

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

REF NO: R/29/17/HH

LOCATION: Easter Cottage
The Thatchway
Rustington

PROPOSAL: Extensions and alterations to existing property, including new roof terrace.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The planning application proposes the following;

1) Demolition of two detached garages to the front of the house, an entrance porch to the side of the house and a sun room to the rear of the house and the balcony railings to the first floor at the rear of the property.

3) A front outrigger pitch roofed extension on the eastern side of the property in the front garden - Construction on the ground floor of two attached garages and a study projecting 1.8 metres from the side of the dwellinghouse. The overall structure would project 9.7 metres from the front of the dwelling house with a maximum width of 5.5 metres with a height to eaves of 2.4 metres and a pitched roof height over the garages of 3.8 metres..

The front, side and rear extensions are located bordering the east side of the plot 1.5 metres from the boundary with a 3 metre wide public footpath with hedging on either side.

4) Side and rear ground floor extension - Construction of a 2.4 metre high flat roofed wraparound extension at the side and rear of the property adjoin the front extension. It would project 1.8 metres along the whole existing side elevation with a length of 7.3 metres and 3.2 metres further to the end of the rear extension on the east side.

The rear extension as stated projects 3.2 metres and would have a width of 5 metres.

The rear extension would also incorporate a new open side patio roof with balcony above to the west of the rear extension along the remaining 7.2 metres of the rear elevation. The patio roof would project an additional 2.5 metres from the current rear elevation of the

dwellinghouse.

5) The new balcony would sit on top of the new flat patio roof and rear extension roof and would have glazed panels to the front and sides measuring 1 metre in height and would project 1.8 metres with a width of 9.8 metres.

6) The bedrooms at the first floor rear of the dwellinghouse would be extended over the existing balcony and have new windows and doors constructed in the rear elevation.

7) A new front porch would be constructed 4 metres in width projecting 1.6 metres from the current front elevation of the dwellinghouse with a flat roof height of 2.5 metres.

SITE AREA

0.06 hectares

TOPOGRAPHY

Predominantly flat

TREES

None of any significance affected by the proposed development.

BOUNDARY TREATMENT

This backland plot has a 1.8 metre close boarded fence and 3 metre hedging on the east and north side running along a public footpath and landscaping and a 1.8 metre fence adjoin the boundary with 'Wind Song' a neighbouring dwelling to the west side. The south side of the property boundary has a 1.8 metre close boarded fence and adjoins the beach front in Rustington.

SITE CHARACTERISTICS

A detached beach front two storey modern dwelling on a large plot in Rustington. The property has no road frontage and is accessed by a driveway between neighbouring dwellings to the north from The Thatchway. The rear garden is 15 metres long and the boundary adjoins the public beach front grassed walkway and beach beyond. The property has a public footpath adjoining the plot to the east

CHARACTER OF LOCALITY

A residential area of similar bespoke designed detached bungalows and two storey houses adjoining the beach front on a private estate in Rustington.

RELEVANT SITE HISTORY

R/212/60

House and garage

Approve

18-11-1960

report

None relevant.

REPRESENTATIONS

Representations received:

Rustington Parish Council

No objection.

Comments on Representations received:

Noted.

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

N/a

POLICY CONTEXT

Designation applicable to site:

ADOPTED LOC PLN

RIGHT OF WAY

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

Publication Version of the Local
Plan (October 2014):

SD SP2 Built-Up Area Boundary
D DM1 Aspects of Form and Design
Quality
D DM4 Extensions and Alterations to
Existing Buildings (residential and non-
residential)

Rustington Neighbourhood Plan 2014 Policy 2

Housing Design

PLANNING POLICY GUIDANCE

NPPF
NPPG

National Planning Policy Framework
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 may be 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. The Examination into the submitted plan was commenced but is currently suspended whilst Arun District Council addresses matters raised by the Inspector.

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 is taking place 10 April 2017 to 5pm on Tuesday 30 May 2017. 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 may also be material consideration to take into account.

Arun District Council's Development Plans:

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.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used are material considerations in the determination of this planning application. The emerging Plan was submitted in January 2015 and the examination is currently suspended. The examination is due to re-commence in summer 2017 following publication of modifications to the Plan.

