broadmark Avenue abuts the eastern boundary which along with the existing rear projection further obscures its visibility.

Given the design of the proposed development in this application it is deemed to be sympathetic and in keeping with the existing character of the area and is visually integrated with the existing building in terms of siting, design, form and scale. As such, the proposal is deemed to be in

accordance with policies GEN7 and DEV19 of the Arun District Local Plan.

RESIDENTIAL AMENITY
The proposed rear extension is single storey and does not create any additional overlooking, overshadowing or overbearing effects upon the residential amenity of any neighbouring properties. A new window is included in this application at ground floor level on the western elevation of the existing dwelling. However, this window would benefit from permitted development rights under Schedule 2, Part 1, Class A of The Town and Country (General Permitted Development) Order 1995 (as amended).

Therefore, subject to the following conditions this application is recommended for approval.

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 (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 no impacts have been identified upon any protected characteristics.

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 SITE PLAN DRW NO 7A; PROPOSED GROUND FLOOR PLAN DRW NO 3a; PROPOSED ELEVATIONS DRW NO 5a; and PROPOSED SECTION DRW NO 6.

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 external walls 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: 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.