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

REF NO: R/31/18/HH

LOCATION: 38 Holmes Lane
Rustington
BN16 2PY

PROPOSAL: Side & rear single storey extension & conversion of garage to form annexe.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above The proposed extension measures approximately 7.3m long, 3.2m wide and 2.8m high with a flat roof. It would extend beyond the rear elevation of the main house by approximately 4.6m. The proposed garage conversion only involves replacement of the garage door with a door and window. Materials would on the walls would match the existing property with a felt flat roof..
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 front is relatively open to for vehicle access to a pavior hardstanding area. To the rear there is a timber fence approximately 1.8m high and also a mature hedge/plating of between a similar height and 2m.
SITE CHARACTERISTICS	Semi detached, broadly, L shaped single storey property constructed of render with a brick base to the front bay and beneath tile roof. The property is set on a reasonable plot with the property set back form the road. The property has an attached garage and a timber shed to the rear of the garage.
CHARACTER OF LOCALITY	Residential comprising a mix of properties of a similar scale and plot size. Opposite the site there is a church and car park.

RELEVANT SITE HISTORY

There is 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 into the proposed modifications ended in mid February 2018.

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.

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

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 application site is situated within the built up area and within established residential area where the principle of development is acceptable subject to compliance with relevant development plan policy.

The proposed application seeks permission for a single storey side and rear extension to provide an annexe for a relative. The development would involve the conversion of the garage and an extension to the rear. It would be sited on the eastern side of the existing property. The proposed extension will not be visible within the street scene, although the change in garage door to a door and window would. The proposed extension would be built up to the boundary with No.40 to the east and would be approximately 8.6m form the side boundary with No.36 to the west. The proposed extension would infill a set back part of the dwelling and extend approximately 4.6m beyond the rear elevation of the main house. The proposal retains an adequate amount of garden being between approximately 9m - 12m deep. Materials on the walls would match the existing property with a flat felt roof.

The proposed conversion of the garage door and insertion of a door and window to replace the garage door is considered acceptable. As such the development as a whole is considered subservient to the main house and would not be harmful to the character and appearance of the host property or the wider area.

The proposed extension 8.6m from the side boundary with No.38 and 9m from the rear boundary with No. 1 Cove Road. Given this separation distance, boundary treatment and height of the extension it is not considered that there will be any adverse impact to the residential amenity of these adjoining occupiers. With regard to No.40 the extension would be built up to the boundary. No. 40 has a matching design with a set back rear elevation adjacent to the application site, there are no windows in this set back part and there is currently a timber shed type structure which appears to form a rear porch type entrance to the property in the set back part. There are no side windows in the proposed extension and given the height of extension and boundary treatment it is not considered there will be a loss of privacy to the occupiers of No.40.

The nearest habitable room window in No.40 is a bay window with a half hexagonal shape. If a 45 degree line is taken from the central part of the window there is no breach of the 45 degree line, if taken from the nearest angled window there is a breach of this line at the rearmost part of the proposed extension. Notwithstanding this technical breach it is considered that there is not a significant impact over and above that currently experienced from the existing 1.8m boundary fence. In addition, given the height of the extension and that it is considered that a reasonable outlook can still achieved from the bay window it is felt that a reason of refusal on this ground could not be sustained. Overall the proposal is not considered to lead to an unsatisfactory adverse impact on the residential amenity of the occupiers of No.40.

Although the proposal leads to the loss of a garage there is adequate off street parking to the front of the house and as such there are no parking implications from the proposed development.

In summary, the proposed development is not considered to be visually obtrusive or prominent and would not have an adverse impact on the character and appearance of the host property or the amenity of adjoining occupiers. The proposal therefore complies with adopted planning policies in the Arun Local Plan 2003 and the Rustington Neighbourhood Plan.

The proposed development is therefore 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 sheet 1 of 2 location plan, block plan proposed floor plans and proposed elevations & sheet 2 of 2.existing floor plans, existing elevations, existing and proposed roof plan.

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 of the extension 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 The development hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the main dwelling known as 38 Holmes Lane, Rustington and shall not be sold or let separately from the property known as 38 Holmes Lane, Rustington nor

shall it be used as holiday accommodation.

Reason: In the interests of the amenity and character of the area in accordance with policy GEN7 of the 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 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.