

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

REF NO: R/277/13/

LOCATION: 48 Pigeonhouse Lane
Rustington

PROPOSAL: Alterations to existing fenestration including alterations to window openings, cladding to gables, rendering of existing brickwork. Demolition of existing garages & new single storey side and rear extensions to provide enlarged kitchen, dining space, garage and utility room.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	Approximately 720 square metres.
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Hedging and trees to front (sides) at over 1m in height. Walling and close boarded fencing at over 1.8m in height to rear.
SITE CHARACTERISTICS	A two storey detached property with brown brick elevations at ground floor level and tile hanging above. The roof is half-hipped with brown pantiles. There is a garage either side of the property. A conservatory is situated to the rear.
CHARACTER OF LOCALITY	Situated on a private estate, the area is wholly residential in character. Surrounding properties are generally two storey detached with spacious plot sizes.

RELEVANT SITE HISTORY

REPRESENTATIONS

Representations received:

Rustington Parish Council

No objection.

One letter of objection.

The window at first floor level in the side (north) elevation should be less long, perhaps by one sixth. It should also be mildly obscured glazed.

Comments on Representations received:

Comments are noted. However, it is neither considered reasonable nor necessary to require reducing the window length or condition it to be obscured glazed due to the adequate separation distance between No. 46 Pigeonhouse Lane and the subject property which ensures that overlooking or loss of privacy will not be at a demonstrable level of harm. This window is also acceptable for reasons set out further in the Conclusions section of the report.

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

N/A

POLICY CONTEXT

Designation applicable to site:
Within the Built Up Area Boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	GEN2 GEN7 DEV19	Built-up Area Boundary The Form of New Development Extensions to existing residential buildings
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PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
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SUPPLEMENTARY POLICY GUIDANCE

RDS	Rustington Design statement by Rustington Parish Council
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POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

The Development Plan consists of the Arun District Local Plan 2003.

Paragraph 214 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. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following publication. The Council published the Draft Arun Local Plan in July 2012 and this is a material consideration in the determination of this planning application. A pre-submission Plan has yet to be endorsed and published. Following publication of a pre-submission draft, there is required to be a formal public consultation, resolution of objections, examination and formal adoption. At this time, the emerging Local Plan is afforded very limited weight in terms of the decision making process.

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 Policies GEN7 and DEV19 which seek to prevent development that would have an adverse impact upon visual and residential amenities.

DESIGN AND VISUAL AMENITY

This application seeks planning permission for various works to the property including a single storey side and rear extension. The scheme involves the demolition of both garages on site and a rear conservatory.

The side and rear extension by virtue of their dimensions and single storey nature will be visually subservient to the host property. In demolishing the garages and rear conservatory and replacing with a wrap-around extension, the scheme will square off the property and form a neater design than existing. From the road, the porch and attached garage to one side will form a more integrated design that is likely to be an improvement on its existing appearance.

The change in materials for the property with smooth rendered elevations to front in place of tile hanging, grey green cladding on the side elevations and slate effect tiles on the roof are considered acceptable and in-keeping with the wide range of property styles and residential character observed in the street scene.

The proposal is therefore in accordance with policies GEN7(ii) and DEV19(i) of the Arun District Local Plan.

RESIDENTIAL AMENITY

Although the side extension will be approximately 0.9m higher than the existing garage it replaces in this location, it will be stepped farther from the northern boundary by approximately 0.6m. This separation distance brings the total to approximately 1.75m away from the northern boundary and is considered to compensate for the increased height of the structure compared to existing development. The side extension also has a roof that slopes away from the northern boundary and as such is judged to not cause any harmful residential effects such as being overbearing or overshadowing.

The scheme includes replacing a single box window on the side (north) elevation of the property with a stretched window. Due to the orientation of the neighbouring property of No.46 Pigeonhouse Lane to the north, this side window will face the front elevation of this neighbouring property. However, the proposed window will not give rise to any harmful overlooking due to the acceptable separation distance of approximately 9m between the properties. Based on detail submitted as part of the application, the sill of the proposed window is approximately 1.7m from first floor level with part of the window also being over the stairwell area. Therefore, it is considered that this stretched window will not cause any harmful loss of privacy either.

The rear extension has rooflights which are set high (approximately 2.8m from ground level) and face into the long private rear garden. No other windows are proposed on the side elevations with the exception of a ground floor window in the north elevation which will be screened by close boarded fencing at approximately 1.8m in height in this location. With the blocking up of a window in the south elevation and removal of a garage, the scheme will be of benefit to the neighbouring property of No. 50 Pigeonhouse Lane to the south.

The proposal is therefore assessed as complying with policies GEN7(iv) and DEV19(iii) of the Local Plan.

It is therefore recommended that the application be approved, 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 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, a neutral impact has 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: 889.01 (Location plan, block plan, elevations and roof plan) and 889.02b (Proposed block plan, elevations and roof plan) both dated 21-10-2013.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with GEN7 of the Arun District Local Plan.

- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, no windows or other openings (other than those shown on the plans hereby approved) shall be formed at first floor level in the side (north) elevation of the property without the prior permission of the Local Planning Authority on an application in that behalf.

Reason: To protect the amenities of adjoining residential properties 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.