

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

REF NO: R/275/17/HH

LOCATION: 59 Sea Avenue
Rustington
BN16 2DN

PROPOSAL: Demolition of side dormer & erection of second storey side extension above garage & single storey rear extension to detached property

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The single storey rear extension measures 3m x 3.2m in area and has a height of 3.5m. The first floor extension increases the width of the first floor by 1.5m on the southern side and includes a rear extension to create a dressing room measuring 2.43m by 2.64m. and would have a height of 6.8m. The materials would match the existing.
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Fencing to side boundary to approx. 1.8m high
SITE CHARACTERISTICS	Detached dwelling with tile hung and painted elevations and plain tile roof. Adjacent dwelling to south has a garage adjacent to the side boundary.
CHARACTER OF LOCALITY	Predominantly residential characterised by detached dwellings of varying size and design in large plots set back from the road frontage.

RELEVANT SITE HISTORY

R/65/60	House With Integral Garage	Approve 05-05-60
R/219/07/	First floor side extension.	ApproveConditionally 08-10-07

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Rustington Parish Council
No Objection

COMMENTS ON REPRESENTATIONS RECEIVED:

None

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

None

COMMENTS ON CONSULTATION RESPONSES:

None

POLICY CONTEXT

Designation applicable to site:
Within Built Up Area Boundary

DEVELOPMENT PLAN POLICES

[Arun District Local Plan \(2003\):](#)

GEN2	Built-up Area Boundary
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 & Alterations to Existing Buildings
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

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.

A new local plan is in preparation and is a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October

2014 were approved by the Council on 22nd March 2017 and consultation on these has taking place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification. The examination was completed in September 2017.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

The Main Modifications to the Arun Local Plan (2011-2031) are presently out for Public Consultation over a six week period starting on Friday 12 January 2018 until 5pm on Friday 23 February 2018.

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. 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: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton.

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).

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

This application seeks planning permission for the construction of a two storey side and rear extension and single storey rear extension.

The principle of development is acceptable within the built up area boundary in accordance with policy GEN2 of the Arun District Local Plan.

DESIGN AND VISUAL AMENITY

The only part of the proposed development that would affect the street scene would be the two storey side extension. The roof would reflect the slope of the existing dwelling and the extension would project no closer to the side elevation than the existing ground floor. In addition the extension would be set down 1.7m below the ridge line of the property. The siting, scale and design of the proposed two storey side extension and rear single storey extension is such that it is considered to be in keeping with the existing dwelling and would not be overly prominent in the street scene and as such it is considered to accord with policy 2 of the Rustington Neighbourhood Plan and GEN 7 and DEV 19 of the Arun District Local Plan.

The roof of the extension is set below the ridge height of the existing dwelling and the proportions of the extension are such that the extensions are considered to be subservient to the existing dwelling.

RESIDENTIAL AMENITY

The main impact of the two storey side extension and single storey rear would be on the neighbouring dwelling to the south. The extensions would be approx. 0.7m from the side boundary and 2m from the dwelling. The 2 storey extension would extend 3m in length adjacent to this boundary. The roof area would pitch away from the boundary and the adjoining property has a garage adjacent to the boundary with no primary windows in the side elevation and large garden, therefore it is not considered to result in a significant loss of amenity to this neighbouring property in terms of overbearing impact. Only one obscure glazed window is proposed in the south facing elevation of the proposed extension and therefore no loss of privacy would occur. A further condition would be applied to prevent any future fenestration in the south elevation of the proposed extensions.

Overall it is not considered that the proposed development would have a materially adverse impact on the occupiers of the adjacent properties and it would accord with policy GEN 7 and DEV 19 of the Arun District Local Plan.

It is recommended that the planning application is granted 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

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
Location/Block 17119/01a, Proposed Floor Plans, Elevations and Roof Plan 17119/02R2.

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 No windows (other than that shown on the plans hereby approved) shall be constructed at first floor or above in the south side elevation of the extension hereby permitted which adjoins the side boundary with 61 Sea Avenue without the prior permission of the Local Planning Authority on an application in that behalf.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policies GEN7, DEV19 of the Arun District Local Plan.
- 4 The first floor window on the south elevation of the building shall at all times be and remain glazed entirely with obscure glass and non opening below 1.7m internal floor height.

Reason: In the interests of the amenities of the occupants of nearby properties in accordance with policies GEN7, DEV19 of the Arun District 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.