

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

REF NO: R/280/17/HH

LOCATION: 13 Milton Close
Rustington
BN16 2PN

PROPOSAL: Single storey side/rear extension

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	A flat roofed extension to the side and rear of a bungalow property replacing an existing smaller utility extension to the side of the property and a small bathroom extension to the rear of the property. The flat roofed extension would be 2.8 metres in height with 2 roof lights 50cm centrally located on the rear part of the extension. The extension would project 4.8 metres to the rear and 5 metres to the side at the rear of the extension tapering to 1.5 metres side extension set back 2.5 metres from the front elevation. The side elevation would be set back 80 cm from an angled boundary and would have a length of 10 metres matching the location of the side elevation of the neighbouring bungalow.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	1.8 metre close boarded fence to the rear garden 1 metre close boarded fence and dwarf wall to the front garden.
SITE CHARACTERISTICS	A semi detached bungalow at the end of a key shaped cul de sac with a roundabout at the bottom.
CHARACTER OF LOCALITY	A residential area of similar bungalows with modern flat roofed extensions to the side and rear a common feature.

RELEVANT SITE HISTORY

None.

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

ADOPTED LOC PLN

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 \(October 2014\):](#)

SD SP2	Built -Up Area Boundary
D DM1	Aspects of Form and Design Quality
D DM4	Extensions & Alterations to Existing Buildings
D SP1	Design

[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 taken 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 Main Modifications to the Arun Local Plan (2011-2031) completed a six week period of consultation on Friday 23 February 2018.

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

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.

Rustington Neighbourhood Plan Policy 2 is relevant to this application and has been taken into account.

Policy 2: Housing Design

Development proposals (including alterations to existing buildings) will be supported, provided that their scale, density, massing, height, landscape design, layout and materials reflect the architectural and historic character and scale of the surrounding buildings and landscape. Proposals must also comply with the parking standards adopted by the planning authority.

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

PRINCIPLE

The site is located within the built up area of the built-up area boundary where development is

considered acceptable subject to other policies within the Local Development Plan. In this case the proposal is for the extension of an existing residential dwelling and therefore it has been determined that the main criteria against which the application will be assessed is contained within Arun District Local Plan Policies GEN7 and DEV19, Policy NER2 of the Rustington Neighbourhood Plan and the National Planning Policy Framework.

DESIGN AND VISUAL AMENITY

The proposed ground floor extension would be set back 2.5 metres from the front elevation and would have a limited impact on the street scene as a result. It will not have any detrimental impact upon the spatial pattern or character of the locality or the host dwelling. The materials of construction, painted render and white UPVC windows and doors, would match the materials of construction of the current current dwelling. Therefore, the proposal is considered to accord with policies DEV19(v) and GEN7(ii) of the Arun District Local Plan and policy 2 - Housing Design of the Rustington Neighbourhood Plan.

By virtue of its design, and location it is considered to be well integrated and subservient to the host dwelling in accordance with policies DEV 19 (i) and (ii) and policy 2 - Housing Design of the Rustington Neighbourhood Plan.

RESIDENTIAL AMENITY

The proposed single storey extension by virtue of its design and location would not be considered to result in any unacceptably adverse overlooking, overshadowing or overbearing impacts on neighbours.

The proposed extension would be within the building lines of the neighbouring property to the north 12 Milton Close and would be at ground floor level. There are not any primary habitable room windows facing the proposed extension in the side elevation of 12 Milton Close.

The proposed extension would be 2.8 metres in height extending 4.8 along the boundary with the neighbouring semi detached bungalow at 14 Milton Close.

The Council uses the 45 degree rule to assess whether or not a proposed development would cause a loss of light or overbearing impact on a neighbouring property. When a 45 degree line is drawn from the closest window on the neighbouring property at 14 Milton Close the proposed development of the rear extension would intersect this line however given that the proposed extension wall along the boundary would be located to the north of the neighbours window and rear garden it is not considered that the loss of light and overbearing impact over and above the 1.8 metre close boarded fence between the two properties would cause an unacceptable loss of light or overbearing impact on the neighbouring property. In addition no objections to the scheme were received from the neighbouring property or the Parish Council.

Therefore the proposed development is considered to accord with policies GEN7(iv) and DEV19(iii) of the Arun District Local Plan.

PARKING

There are no parking implications arising from the proposed development and the proposal is considered to accord with policy 2 - Housing Design of the Rustington Neighbourhood Plan.

SUMMARY

The proposal is considered to accord with relevant development plan policies and as such is recommended for approval subject to the below conditions.

HUMAN RIGHTS ACT

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;

Drawing 1 - Existing & Proposed Floor Plans & Elevations dated 23rd Oct 2017
Drawing 2 - Location & Block Plan dated 23rd Oct 2017

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN 7 and DEV 19 of the Arun District Local Plan.
- 3 The materials and finishes of the external walls and roofs of the extensions hereby permitted shall match in colour and texture those of the existing building.

Reason: In the interests of amenity in accordance with policies GEN7 and DEV19 of the Arun District Local Plan.
- 4 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.