

Recommendation Report for Planning Permission

REF NO: R/2/18/PL

LOCATION: Rustington Convalescent Home
Sea Road
Rustington
BN16 2LZ

PROPOSAL: Replacement summerhouse.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The proposal relates to a replacement structure measuring 3.2m high with a floor area of 5.47m by 3.64m. The building would have timber elevations.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Wire fencing/hedging to eastern side boundary to frontage low walling and wire mesh fencing
SITE CHARACTERISTICS	The main convalescent home building is detached and 2 storeys high. A conservatory is located on the eastern side and the existing summerhouse is located adjacent to it.
CHARACTER OF LOCALITY	Predominantly residential. Beach opposite. Mewsbrook Park and swimming centre to west

RELEVANT SITE HISTORY

R/3/18/L Listed building consent for a replacement summerhouse.

R/224/99/	Erection of a summer house	ApproveConditionally 02-02-00
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REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

Rustington Parish Council
No Objection

COMMENTS ON REPRESENTATIONS RECEIVED:

None

CONSULTATIONS

Conservation Officer

Engineering Services Manager

Engineers (Drainage)

CONSULTATION RESPONSES RECEIVED:

Conservation Officer - No Objection

The site is within the curtilage of a Grade II Listed building.

The proposal is to replace an existing summerhouse, with another in the same location. It appears the proposed is slightly larger than the existing, rudimentary structure, however it is considered to represent an enhancement of the setting of the listed building

COMMENTS ON CONSULTATION RESPONSES:

- comments noted

POLICY CONTEXT

Designation applicable to site:

Within Built Up Area Boundary

Grade 2 Listed Building

DEVELOPMENT PLAN POLICES

[Arun District Local Plan \(2003\):](#)

GEN7 The Form of New Development

[Publication Version of the Local Plan \(October 2014\):](#)

HER DM1 Listed Buildings

HER SP1 The Historic Environment

D SP1 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.

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. 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. There are no policies in Rustington Neighbourhood Plan considered relevant to consideration of this application.

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).

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 or the setting of the Listed Building.

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 summerhouse would replace an existing building which has been located on the site for a number of years. The proposal would slightly increase the size of the existing structure, but would not be visually

dominant or adversely affect the setting of the listed building. The structure would be of better quality than the building it replaces. It would be modest in scale and would be set back from the site frontage and located between the existing summerhouse and the side site boundary. It would not project forward of the primary elevation of the building. It would be similarly positioned to the existing summerhouse which is not visually apparent in the street scene. There is some mature landscaping adjacent to the boundary to the east which also serves to reduce the visual prominence of the structure. It is therefore considered to enhance the setting of the building and to have no adverse effect on the character or appearance of the locality.

The building would be located 7m from the side boundary which abuts the rear boundaries of properties fronting The Martlets . The eaves height of the building would be 2.2m high and when considered in conjunction with this distance it is therefore considered that the proposal would not result in any materially adverse overbearing effects on residential amenity in accordance with policy GEN7 of Arun District Local Plan.

The application is therefore recommended for approval 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 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 :
Location
Elevations, Floor Plan and Block Plan 222-A-X-P Summer house rev A

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 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.