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

**REF NO:** **R/25/15/HH**

**LOCATION:** 3 Overstrand Avenue
Rustington

**PROPOSAL:** Ground floor kitchen extension & garage extension, rebuilt porch, roof & re-configuration of existing study/storeroom.

## SITE AND SURROUNDINGS

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|---|---|
| DESCRIPTION OF APPLICATION | As above. The proposal includes a flat roofed single storey extension in front of the existing garage measuring 7.8m by 2.9m in floor area with a height of 2.8m. The flat roofed infill extension would have a floor area of 7m by 2.5m and a height of 2.8m. |
| 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 | Open frontage. Rear garden is enclosed by fencing |
| SITE CHARACTERISTICS | Detached 2 storey dwelling. Conservatory on front elevation east side. Flat roofed garage adjoins neighbours and is set back behind front elevation of dwellings. Driveways are parallel |
| CHARACTER OF LOCALITY | Predominantly residential characterised by a mix of dwelling type with bungalows to west and 3 storey flats to west. |

## RELEVANT SITE HISTORY

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|---|---|---|
| R/282/87 | Porch | ApproveConditionally<br>30-11-1987 |
| R/175/07/ | Proposed conservatory to rear of property | ApproveConditionally<br>20-08-2007 |
| R/128/08/ | Erection of small extension and re-siting of PVCu double glazed sun lounge semi circular | ApproveConditionally |

| | | |
|---|---|---|
| | shape to front of property adjoining new extension to form study/sunroom area. | 24-06-2008 |
| R/232/10/NMA | Application for a non-material amendment following a grant of planning permission R/128/08. | Approve<br>04-11-2010 |
| R/14/13/ | Single storey rear and side extension to provide replacement garage, utility room, 2 bedrooms, 2 shower rooms and study | Refused<br>05-03-2013 *Appealed*<br>**Appeal: Dismissed 09 07 2013** |
| R/48/76 | O/A for addition of room 1 storey in height to ground floor of existing dwelling house - use as habitable room | ApproveConditionally<br>07-04-1976 |
| R/108/76 | Addition of room 1 storey in height to ground floor of existing dwellinghouse | Approve<br>09-06-1976 |

## REPRESENTATIONS

**Representations received:**

Rustington Parish Council

No Objection

One letter of objection - The proposed dividing wall will make the approach to neighbour's garage more hazardous. Any guttering might overhang the boundary. Drainage may be affected. Excavations may damage driveway. The height should not be greater than the current garage roof height. The proposed new utility room planned for the rear of the existing garage should not affect the conjoining roof of the two garages. The overall symmetry of the frontage of the two detached properties (overbuild) will be affected.

**Comments on Representations received:**

Damage to property is a private matter. Applicant has confirmed that no part of the extension will encroach over the boundary. The garage extension will not exceed the height of the existing garage. The impact of the roof of the infill extension is acceptable in terms of amenity. The impact on drainage is covered by other legislation. The proposal will not adversely affect the symmetry of the properties.

## 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 | 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<br>D DM4 Extensions and Alterations to Existing Buildings (residential and non-residential)<br>D SP1 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. There are no policies in Rustington Neighbourhood Plan specifically relating 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 relevant planning policies. In this instance, the main criteria against which the application will be assessed is contained within Arun District Local Plan which in this case are considered to be policies GEN7 and DEV19 which seek to prevent development that would have an adverse impact upon visual and residential amenities.

DESIGN AND VISUAL AMENITY
The application relates to single storey extensions. The rear extension is centrally sited and would not be visible from the site frontage. The garage extension to the side which would be constructed of materials to match the existing dwelling would be clearly seen from the site frontage. However the existing garage is set back behind the dwelling and the proposed extension would bring it 1m forward of the front elevation of the dwelling. It would therefore not appear as a prominent feature in the street scene since it would be obscured from oblique view by the dwelling.

In terms of their siting, design, form and scale the proposed extensions accord with policies DEV19(i)and GEN7(ii) of Arun District Local Plan and is acceptable in terms of visual amenity and impact on the character of the area.

RESIDENTIAL AMENITY
The extension would be adjacent to the side boundary with no. 1 Overstrand and would abut the existing driveway. The adjoining dwelling has a flat roofed side extension adjacent to the driveway with a high level window in the side elevation and the front door also faces onto the driveway. It is considered given the height and position of the garage extension in relation to the adjoining dwelling there would be no adverse overbearing effects. The proposal therefore accords with policies GEN7(iv) and DEV19(iii) of the Local Plan.

CONCLUSION
It is therefore recommended that the application is approved 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: Location and block plan, sheets 3, 4, 5 and 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 extensions 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.