

Recommendation Report for Planning Permission for Works or Extension to a Dwelling**REF NO:** R/32/14/**LOCATION:** 50 Pigeonhouse Lane
Rustington**PROPOSAL:** Proposed first floor side extension & single storey rear extension**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	The proposal relates to the provision of an en-suite above the existing garage measuring 3.4m deep by 3.6m wide. The single storey extension to the rear would project 5.5m with a width of 6m and an eaves height of 2.3m.
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Fencing to both side boundaries to approx 1.8m
SITE CHARACTERISTICS	Detached 2 storey dwelling. Brick elevations. Plain tile roof. Flat roofed garage to side with false pitch to frontage and single storey flat roofed extension to the rear.
CHARACTER OF LOCALITY	Predominantly residential characterised by detached dwellings of varying design, generally 2 storey, set back a uniform distance from site boundaries

RELEVANT SITE HISTORY

R/388/87	Extension at rear to form new kitchen and internal alterations	ApproveConditionally 01-02-1988
R/198/61	Garage	Approve 13-11-1961
R/206/85	Extensions & alterations to convert existing garage into guestroom & provide new garage	ApproveConditionally 07-10-1985

REPRESENTATIONS**Representations received:**
Rustington Parish Council

No Objection

Comments on Representations received:

None

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

Designation applicable to site:

Within 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 SP1 Design
	SD SP1 Sustainable Development
	SD SP2 Built -Up Area Boundary
	ECC SP2 Energy & Climate Change Mitigation
	D DM1 Aspects of Form and Quality
	QE SP1 Quality of the Environment

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

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

It is suggested that both extensions would be conditioned to be constructed of materials to match the existing building and in this respect they would be visually integrated with the existing property and in keeping. The single storey extension to the rear would double the width of the existing rear extension. It would not be readily visible from outside the site and would be no closer to the side boundary or project further to the rear than the existing single storey extension. It would therefore have no adverse impact on either visual or residential amenity.

The extension above the garage would be located within 1 metre of the side boundary, but this is

considered acceptable since the street is not characterised by relatively small gaps to properties at first floor and each dwelling has a different design. The dwelling is located 1 metre from the northern boundary. In addition the extension would be set back 3m from the front elevation of the dwelling and would have a significantly lower ridge height. It would therefore appear subservient to the main dwelling and sympathetic to the host dwelling in terms of scale, design and form. The adjacent dwelling to the south has a garage closest to the boundary and there are secondary windows on the side elevation behind the boundary fencing. The depth of the extension is limited and given its position and dimensions is not considered to have a materially adverse effect on the residential amenities of the adjoining dwelling.

The application is therefore recommended for approval subject to the following conditions.

HUMAN RIGHTS ACT

FOR APPROVAL

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 (the right to respect for 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.

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DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal no negative 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).

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 AR-92-05, AR-92-04, AR-92-03 and AR-92-06.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with GEN7 of the Arun District Local Plan.

- 3 The materials and finishes of the external walls and roofs of the extensions 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 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.