

Recommendation Report for Planning Permission

REF NO: R/306/18/PL

LOCATION: Windsong
The Thatchway
Rustington
BN16 2BN

PROPOSAL: Demolition of the existing dwelling & erection of 1 No. 3-bedroom one and a half storey dwelling. This application may affect a Public Right of Way.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The proposal relates to a 2 storey dwelling with a ridge height of 7.66m and a footprint of 102.6 sqm. The dwelling would replace the existing 3 bedroom dwelling on the site.
SITE AREA	573.32 sq m
RESIDENTIAL DEVELOPMENT DENSITY (NET)	17 dwellings per hectare
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Mature shrubs and/or close boarded fencing to all boundaries varying in height.
SITE CHARACTERISTICS	Chalet style dwelling with plain tile roof and painted render and brick elevations. Flat roofed garage to front. All of front garden area is hard surfaced.
CHARACTER OF LOCALITY	Predominantly residential characterised by detached dwellings of varying design

RELEVANT SITE HISTORY

R/128/75	Extensions To Bedroom Bathroom & Wc Cloaks	ApproveConditionally 16-07-75
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REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

Rustington Parish Council

No Objection

1 Objection:

Loss of privacy from balcony. Plans and Design and Access Statement conflict. If the balcony is on the west side then there is no objection. It is not clear how the access will be improved.

COMMENTS ON REPRESENTATIONS RECEIVED:

The balcony is on the west side and screening to the west end elevation is conditioned to protect privacy. The access driveway is not included within the red edge and therefore no alterations are included in the application.

CONSULTATIONS

WSCC Strategic Planning

Engineering Services Manager

Engineers (Drainage)

CONSULTATION RESPONSES RECEIVED:

County Highways - No Objection. The development does not appear to impact on any public right of way.

Drainage Engineer - No Objection. Surface water drainage design would be dealt with by building regulations.

COMMENTS ON CONSULTATION RESPONSES:

- comments noted

POLICY CONTEXT

Designation applicable to site:

Within Built Up Area Boundary

DEVELOPMENT PLAN POLICES

[Arun Local Plan 2011 - 2031:](#)

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
TSP1	T SP1 Transport and Development
DSP1	D SP1 Design
WDM3	W DM3 Sustainable Urban Drainage Systems

[Rustington Neighbourhood Plan 2014 Policy 2](#) Housing Design

Rustington Neighbourhood Plan 2014 Policy 4 Sustainable Drainage

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

RDS	Rustington Design statement by Rustington Parish Council
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POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

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.

Policies 2 and 4 of Rustington Neighbourhood Plan are considered relevant to determination of this application.

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 lies within the built up area boundary where residential redevelopment is acceptable in principle. There is also already an established and existing property on the site. This application seeks permission to demolish the existing single storey property and replace it with a 2 storey dwelling of similar footprint located in a similar position as the existing dwelling.

The footprint of the dwelling is reducing from 141 sqm to 102sqm. The width of the dwelling would be reduced by 0.6m and the height would increase by 1.3m. The depth to the greensward site frontage would be increased by between approximately 1 and 2m given the slight decrease in depth of the proposed footprint.

The Thatchway is characterised by detached dwellings of varying design and style and there is no uniform pattern to the development, although most dwellings are set back a similar distance from the greensward. The existing dwelling has no frontage to The Thatchway. The front elevation of the dwelling is slightly further from the greensward frontage which would compensate for its slight increase in height.

There is no dominant material or style used in the dwellings in this locality and it is considered that the proposed 2 storey dwelling would not be inappropriate in this location. It would be similar to the dwelling to the east.

Whilst the design of the proposed dwelling is different to the existing property it will not significantly increase the height or width of the dwelling and would not appear out of keeping in the locality. The two storey dwelling would retain and slightly increase the existing gap to both side boundaries and the dwelling would be the same height as the neighbouring dwelling to the west and there are other 2 storey dwellings in The Thatchway. Therefore the replacement dwelling would not appear out of character with the area or overly dominant in the street scene and would accord with the provisions of policy DDM1 of the Arun Local Plan.

