

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

REF NO: R/255/14/HH

LOCATION: 3 Central Avenue
Rustington

PROPOSAL: Part pitched/part flat roof over side extension in place of previously approved flat roof (resubmission following R/92/14/HH)

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The application relates to an amendment to a recent planning approval R/92/14/HH which granted permission for the existing dwelling to be extended. The area of the proposal concerns the single storey extension on the south east corner of the dwelling. The application seeks permission to alter the approved flat roof to a false pitch. The maximum height of the roof would be 3.3m. It extends for a length of 5.3m and projects 1.9m from the rear elevation.

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

Hedging and fencing to road frontage to approx 2m height. Fencing to between approx 1.2m and 1.8m to rear and side boundaries

SITE CHARACTERISTICS

Detached bungalow. White painted pebble dash render. Plain tile roof. red colour tile hanging to gables. Corner site. Main garden area is located to the side of the dwelling. Works to implement the previous planning permission have begun on site.

CHARACTER OF LOCALITY

Predominantly residential characterised by detached dwellings of varying design in medium sized plots set back from the road frontage.

RELEVANT SITE HISTORY

R/92/14/HH

Side/rear extension and loft conversion

ApproveConditionally

13-06-2014

REPRESENTATIONS**Representations received:**

Rustington Parish Council

No objection

Two letters of Objection - The rear extension is much larger than imagined and is only 18 inches from neighbour's fence, will lessen afternoon sun from the west into adjoining gardens. Light and sun will undoubtedly be lost, particularly after 4pm. The summerhouse in the neighbour's garden was specifically located in its position in the garden to benefit from the sunset and direct sunlight. Would infringe right to enjoy the garden. The BBQ area, patio and outside function area are positioned to benefit from the evening sun. The pitch serves no purpose or benefit and it is not necessary. It is not in the interests of good neighbourly conduct and graces. The site is overdeveloped and has caused stress to neighbours. The pitch roof has already been built and the timbers installed without awaiting the outcome of the planning decision. This has been done without awaiting the outcome of the planning decision, without respect for due process and is already negatively impacting on neighbours. This is unacceptable. The building has not been constructed in accordance with the approved plans. Adjoining properties will be devalued.

Comments on Representations received:

Whilst some light would be lost to the adjoining garden this would not result in material harm given the eaves height of 2.5m and that the roof pitches away from the boundary. The single storey extension is adjacent to the neighbour's garage and is not located immediately next to an area used for sitting outside. The structure is increasing in height by 0.65m and the distance to the neighbour's boundary with the summer house that has been carefully sited is 15m, which equates to the width of the intervening garden. Given this distance and the limited increase in height it is not considered that a materially adverse effect would result to neighbouring properties.

Devaluation of property is not a planning matter. The need for the development is not a relevant consideration. The applicant has ceased work on site in the area relating to this proposal pending the outcome of the application. The applicant has been advised that any work undertaken without the benefit of planning permission would be entirely at his own risk.

CONSULTATIONS**Consultations responses received:**

None

Comments on Consultation responses:

None

POLICY CONTEXT

Designation applicable to site:

Within 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)
D SP1 Design

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

The proposed roof alteration would not be readily visible in the street scene since it would be located behind part of the existing dwelling which projects towards the eastern boundary. However the roof would be partially visible from the site frontage and a false pitch would improve its appearance.

The roof area is adjacent to the neighbouring boundary, providing a gap of less than 0.5m. It would have an eaves height of 2.5m and a would slope away from the boundary with a ridge height of 3.3m. The adjacent property to the east has a sloping roofed car port to the side boundary with a garage behind. A pitched roof structure projects beyond its rear elevation located adjacent to the proposed extension. Whilst the increased height of the extension would result in some loss of sunlight to the adjoining garden it is not considered that this would have a materially adverse effect on the residential amenities of the adjacent dwellings given its height and the presence of a pitched roof structure immediately adjoining the boundary.

The application therefore accords with policy DEV19 of Arun District Local Plan and policy DDM4 of the Emerging 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 approved plans 912.02.f.

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 roof of the extension hereby permitted shall match in colour and texture those of the existing buildings.

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.