

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

REF NO: R/293/17/HH

LOCATION: 92 Sea Avenue
Rustington
BN16 2DL

PROPOSAL: Two storey rear extension, revised fenestration & solar panel to south elevation.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The proposed two storey extension comprises part single storey addition and part two storey. The two storey part is designed to have a double pitch roof. The two storey part measures approximately 5m deep, 11m wide and 7m high. The single storey extension provides an addition width of approximately 4.8m at ground floor, with 5m depth and 2.9m high. The proposal also proposes changes to fenestration and the erection of a solar panel. Materials would be render and tiles to match the existing property but with stone to ground floor.
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	To the rear the property has timber fencing approximately 1.8 - 2m high together with some mature planting.
SITE CHARACTERISTICS	Large two storey detached property set on a large and spacious plot. The house is set well back from the road. The property has existing rear extension and conservatory and integral garage. The house is constructed of render beneath a tile roof.
CHARACTER OF LOCALITY	Residential comprising large detached properties of varying design and scale set on large plots.

RELEVANT SITE HISTORY

No relevant planning history

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

Rustington Parish Council

Rustington Parish Council has no objection.

No response to public consultation.

COMMENTS ON REPRESENTATIONS RECEIVED:

None

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 proposed modifications ended 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) were 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 NP has been taken into account.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

PLANNING

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 dwelling is located within the built-up area boundary in an established residential area where the principle of development is acceptable subject to compliance with relevant development plan policy.

The two storey extension has been designed to be set down below the height of main roof, with a double pitch roof. The proposed two storey extension is not the full width of the rear elevation and is set in by approximately 4.8m on the north side where the extension is only single storey. The proposed extension would be set in approximately 2m from the northern boundary with No.90 and 4m from the southern side boundary of the site with No.94. It would also be approximately 17 m from the rear boundary thereby retaining a significant amount of garden area. The proposed extension would not be visible from the road. Given the size of the property and the plot it is considered that the proposed extension would be subservient to the main house.

The proposed materials would broadly match the existing property and the use of stone at ground floor is considered acceptable.

The proposed changes to fenestration are considered acceptable. Likewise whilst the proposed solar panel is visible from the road on the side elevation this is considered to be acceptable. The extension is to the rear of the property. This together with the fact that the property is set well back from the road frontage will mean that there will be acceptable impact on the character and appearance of the area.

Therefore, it is considered that the proposed development would not be harmful to the character and appearance of the host property or the locality.

With regard to the amenity of adjoining occupiers the properties. The proposed extension would be sited approximately 2m from the side boundary with No.90 and approximately 10m from the property itself. There are no side windows facing No.90 and the extension would only be single storey on this side of the house. Therefore, together with the depth and height of the extension it is not considered that the proposed development will be harmful to the residential amenity of the occupiers of No.90. With regard to No.94 the proposed extension is set in approximately 4m from the side boundary and approximately 7m from the property itself. There are no first floor windows in the side elevation but there is one at ground floor level. However, given the distance and the boundary treatment this is not considered to be unacceptably harmful to the amenity of the adjoining occupiers. The proposed two storey extension does not infringe a 45 degree line off the nearest window of the neighbouring property and is not considered harmful to outlook or lead to a loss of light to the occupiers of No.94 to the south.

Whilst the main windows overlook the rear garden the separation distance to the rear boundary and boundary treatment it is not considered the proposal will be unacceptably harmful to the occupiers of the property to the rear (west) Nos.11 and 13 Dolphin Way.

Therefore, in summary, it is considered that there would be no adverse harm to the living conditions of neighbouring properties and to the character and appearance of the host property or area in general. As such the proposal would comply with adopted planning policies in the Arun Local Plan 2003 and the Rustington Neighbourhood Plan.

Therefore, the application is 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 17116-01, 17116-02E & 17116-03E

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 extension, with the exception of the proposed stone at ground floor level, 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.