

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

REF NO: R/287/13/

LOCATION: 10 Old Manor Road
Rustington

PROPOSAL: Rear extension

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The rear extension measures approximately 8m in length, approximately 6m in width and approximately 5.3m in height. Materials to match existing.
SITE AREA	Approximately 550 square metres.
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Hedging to front at approximately 1.5m in height. Side (north) boundary comprises wooden post and rail fencing and metal wire fencing at approximately 1.5m in height. Hedging along the side (south) boundary at approximately 1m and metal wire fencing along the rear (west) boundary at approximately 1.5m in height.
SITE CHARACTERISTICS	A two storey detached property with rough rendered elevations painted yellow and brown brickwork. The roof is hipped with brown plain tiles and a rear roof dormer. The playing fields of Rustington Community Primary School are situated to the west.
CHARACTER OF LOCALITY	Predominantly residential in character, surrounding properties are a mixture of detached and semi-detached in style.

RELEVANT SITE HISTORY

REPRESENTATIONS

Representations received:

Rustington Parish Council

No objection.

Comments on Representations received:

Noted.

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

None

POLICY CONTEXT

Designation applicable to site:

Within the Built Up Area Boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: [GEN2](#)
[GEN7](#)
[DEV19](#)

Built-up Area Boundary
The Form of New Development
Extensions to existing residential buildings

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

SUPPLEMENTARY POLICY GUIDANCE

RDS

Rustington Design statement by Rustington
Parish Council

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

The Development Plan consists of the Arun District Local Plan 2003.

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. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following publication. The Council published the Draft Arun Local Plan in July 2012 and this is a material consideration in the determination of this planning application. A pre-submission Plan has yet to be endorsed and published. Following publication of a pre-submission draft, there is required to be a formal public consultation, resolution of objections, examination and formal adoption. At this time, the emerging Local Plan is afforded very limited weight in terms of the decision making process.

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 is located within the built-up area where the principle of development is acceptable, subject to accordance with relevant planning policies. In this instance, the main criteria against which the application will be assessed is contained within Arun District Local Plan policies GEN7 and DEV19 which seeks to prevent development that would have an adverse impact upon visual and residential amenities.

DESIGN AND VISUAL AMENITY

This application relates to a rear extension on a detached residential property. The extension is single storey in height and will be situated close to the northern boundary of the site. The extension when viewed from the front and public vantage points within Old Manor Road will offer a visually subservient and in-keeping design with an identical roof pitch and the same tiled area above eaves level seen on the host property. The materials match existing to further ensure that there is acceptable visual integration and blending in with the host property.

The property has an idiosyncratic roof profile that is difficult to complement effectively with any extension. However, this is part of its charm and the extension is considered to achieve a complementary relationship with the uniquely styled property. This can be particularly seen in its half hipped roof on the end of the extension which matches the roof angle of the property and shows that the extension has been carefully thought out and designed.

It is therefore considered that the proposal complies with policies GEN7(ii) and DEV19(i) of the Arun District Local Plan.

RESIDENTIAL AMENITY

Although the extension comes within close proximity to the northern boundary, there is a strip of land beyond which measures approximately 5m in width and acts as a buffer to the immediate neighbouring property of No. 8. This ensures that, together with its single storey nature and roof being pitched away from the northern boundary, there will be no harmful residential effects by way of being overbearing or overshadowing.

Whilst there is a dormer in the side (south) elevation roofslope of immediately neighbouring property No. 8 that will face on to the proposed extension, the adequate separation distance and small windows being proposed at ground floor level in the extension ensures that any overlooking or loss of privacy on this or any other property will not be an unacceptable levels. There is also an absence of any development beyond the rear boundary of the site where the playing fields of Rustington Community Primary School are located which is to the benefit of the proposal.

The rear extension is therefore considered to comply with policies GEN7(iv) and DEV19(iii) of the Arun District Local Plan.

It is therefore recommended that the application be approved, 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 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, a neutral impact has 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.

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 plan: 064/01 (Site plan, location plan, elevations and floor plans) Substituted plan dated 20th January 2014.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with GEN7 of the Arun District Local Plan.

- 3 The materials and finishes of the external walls and roof of the rear extension hereby permitted shall match in colour and texture to 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 No windows or other openings shall be constructed in the roofslope of the north elevation of the extension 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 policies GEN7 and DEV19 of the Arun District Local Plan.

- 5 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.