

Recommendation Report for Planning Permission**REF NO:** R/277/14/PL**LOCATION:** Land adjacent to
19 Angmering Lane
Rustington**PROPOSAL:** Erection of new detached house (resubmission following R/274/13/).**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	The proposal relates to the provision of a 3 bedroom chalet style dwelling in the rear garden of West Hayne, fronting Cross Road.
SITE AREA	Approximately 0.11 hectare
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Rear boundary has close boarded fencing and wooden entrance gates approximately 1.8m-2m in height. Side boundary to Angmering Lane has hedging approximately 4m in height, west side boundary hedging approximately 3m in height, rear has close boarded fencing approximately 1.8m in height.
SITE CHARACTERISTICS	Garden area of large two storey property which has previously been extended with detached double garage. Wooden shed and greenhouse within application site. Existing access already exists onto Cross Road.
CHARACTER OF LOCALITY	Residential comprising two storey properties on large plots of various styles and designs

RELEVANT SITE HISTORY

R/276/10/	Renewal of unimplemented planning permission R/83/08/ for a gym/games room over existing garage	ApproveConditionally 05-01-2011
R/274/13/	Erection of new detached house	ApproveConditionally 25-04-2014

REPRESENTATIONS

Representations received:

Rustington Parish Council

No Objection

Comments on Representations received:

None

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

None

POLICY CONTEXT

Designation applicable to site:

Within Built Up Area Boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: [GEN7](#)

[Publication Version of the Local Plan \(October 2014\):](#)

The Form of New Development

D DM1 Aspects of Form and Design Quality

D DM2 Internal Space Standards

D DM3 External Space Standards

D SP1 Design

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

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.

Arun District Council's Development Plans:

Paragraph 215 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.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will

take place on 30th October 2014 for six weeks.

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 and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. 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: Arundel; Barnham & Eastergate; Bersted; Felpham; Littlehampton; Yapton

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 has been the subject of renewals of planning approval for a detached dwelling since 1986. The principle of a dwelling is therefore established. This application seeks permission for a dwelling on the site of a different design and in a different position on the site to that approved most recently under the previous planning approval R/273/14. The garage is no longer attached to the dwelling and is a separate structure set forward of the dwelling.

The dwelling has been relocated further into the site and now projects beyond the rear elevation of the property to the west, but given the distance to the boundary and the height of the property it is not considered that materially adverse overbearing effects would result. In terms of the impact on the street scene the dwelling would be set back 17m from the site frontage, but this would be midway between the positions of Manor Mead and West Hayne in relation to the Cross Road frontage. The rear garden depth would be 19m which meets the minimum emerging policy requirements and is acceptable.

The size of the site is readily comparable with others in the locality, particularly when the recent infill site adjacent to 2 Cross Road (R/273/08) is considered. This dwelling has been constructed and has resulted in a reduction in plot widths in this part of Cross Road. The proposed dwelling would be acceptable in terms of its design, appearance, position and site coverage and the room sizes accord with the guidelines in policy DDM2 of the Emerging Local Plan. The existing access would be utilised as part of the proposal.

The two storey element of the development is well away from the west boundary to the neighbouring property 'Manor Mead', a gap of 3.5m is retained to the boundary and a condition is to be imposed regarding additional windows on the west side elevation to avoid direct overlooking. A condition is also to be imposed restricting additional building close to neighbouring boundaries.

It is therefore recommended that the application be approved, subject to the following conditions

HUMAN RIGHTS ACT

FOR APPROVAL

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 (the right to respect for 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 neutral 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).

SECTION 106 DETAILS

The application would have been subject to a signed affordable housing agreement however it must be determined by reference to current policy as of the date of decision.

The Affordable Housing Policy was superseded by paras 13-21 NPPG which now governs the matter.

Therefore the planning obligation is no longer a material planning consideration and contributions will not be sought.

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 14/4145/1B (layout and block/location) and 14/4145/2A (garage and elevations).

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 development shall be carried out unless and until a schedule of materials and finishes and samples of such materials and finishes to be used for external walls and roof of the proposed buildings have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the building.

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 in accordance with policy GEN7 of the Arun District Local Plan.

- 4 The first floor windows on the east and west elevation of the building shall at all times be glazed with obscured glass.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policy GEN7 of the Arun District Local Plan.

- 5 No windows other than those shown on the plans hereby approved shall be constructed above eaves level or in the roofs of the dwelling or garage hereby permitted 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 policy GEN7 of the Arun District Local Plan.

- 6 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking or re-enacting this Order) no extensions including porches or dormer windows to the dwelling house shall be constructed or buildings shall be erected within the curtilage unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To safeguard the privacy and amenity of adjoining occupiers, maintain adequate amenity space and safeguard the cohesive appearance of the development in accordance with policy GEN7 of the Arun District Local Plan.

- 7 **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.

- 8 INFORMATIVE: For the avoidance of doubt this permission is not subject to an Affordable Housing Agreement. The signed Agreement was superceded by paras 13-21 NPPG and is no longer material to determination of the application.