

REPORT UPDATE

Application No: R/2/14/

Reason for the Update / Changes

Reason for Update/Changes:

Second Rustington Parish Council response received following reconsultation of additional side (west) elevation.

Objection.

Reiteration of comments previously made on 18th February 2014.

Officers Comment:

Comments previously raised and responded to in the report.

Notes: Changes to recommendations, conditions and / or reasons for refusal will always be reflected in the recommendation section of the attached Officer's Report/Recommendation.

R/2/14/

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

REF NO: R/2/14/

LOCATION: 1 Merton Avenue
Rustington

PROPOSAL: Alteration of existing rear roof to form gable end and attic room with front velux type window

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	Approximately 650 square metres.
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Low brick wall, trellis fencing and hedging to front. Fencing and hedging to rear typically over 2m in height.
SITE CHARACTERISTICS	A detached bungalow with brown brick elevations with a hipped roof and brown plain tiles.
CHARACTER OF LOCALITY	Predominantly residential in character, bungalows are the

report

main development form in the road.

RELEVANT SITE HISTORY

R/118/83	Alterations to existing bungalow to include kitchen extension & new garage	ApproveConditionally 01-06-1983
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REPRESENTATIONS

Representations received:

Rustington Parish Council

Objection.

(i) The proposal for an attic room with a front velux type window would result in a loss of privacy for the adjacent properties, namely No. 5 Amberley Road and No. 3 Merton Avenue, by reason of overlooking to an unacceptable degree. This would most certainly adversely affect the peaceful enjoyment and amenities of the occupiers of the aforementioned properties.

(ii) In the absence of any plans for a new tree planting/screening scheme, the existing hedge is considered to be inadequate.

Two letters of objection.

- The fully glazed gable end will overlook the garden of No. 5 Amberley Road which will significantly impact on privacy.
- The drawings incorrectly show "existing tree screening" on the western boundary but these are in fact a trimmed hedge which does not provide adequate screening.
- The fully glazed gable end is not in-keeping with the architecture of nearby properties. It is unsympathetic and incongruous in its design and scale to the house.
- Allowing this extension would set an unfortunate precedent for any subsequent proposals in Rustington.
- Light pollution from the gable end would impact No.5 Amberley Road and other neighbours.
- The plans are incomplete as there is no drawing of the existing and proposed side west elevation.

Comments on Representations received:

Comments noted. In response to the Parish Council and two letters of objection, the roof extension including its glazed gable end is considered to be acceptable in design terms and on the residential amenities of neighbouring properties for the reasons set out in the Conclusions section. The Case Officer has visited the site to ascertain the boundary treatment and so the recommendation is not solely based on drawings submitted with the application. The outcome of this application has no bearing on the determination of future applications as each application is judged on its own merits.

It is agreed that no drawing was originally submitted showing existing and proposed side west elevations of the property and so this has been requested and incorporated as part of the application for additional clarity. This forms supplementary information and clearly shows an increase of the existing roof to the north and not in the direction of Amberley Road to the west. There are also no windows being proposed in the west elevation or east of the roof extension to prevent overlooking onto the properties and gardens in Amberley Road and No. 3 Merton Avenue. A condition is recommended to ensure that no windows or other means of

opening are inserted into the sides of the roof extension without an application first being made to the Local Planning Authority.

This application has been the product of re-consultation following the submission of an additional side (west) elevation in response to the letters of objection. However, no new comments have been received in this second advertising period.

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	Built-up Area Boundary
	GEN7	The Form of New Development
	DEV19	Extensions to existing residential buildings

Publication Version of the Local Plan - Excluding the Spatial Portrait, Employment, Housing Allocations, Transport, Monitoring and Implementation sections (February 2014):	D DM1 Aspects of Form and Quality
	D DM4 Extensions & Alterations to Existing Buildings

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
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SUPPLEMENTARY POLICY GUIDANCE

RDS	Rustington Design statement by Rustington Parish Council
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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 agreed the majority of the Arun Local Plan in February 2014 (Publication

Version) and this is a material consideration in the determination of this planning application. The remaining chapters of the Local Plan namely: the Spatial Portrait, Employment & Enterprise, Housing Allocations, Transport, Monitoring and Implementation will be considered for publication at a later meeting of Full Council. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place. The chapters that have been published will undergo public consultation alongside the remaining chapters when they have been agreed. The weight given to the current published policies can be significant depending:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

The policies within this published version of the plan are at an advanced stage as they have been agreed by Full Council for regulation 19 consultation, they have been subject to independent audit and are considered to meet the NPPF and there are no known significant unresolved issues arising from regulation 18 consultation for the published policies.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place once the remaining chapters / policies have been published.

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 seek to prevent development that would have an adverse impact upon visual and residential amenities.

DESIGN AND VISUAL AMENITY

This application principally seeks planning permission to extend the roof of the dwelling house to form a glazed gable end which will face north on to the private rear garden. It also proposes a front rooflight which has the capacity to be opened.

The roof extension is situated to the rear and so will not be visible in the street scene. The roofline is considered to be neater as a result of the proposed roof extension, especially when viewed from the rear and the use of matching materials will ensure acceptable visual integration with the host property.

The front rooflight is small in its dimensions at 1.1m wide x 0.7m in height and will be centrally located within the roofslope. This property has a near-identical appearance with Nos. 3 and 5 to the east and so these properties make an important visual contribution to the street scene due to their design uniformity. However, the front rooflight is a small addition which will not unacceptably affect the overall form and appearance of the bungalow or this row of properties.

The proposal is therefore considered to comply with policies GEN7(ii) and DEV19(i) of the Arun District Local Plan.

RESIDENTIAL AMENITY

The roof will be extended to the rear and face northwards to a well screened garden. This means that any overlooking on to neighbouring properties and gardens will not be direct and so is regarded as being acceptable. No windows are being proposed on the sides of the roof extension (east and west) which prevents overlooking in these directions and the neighbouring properties of No. 3 Merton Avenue and No. 5 Amberley Road respectively. However, it is recommended that a condition be placed on the permission to ensure that no windows or other means of opening be inserted into these roofslopes without a planning application first being submitted on that behalf.

The glazed gable end is not considered to cause harmful light pollution due to the adequate separation distance being retained between this and neighbouring properties to the west (a minimum of approximately 13m) and the fact that the extension serves a residential property. The roof extension is also not expected to have an unacceptable overbearing or overshadowing effect on No. 3 Merton Avenue due to a roof pitch which significantly slopes away from the eastern boundary and an acceptable separation distance measuring approximately 1.4m.

The proposed rooflight to front has the capacity to be opened outwards but this faces towards the road and rear garden of No. 2 Merton Avenue which is the nearest residential property at approximately 20m away.

The proposal is therefore considered to comply with policies GEN7(iv) and DEV19(iii) of the 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 plans: Location plan, block plan, Existing and proposed elevations, ground floor and rafter plan; Proposed ground and first floor plan and Existing and proposed side (west) elevations received as Supplementary Plans on 14th February 2014.

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 roof 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 (other than those shown on the plans hereby approved) shall be constructed in the east and west elevations of the roof 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.