

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

REF NO: R/285/17/HH

LOCATION: 89 Broadmark Lane
Rustington
BN16 2JA

PROPOSAL: Replacement conservatory to east elevation increasing height of garage roof to north elevation , juliet balcony at first floor level to south elevation, window at first floor level to east elevation for new en-suite.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
	The proposed conservatory measures approximately 4m deep, 3.2m wide and 3.1m high. Materials would be upvc and glass. The garage would be increased to a height of approximately 2.7m from 2.4m for 2.5m of its length at the rear part. A new window is positioned in the east elevation, the window in the south elevation is replaced with glazed doors and a glazed Juliette balcony. Finally, the door and window at the rear of the garage is replaced with a window. The plans were amended by the applicant following submission but only in relation to east elevation window and replacement of window and door at rear of garage.
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The front of the property is open plan. The rear has a brick wall to the side approximately 1.8m high and a timber fence at rear boundary of similar height. There is also some mature planting in these areas.
SITE CHARACTERISTICS	The application site comprises a two storey property constructed of brick beneath a tile roof. The property has an attached single storey extension and a conservatory to the rear. The property is located at the junction of Broadmark Lane and Mallon Dene.
CHARACTER OF LOCALITY	Residential comprising properties of a similar scale and size.

RELEVANT SITE HISTORY

R/213/80	Proposed Ground Floor And Cloakroom	ApproveConditionally 20-08-80
R/259/85	First Floor Extension	Approve 23-12-85
R/293/81	S/S Extension To Form Study In Extension To Boundary Wall	ApproveConditionally 02-12-81
R/5/93	Addition of small conservatory to rear of house	ApproveConditionally 26-02-93

There have been historic permissions on the site but none are of direct relevance to the current proposal.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Rustington Parish Council

Rustington Parish Council have no objections

Two letters of objection from the same person have been received. The concerns are summarised as follows

1. concerns that the plans do not show detail of soundproofing and weather tightness of the party wall. There is concern that the development will lead to damp from water penetration and noise from workings of white goods.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments are noted however, it is considered that the issues raised would be addressed by other regulations such as party wall regulations. The use of a residential extension and noise emanating from occupiers of that property or their use of machinery is not a material planning consideration. None the less it is noted that that area is shown as being an existing utility room and it is questionable how any slight extra height will add to damp penetration.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

None

COMMENTS ON CONSULTATION RESPONSES:

None

POLICY CONTEXT

Designation applicable to site:

Built up area

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 \(October 2014\):](#)

D DM1 Aspects of Form and Design Quality
D DM4 Extensions & Alterations to Existing Buildings
D SP1 Design
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

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 taking 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. A consultation on the modifications ended in mid February 2018.

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

The Main Modifications to the Arun Local Plan (2011-2031) are presently out for Public Consultation over a six week period starting on Friday 12 January 2018 until 5pm on Friday 23 February 2018.

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.

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).

The relevant policy in the Rustington Neighbourhood Plan has been taken into account.

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 lies within an established residential area where development proposals, such as extensions, are generally acceptable, subject to compliance with other planning policies.

The proposed conservatory would be sited to the rear of the property and would not be visible from Broadmark Lane although it may be possible to see the upper part from Mallon Dene. This would replace an existing conservatory. The proposed conservatory would be sited to the centre of the rear elevation approximately 4.4m from the boundary with No.87 and 6.7m from the side boundary with Mallon Dene. It will appear as subordinate addition to the main house and retains an adequate amount of rear garden. The proposed conservatory would be constructed of uPVC and glass. It is considered that the proposed conservatory is in keeping with the character and appearance of the host property and is not considered unduly dominant on the property and as such is not considered harmful to character of the wider area.

The garage is increased in height by approximately 0.3m but only over a length of 2.5m and links into the

existing part which is already this height. The garage is adjoining the wall at No.87. Given the small increase in height and length it is not considered harmful to the character of the property or the wider area.

The replacement of the window in the first floor of the south elevation with doors and a Juliette balcony would be readily visible from the street but is not considered to visually harmful to the amenity of the area.

Finally, the new windows in the east elevation at first level and ground floor level are not considered to be harmful to the character and appearance of the property or the wider area.

Given the position of the proposed conservatory and the height and size of the structure and the boundary treatment there will be no adverse impact upon neighbouring property to the north, No.87. Likewise given its size and position it will not be harmful to No.1 Mallon Dene to the rear. The new first floor window on the east elevation is in a set back position. This would be to an en suite bathroom and would be obscured glazed and can be conditioned as such. The ground floor window replaces an existing window and door and is not considered harmful to adjoining occupiers. Finally, the glazed doors and Juliette balcony overlook the road and together with a distance to No.91, approximately 17m, is considered acceptable so as not to lead to an unacceptable loss of privacy to the occupiers of No.91.

There are no parking implications arising from the proposed development.

In summary, the proposed development is not considered to be visually obtrusive or prominent and would not have an adverse impact on the character and appearance of the host property and the amenity of adjoining occupiers. The proposal therefore complies with adopted planning policies in the Arun Local Plan 2003 and Rustington Neighbourhood Plan. As such, the proposed development is therefore recommended for approval subject to the following 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

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 217/542/1A, 217/542/2, 217/542/3, 217/542/4A & 217/542/5A.

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 The materials and finishes of the external walls and roof of the development hereby permitted, except for the conservatory, 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 The approved first floor window on the east elevation of the building, serving the en suite bathroom, shall at all times be glazed with obscured glass and fixed shut up to 1.7m from finished ground floor level.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policies GEN7, DEV19 of the Arun District 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.