

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

REF NO: R/282/18/HH

LOCATION: 39 Sea Avenue
Rustington
BN16 2DQ

PROPOSAL: Single storey rear extension to replace conservatory. Infill of car port to create garage.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION The application seeks to demolish the existing rear conservatory, and replace with a single storey rear extensions. Additionally, it seeks to erect walls within the car port to create a garage.

RELEVANT SITE HISTORY

R/130/91	Construction of conservatory and pool house to existing swimming pool	ApproveConditionally 23-09-91
R/137/89	Construction of double garage and double car port	ApproveConditionally 11-09-89

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

Rustington Parish Council
Parish Council - No objection.

No representations received from occupiers of nearby dwelling.

CONSULTATIONS

Arboriculturist

CONSULTATION RESPONSES RECEIVED:

None.

POLICY CONTEXT

Designation applicable to site:

DEVELOPMENT PLAN POLICES

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

The application site is located within the built up area boundary, where the principle of development is acceptable subject to accordance with the relevant development plan policies, as stated in SD SP2 of the Arun Local Plan. 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 SD SP2 of the Arun Local Plan states that development should be focused within the Built Up Area Boundary, and will be permitted subject to consideration against other policies in the Local 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 rear element of the proposed development is not visible from the street scene, and therefore, it is not considered to have any unacceptably adverse impact on the character of the locality, or the established pattern of the area. The maximum height of the proposed development is 3.8m from ground level, this is 4.9m lower than the existing ridge height of the host dwelling. Therefore, the proposed development is considered to appear subservient to the host dwelling, nor is it deemed to harm its established character.

The proposed infill of the carport is also not considered to have any significantly harmful impact upon the character of the host dwelling, or its locality. This is as a result of the modest scale of this element of the proposal, and the matching materials. The garage remains 10.6m from the Westernmost boundary of the application site, which is considered to be ample distance to allow the proposed development to not

cause an unacceptable sense of enclosure within the street scene.

The proposed development is considered to be acceptable in terms of design and visual amenity, and is in accordance with D DM1, D DM4(a) and (b) of the Arun Local Plan.

NEIGHBOURING RESIDENTIAL AMENITY

The proposed development is not considered to have any significantly harmful impact on the residential amenities of neighbouring dwellings by way of overshadowing, or having an overbearing impact. This is resultant of its modest scale, and the intervening boundary treatment which, to the rear elevation, is bordered by mature foliage.

Whilst it is noted that the proposed development features openings, these are all at the ground floor level, and therefore provide views no different to those currently available from the front, and rear garden.

The proposed development 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, Block and East Elevation - Drawing P04 - Nov 2018
- Proposed Ground Floor Plan & Garage Elevations - Drawing P01 - Nov 2018
- Proposed Roof Plan & Elevations - Drawing P02 - Nov 2018
- Proposed Elevations - Drawing P03 - Nov 2018

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 The materials and finishes of the external walls and roof of the development hereby permitted shall match in colour and texture those of the existing dwelling.

Reason: In the interests of amenity in accordance with policy D DM1 of the Arun Local Plan.

- 4 No development above damp proof course (DPC) level shall take place unless and until a schedule of the proposed cladding and samples of said cladding to be used for the external walls of the proposed rear extension have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the extension.

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 D DM1 of the Arun 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.