Policy 2 of Rustington Neighbourhood Plan relates to Housing Design and states that 'development proposals (including alterations to existing buildings) will be supported, provided that their scale, density, massing, height, landscape design, layout and materials reflect the architectural and historic character and scale of the surrounding buildings and landscape. Proposals must also comply with the parking standards adopted by the planning authority.' The existing access and parking area would be retained are included in the proposal.

In terms of design it is considered that the dwelling fully responds to the context of the site, reflecting the architectural styles and massing of nearby properties as well as using the highest quality materials to be consistent with the local context.

The site falls within 'Character Area 5 of Rustington Village Design Statement which is identified as an area of low density housing on private estates. It is considered that the proposal is compliant with this policy on the basis of the existing plot size and the proposed house design. The design reflects that of other properties in the locality.

It is considered that the proposed dwelling would be acceptable in terms of its design, appearance, position and site coverage and would have no materially adverse impact on the visual amenities or character of the area.

The dwelling does not project significantly beyond the rear elevation of the dwelling to the east and would be located in the same position as the existing dwelling in relation to the dwelling to the west. Given the distance to the boundaries and the height of the property it is not considered that materially adverse overbearing effects would result to neighbouring properties. The only proposed windows at first floor level in the side elevation of the dwelling serve an en-suite and landing which would ensure there is no materially adverse overlooking and the gaps to the side boundaries are retained. The west side elevation of the balcony is conditioned to be obscure glazed to ensure no materially adverse overlooking results to the garden of the dwelling to the west. This is considered adequate to preclude any materially adverse overbearing effects and accord with policy DDM1 of Arun Local Plan.

The rear amenity area remains unaltered and the gross internal floor area accords with the Nationally Described Space Standards. The internal floor space is approximately 170sq m and according to these standards it would exceed the internal floor area of 102 sqm which is the stipulated requirement for a 3 bedroom, 6 person house.

Policy 4 of Rustington Neighbourhood Plan is concerned about 'sustainable drainage' and states that 'development proposals likely to affect surface water drainage will be supported, provided they are able to demonstrate that they include one or more of the following sustainable drainage design features as appropriate for the ground conditions:

- i. Permeable driveways and parking areas;
- ii. Water harvesting and storage features;
- iii. Green roofs; and
- iv. Soakaways.'

The existing dwelling has hard surfacing to part of the front and rear gardens and the existing drive is being retained. Drainage for a single dwelling would be controlled by building regulations. Surface water will be drained through soakaways in accordance with the building regulations and policy WDM2 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 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,
Proposed Site Plan SP02
Proposed Ground Floor Plan 02 revE

Proposed First Floor Plan 03 revD
Proposed Elevations 04revC
Proposed Street Scene SS01

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy DDM1 of the Arun Local Plan.

- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015, (or any Order revoking or enacting that Order) no windows or other openings (other than those shown on the plans hereby approved) shall be formed at first floor level in the east or west wall of the dwelling without the prior permission of the Local Planning Authority on an application in that behalf.

Reason: To protect the amenities of adjoining residential properties in accordance with policy D DM1 of the Arun Local Plan.

- 4 The first floor windows in the side elevations of the building hereby approved shall at all times be glazed with obscured glass and fixed to be permanently non-opening below 1.7m finished floor level.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policies DDM1 of the Arun Local Plan.

- 5 Prior to occupation the west side elevation of the balcony shall be obscured to a height of 1.7m in accordance with details to be submitted to and approved by the Local Planning Authority and the approved screening shall be retained in perpetuity.

Reason: To safeguard the amenities of the occupiers of adjoining property in accordance with policy DDM1 of the Arun District Local Plan.

- 6 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.