

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

REF NO: R/276/19/HH

LOCATION: 9 Milton Avenue
Rustington
BN16 2PP

PROPOSAL: Demolition of garage and conservatory and erection of a rear extension (This application may affect the setting of a listed building).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION The application seeks to demolish the existing rear conservatory, and construct a rear extension.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Rustington Parish Council
Parish Council - No objection.

1 letter of objection:

- If the wall of the extension is replacing the boundary fencing, this will intrude into the garden of the neighbour to the South.
- There is a tree parallel to the wall of the extension, in the garden of the neighbour to the South. This tree may be harmed by the proposal.
- The proposal will compromise the amount of light in to the garden of the neighbour to the South.

OFFICERS COMMENTS ON REPRESENTATIONS

Comments noted. The referenced Acacia tree is not subject to a Tree Preservation Order, and as such, any concerns relating to its health would be a private legal matter. The agent of the application maintains that the wall of the extension does not replace the boundary fencing, however, this cannot be formally enforced and according to the details of this application there is no record of encroachment onto neighbouring land.

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 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.

DESIGN AND VISUAL AMENITY

The proposed development is not considered to result in any significantly harmful impact upon the character of the locality. This is largely due to its siting at the rear of the dwelling allowing for there to be few views of the extension from the public realm.

The proposed development has a maximum height of 3.25m, which is approximately 4.75m lower than the host dwelling. Furthermore, this maximum height is reached atop of a roof lantern, with the majority of the roof of the proposal being at approximately 2.85m from ground level. As such, the proposed extension is considered to appear subservient to, and well integrated with, the host dwelling.

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

HERITAGE IMPACT ASSESSMENT

Section 66 of the Planning (Listed Building and Conservation Area) Act 1990 states that the decision as to whether or not to grant planning permission, for development which affects a listed building or its setting must have regard to the desirability of preserving the building or its setting. Section 72 of the same act applies special regard to the desirability of the preservation of the character and appearance of Conservation Areas. Paragraph 189 of the National Planning Policy Framework (NPPF) requires such information to be provided in order to assess the impact of the proposal upon these assets. In this instance, it is considered that the proposed development does not cause harm to the Listed Building, Walnut Tree Cottage to the north east of the application site, within the locality, due to the separation

distance between the proposal and the heritage asset (over 40m away). As such, the proposal should be determined in accordance with the relevant sections of the Development Plan.

NEIGHBOURING RESIDENTIAL AMENITY

The proposed development is not considered to result in any significantly harmful impact upon the residential amenities of neighbouring dwellings, by way of overshadowing, or overbearing impact. The extension has a maximum height of 3.25m, however, this is atop of a rooflight, which is set approximately 0.9m and 1.85m from the Northern and Southern sides of the extension respectively. The majority of the proposal is therefore at a height of approximately 2.85m. This is not considered to result in any harmful impact on occupiers to the North, due to the separation distance of approximately 1.8m, and the intervening boundary treatment. To the South, the scale of the proposal, and the aspect of the application site are considered to mitigate any significantly harmful overshadowing of this neighbouring property.

The proposed extension is not considered to give rise to any loss of privacy to neighbouring dwellings, due to its single storey nature.

The application 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:

- Location Plan - 100019980 - November 26, 2019
- Plans and Elevations as existing - 2523/01/01 - November 2019
- Plans and Elevations as proposed - 2523/01/02 - 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.