

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

REF NO: R/270/19/HH

LOCATION: 1 Pigeonhouse Lane
Rustington
BN16 2AY

PROPOSAL: Ground and first floor rear extensions - resubmission of R/197/18/HH

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks to construct ground floor and first floor extensions. This includes a single storey extension to the South-East corner of the host dwelling, a small front dormer, and a rear single storey extension.
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RELEVANT SITE HISTORY

R/11/19/HH	Demolition of side extension, construction of single storey front, side, rear and first floor dormer extensions and internal alterations.	ApproveConditionally 12-03-19
R/197/18/HH	Rear ground & first floor extension & front first floor gable extension.	Refused 14-12-18 Appeal: Dismissed 30-05-19

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Rustington Parish Council
Parish Council - No objection.

7 letters of objection from 4 properties:

- The proposal will overlook 5 Cross Road.
- The proposal will overlook 7 Cross Road.
- The plans provide inadequate detail.
- The proposal will result in a loss of light to the South-facing windows of 9 Cross Road.
- The proposed first floor rear extension will appear overbearing to occupiers of 9 Cross Road.
- The proposed Velux windows would result in overlooking.
- The proposed Juliet balconies would result in overlooking.
- The proposed roofing material does not fit in with the area.

- There are restrictive covenants in place to prevent first floor fenestration.
- This application was not advertised in the weekly list.
- The roof cladding is out of keeping with the area.
- The proposal is an overdevelopment of the site.
- The site notice was not displayed in time.

OFFICERS COMMENTS ON REPRESENTATIONS:

Comments noted. All material planning considerations will be addressed in the conclusion section. The proposal was advertised in line with statutory guidelines. It is considered that the plans provide adequate detail as to confirm the details of the proposal. Covenants of properties are not a concern of the Planning Department.

CONSULTATION RESPONSES RECEIVED:

None.

POLICY CONTEXT

Designation applicable to site:

Within built up area boundary

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

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

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.

Policy 2 of the Rustington Neighbourhood Development Plan states that development proposals will be supported providing that their scale, density, massing, height, landscape design, layout and materials reflect and enhance the established character of the area.

HISTORY

This application follows a refusal in 2018 (R/197/18/HH), which was then upheld at appeal. The Inspector agreed with the Council that a combination of the first floor front and rear extensions had a detrimental impact upon the residential amenities of the property to the North, at 9 Cross Road and represented an extension that was not in keeping with the character and appearance of the host dwelling.

This resubmission has been significantly reduced in terms of its scale, and massing. This is because it removes the front first floor gable extension, and reduces the massing of the rear first floor extension.

DESIGN AND VISUAL AMENITY

The proposed ground floor rear extension, by virtue of its siting, will not be visible within the street scene. Furthermore, it is considered to represent a subservient and well integrated addition to the host dwelling, as it replaces an existing conservatory, continuing the ridge and eaves height of the existing rear extension.

The proposed first floor extension is reduced in scale compared to that previously submitted, including a reduction in depth of approximately 3m. As such, it projects approximately 5.6m from the rear roof slope of the host dwelling, set down 0.2m from its ridge height. Resultant of its reduced scale, and matching materials, the proposal is considered to appear sympathetic to the appearance of the host dwelling, and have no significantly harmful impact upon its character. With regard to its impact upon the locality, it should be noted that this extension will be obscured from the public view, resultant of its siting. Additionally, there are similar extensions within the area, for example, the similarly large box dormer sited on the property to the North, at 9 Cross Road.

The proposed change of roof tiles from the existing brown tiles, to slate tiles is not considered to result in any significantly harmful impact upon the character of the area. This is due to the presence of this material within the area already, on properties to the North, and North-East of the application site.

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

NEIGHBOURING RESIDENTIAL AMENITY

The proposed development is not considered to result in a significant loss of privacy to occupiers of adjacent dwellings. The windows proposed on the Eastern and Western elevations of the dwelling offer only oblique and acceptable views of neighbouring properties. These views are not considered to be harmfully materially different to those currently available. With regard to the rooflights, it is noted that there are concerns that there could possibly be, from an open window, harmful views towards neighbouring dwellings that would lead to a loss of privacy. However, these are considered to be available on a very infrequent basis and not so as to warrant a refusal of permission.

The proposed rear first floor extension is not considered to result in any significantly overshadowing, or overbearing impact upon the neighbouring dwellings. This is due to the acceptable scale of the proposal, and its sufficient separation distance from the primary windows of neighbouring dwellings. To the South, there is a distance of over 5m between the first floor extension, and 3 Pigeonhouse Lane.

To the North, it is considered that the reduction in depth of the proposal, and the emittance of the front element are considered to remove any significantly harmful impact of the proposal upon the neighbours

in this aspect. The first floor extension is set 2m in from the Northern gable end of the host dwellings' roof, which is a further 1.2m away from the Northern boundary of the site. Furthermore, the extension is at its lowest point when this far from the Northern boundary, in that it slopes down 1m from its maximum height to its eaves.

The rear ground floor extension is not considered to result in any significant impact upon neighbouring dwellings by way of overlooking, overshadowing or overbearing impact. This is resultant of its limited scale and acceptable siting.

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:

- Proposed Block Plan - 154/P/003 - November 2019
- Proposed Ground Floor Plan - 154/P/006 - November 2019
- Proposed First Floor Plan - 154/P/007 - November 2019
- Proposed Roof Plan - 154/P/008 - November 2019
- Proposed Elevations - 154/P/009 - November 2019
- Proposed Cross Section - 154/P/010 - November 2019

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 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.