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

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 and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. 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.

Policy NER 2 - Housing Design of the Rustington Neighbourhood Plan applies to this application.

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

PRINCIPLE

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 and policy NER 2 of the Rustington Neighbourhood Plan which seek to prevent development that would have an adverse impact upon visual and residential amenities.

DESIGN AND VISUAL AMENITY

The proposed development would have a limited impact on the street scene as it has no street frontage and is accessed by a 35 metre long driveway. Its appearance would however impact upon limited views above the boundary fences and hedges bordering the 3 metre wide public footpath to the west and from the public walkway on the beach front 15 metres to the south of the proposed rear elevation beyond a 1.8 metre close boarded fence.

The property is a somewhat unexceptional two storey post war detached dwellinghouse. With the exception of the balcony at the rear all the proposed development is at ground floor level. The proposed extensions at ground floor level incorporate attractive design features including curved corners, large areas of glazing and pillars supporting the proposed patio roof and balcony at first floor level. The balcony itself would be modernised to be constructed of glazing rather than the current wrought iron railings more typical of the character of modern beach front developments in the area.

Given the minimal impact of the development on the wider public access areas and street scene and the attractiveness of the design of the proposal, subject to a condition regarding approval of materials and given that the extensions would be visually subservient to the host property, the proposed extensions are therefore considered acceptable in design terms and complies with policies GEN7(ii) and DEV19(i) & (ii) of the Arun District Local Plan and policy NER 2 of the Rustington Neighbourhood Plan.

RESIDENTIAL AMENITY

The proposed extensions would mostly be located at ground floor level with adequate separation distances to neighbouring properties and would not impinge upon neighbouring properties habitable room windows in terms of a loss of light or outlook.

A concern remains that the side elevations of the proposed rear balcony are shown to be constructed of glazed materials and to be of a height of 1 metre which would create an unacceptable level of overlooking toward the rear amenity space of 'Wind Song' to the west and to a lesser extent no. 21 The Thatchway to the east. For this reason a condition requiring the submission and approval of details to provide side screens on the proposed first floor balcony of a

minimum of 1.7 metres in height, constructed of obscurely glazed panels would make an otherwise unacceptable development acceptable in terms of the privacy of neighbouring properties.

Subject to conditions relating to approval of materials and the further approval of 1.8 metre high obscure glazed screens on the east and west sides of the first floor balconies, the extension is therefore considered to comply with policies GEN7(iv) and DEV19(iii) of the Arun District Local Plan.

SUMMARY

The proposal is considered to accord with relevant development plan policies and as such is recommended for approval subject to the below 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;

Dwg.no. 1070.02.c REV c - Proposed Floor Plans, Elevations, Roof Plan - dated 16/11/2016

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN 7 & DEV 19 of the Arun District Local Plan.

- 3 Prior to the development above damp proof course a schedule of materials and sample panels shall be submitted to and approved in writing by the Local Planning Authority. Sample panels of the external finishes shall include the proposed balcony glazing material and supports, texture and style of render, window and door frame colour, rainwater goods and roof tiles. The materials and sample panels so approved shall be adhered to as the construction specification for the extensions.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity in accordance with policy GEN7 of the Arun District Local Plan and policy NER2 of the Rustington Neighbourhood Plan.

- 4 Prior to the development above damp proof course an elevational plan and samples of the materials to be used of the east and west side elevations of the proposed first floor balcony with a minimum height of 1.7 metres incorporating obscure glazed panels shall be submitted to and approved in writing by the Local Planning Authority. The materials and balcony side elevation height shown on the approved plan shall be retained in perpetuity.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity in accordance with policy GEN7 and DEV 19 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 identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

- 6 INFORMATIVE:Whilst the planning permission applies to the approved plan Dwg.no. 1070.02.c REV c - Proposed Floor Plans, Elevations, Roof Plan - dated 16/11/2016 in accordance with condition 4 of this permission it specifically does not approve the construction of a 1 metre high glazed screen on the east and west side elevations of the proposed balcony at first floor level which will be subject to further submission and approval of plans.