

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

REF NO: R/32/26/HH

LOCATION: 34 Mallon Dene  
Rustington  
BN16 2JR

PROPOSAL: Single storey rear extension.

**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION As above.

**REPRESENTATIONS**

Rustington Parish Council - No objection.

No representations were received from nearby occupiers.

**CONSULTATIONS****CONSULTATION RESPONSES RECEIVED:**

Engineers (Coastal Protection) - No response received.

**POLICY CONTEXT**

Built-Up Area Boundary.

Within an area with potentially high ground water.

**DEVELOPMENT PLAN POLICIES**

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

|      |                                                         |
|------|---------------------------------------------------------|
| DDM1 | D DM1 Aspects of form and design quality                |
| DDM4 | D DM4 Extensions&alter to exist builds(res and non-res) |

**PLANNING POLICY GUIDANCE:**

|      |                                     |
|------|-------------------------------------|
| NPPF | National Planning Policy Framework  |
| NPPG | National Planning Practice Guidance |

**SUPPLEMENTARY POLICY GUIDANCE:**

|       |                                               |
|-------|-----------------------------------------------|
| SPD13 | Arun District Design Guide (SPD) January 2021 |
|-------|-----------------------------------------------|

**CONCLUSIONS****DESIGN & VISUAL AMENITY**

The application site comprises a two storey detached dwelling located at 34 Mallon Dene, Rustington.

The proposal seeks a planning permission for the construction a single storey rear extension to replace an existing conservatory. The extension would measure approximately 3.6m in width and 4m in depth, and would largely replace the footprint of the existing conservatory. It would feature a flat roof form with a maximum height of approximately 3m.

The proposed fenestration would include a three-pane window within the rear (west) elevation, patio doors on the side (north) elevation, and a rooflight within the flat roof section.

The extension would be finished in composite cladding. While the proposed materials would not match those of the host dwelling, which would not strictly accord with the guidance set out in the Arun Design Guide (ADG), the extension would be sited to the rear of the property and would not be visible from the public realm. In this context, the use of non-matching materials would be acceptable and would not result in harm to the visual amenity of the host dwelling or the surrounding area.

The proposed depth of the rear extension would not comply with the guidance set out in the ADG, which states that single storey rear extensions should not exceed 3.3m in depth. However, the extension would be visually subservient to the host dwelling, it would be positioned to the rear and would not be visible from the public street scene. In addition, similar rear projections are common within the vicinity and the proposed extension would replace an existing conservatory of a similar depth. Therefore, the development would not appear visually intrusive or out of keeping with the character of the surrounding area.

The proposal would not result in any harm to the visual amenity of the host dwelling, street scene or wider area, and as such, the proposed development would be in accordance with Arun Local Plan policies D DM1 and D DM4.

#### RESIDENTIAL AMENITY

The proposed development would be set in approximately 4m from the northern side boundary and would not project beyond the established built line of the neighbouring dwelling to the north. As such, the extension would not result in any overbearing impact or unacceptable loss of light to this neighbouring property.

The rear extension would be constructed close to the southern side boundary and would be set in approximately 0.3m. The proposal would largely replace the existing conservatory and, when compared to the existing situation, would not introduce any additional overbearing or overshadowing impacts to the neighbouring dwelling to the south.

A glazed door is proposed within the northern flank elevation of the extension. This would be positioned in a comparable location to existing openings, and therefore the proposal would not result in any increased overlooking or loss of privacy to neighbouring occupiers to the north.

The proposed rear (west) window would primarily overlook the private amenity space. No openings are proposed within the southern flank elevation. As such, the proposed extension would not result in overlooking to the neighbour to the south.

The development would not result in harm to neighbouring amenity, in accordance with Arun Local Plan policies D DM1 and D DM4.

#### SUMMARY

The proposal is in accordance with the relevant development plan policies. As such, it is recommended for approval subject to the following conditions and informatives.

## 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

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.

## CIL DETAILS

This application is not CIL liable.

## 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 drawings:

- Plans and Elevations 26/04/2
- Block Plan 26/04/3
- Location Plan 26/04/4

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Arun Local Plan policies D DM1 and D DM4.

- 3 Based on the information available, this permission is exempt from the requirement to provide a biodiversity gain plan under Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990. The following exemption applies:

This planning permission is for development which is a householder application within the

meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Reason: In accordance with Schedule 7A of the Town and Country Planning Act 1990 (as amended).

- 4      **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). 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.