

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

REF NO: R/260/18/HH

LOCATION: 7 Harsfold Road
Rustington
BN16 2QE

PROPOSAL: Single and two storey rear extensions

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposed development seeks to demolish the existing rear conservatory, and replace with rear extension compromising of both a single storey and two storey aspect.
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REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Rustington Parish Council
Parish Council - No objection.

No representations received from occupiers of nearby dwellings.

CONSULTATION RESPONSES RECEIVED:

None.

POLICY CONTEXT

Designation applicable to site:
Within built up area boundary

DEVELOPMENT PLAN POLICES

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
SDSP2	SD SP2 Built-up Area Boundary

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

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

CONCLUSIONS

PRINCIPLE

The application site is located within the built up area boundary, where the principle of development is acceptable subject to accordance with the relevant development plan policies, as stated in SD SP2 of the Arun Local Plan. In this case, the key policies are deemed to be D DM1 and D DM4 of the Arun Local Plan. Additionally, Policy 2 of the Rustington Neighbourhood Development Plan.

Policy SD SP2 of the Arun Local Plan states that development should be focused within the Built Up Area Boundary, and will be permitted subject to consideration against other policies in the Local 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.

DESIGN AND VISUAL AMENITY

As a result of its design, it is considered that the proposed development is not subservient to the host dwelling, in that it extends above the eaves of the host dwelling at its second floor level. However, it is considered that this is not reason alone for refusal of the application. This is because the proposed development is sited at the rear of the host dwelling, therefore, there are few available views of the extension from the street scene. As a result of this siting, the proposed development is not considered to have any significantly harmful impact upon the street scene of the area, or its character, as views are screened by the host dwelling.

Therefore, whilst the proposed development is in conflict with D DM4(b) of the Arun Local Plan, it is considered that as the proposed development does not appear within street scene, it is not considered to have any significantly harmful impact on the character and appearance of the host dwelling, or its locality. Therefore, the proposed development is considered to be in accordance with D DM1 of the Arun Local Plan.

NEIGHBOURING RESIDENTIAL AMENITY

The proposed development is not considered to have a significantly harmful impact upon the neighbouring residential amenities of nearby occupiers. This is because the boundary treatment that borders the application site screens the majority of the single storey aspect of the proposed extension, and therefore it does not have any significant overbearing or overshadowing impact on neighbouring dwellings. The two storey aspect of the development is not considered to have any significant overbearing, or loss of light to adjacent dwellings. To the North, the proposed extension is sited over 6m from the dwelling in this direction, and to the South, whilst it is noted that there is only a 1m separation distance, the application passes the 45 degree light test, as demonstrated on plans. Additionally, it is not considered that there will be any overlooking from the development to the North, as the proposal features no windows on this aspect. Whilst it is noted that there is a window on the Southern elevation of the proposal, this window is at a high level, and provides limited views.

The proposed development is considered to be in accordance with D DM1(3) and D DM4(c) of the Arun Local Plan.

SUMMARY

The proposed development is deemed to accord with relevant development plan policies and as such is recommended for approval subject to the following 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 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 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

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:

- Block Plan & Location Plan - P03 - October 2018
- Proposed Ground Floor Plan & Elevations - P01 - October 2018
- Proposed First Floor & Roof Plans & Elevations - P02 - October 2018

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.

- 3 No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes to be used for external walls of the proposed extension have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the extension. This should include details of the proposed cladding, and it's colour.

Reason: To enable the Local Planning Authority to control the development in detail in the

interests of amenity by endeavouring to achieve a building of visual quality and unity, in accordance with policy D DM1 of the Arun Local Plan.

- 4 The roof area of the extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the Local Planning Authority.

Reason: To safeguard the amenities of the occupiers of adjoining property in accordance with policy D DM1 of the Arun Local Plan.

- 5 **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 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.