

Recommendation Report for Planning Permission

REF NO: R/282/21/PL

LOCATION: 34 The Crescent
Rustington
BN16 2PF

PROPOSAL: Variation of condition imposed under R/25/21/HH relating to condition 2-plans condition. This is a Householder Application.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Variation of condition 2 of R/25/21/HH relating to the approved plans.
SITE CHARACTERISTICS	Residential, bungalow dwellinghouse.
CHARACTER OF LOCALITY	Residential, uniform character consisting of bungalow dwellinghouses.

RELEVANT SITE HISTORY

R/25/21/HH	Glazed gable extension and the addition of a porch.	ApproveConditionally 26-03-21
PAA/138/20/	Fully glazed contemporary rear extension.	Approve Pre App 29-01-21

Noted.

REPRESENTATIONS

Parish Council - No Objection.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATION RESPONSES RECEIVED:

None.

POLICY CONTEXT

Designation applicable to site:

Built Up Area Boundary (BUAB)
2km Buffer Zone SSSI

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

Rustington Neighbourhood Plan 2014 Policy 2 Housing Design

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD13	Arun District Design Guide (SPD) January 2021
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POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

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

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 they do not materially alter the principle of the original application.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

(2) in dealing with an application for planning permission the authority shall have regard to -

- (a) the provisions of the development plan, so far as material to the application,
- (aza) a post examination draft neighbourhood development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

PRINCIPLE

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.

Rustington has a made neighbourhood plan and policy 2 is of relevance and states that proposals should have regard scale, density, massing, height, landscape design, layout and materials which reflect local architectural and historic character.

Part J.01 relates to form and character and states that development for new buildings or extensions to existing properties new development must ensure that the existing character and sense of place of an area is respected and enhanced.

The principle of the development has been agreed. It is only the issues relating to the amended plans which can be considered. This application seeks to alter the choice of roof covering and alterations to the approved fenestration of the as built project.

DESIGN AND VISUAL AMENITY

The alterations to the roof finish are acceptable by reason that they appear visually integrated with the property and the wider street scene and the upgrade to the existing roof tile, which has a similar colour and appearance to that of the neighbour to the southwest, is deemed subservient to the host dwelling.

The amendments to the openings such as the alteration to the number of leaves to the bi-fold door, the omission of the window to the pantry and utilisation of the existing window to the bathroom, and the blocking up of the existing southwestern facing side window are subservient to the host dwelling and do not compromise the visual integration of the works.

The proposal is therefore compliant with policies D DM1 and D DM4 of Arun Local Plan.

RESIDENTIAL AMENITY

The proposed alterations to the openings of the proposal will not negatively impact overlooking of adjoining properties and in some case will improve the situation.

The proposal does not alter the scale or form of the development as such it will not be overbearing or overshadow neighbouring properties.

In terms of overlooking, overshadowing and overbearing the proposal complies with Policy D DM4 of the Arun Local Plan.

SUMMARY

The proposed development is deemed to accord with the relevant development policies and as such is recommended for approval subject to the following conditions and informatives.

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

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.

CIL DETAILS

This application is CIL Liable therefore developer contributions towards infrastructure will be required (dependant on any exemptions or relief that may apply)

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby approved shall be carried out in accordance with the following approved plans;
 - Location and Block Plan 2120/00
 - Plans and Elevations 2120/05

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM4 and D DM1 of the Arun Local Plan.
- 2 **INFORMATIVE:** This permission relates to the variation of condition 2 of planning permission R/25/21/HH only. The applicant is advised and reminded that the other planning conditions attached to the original planning permission number R/25/21/HH remain in force and must be complied with.