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

REF NO: R/34/18/HH

LOCATION: 165 Worthing Road
Rustington
BN16 3PR

PROPOSAL: Rear single storey extension to rear & side. New dormer to rear

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above The proposed rear extension would wrap around the side of the property. The rear part would measure approximately 6.8m wide, 3.1m deep and 2.9m high. The side part would be approximately 3m wide, 10.5m long and 2.9m high. The proposed rear dormer would be 2m wide and 1.2m high. The materials would match the existing property.
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 there is a boundary wall and timber fence on the side approximately 1m high. To the rear there is timber fence approximately 2m high.
SITE CHARACTERISTICS	The application site comprises a two storey detached property constructed of brick and tile hanging beneath a tile roof. The property has an attached side garage and is set back from the road with a gravel area to the front.
CHARACTER OF LOCALITY	Residential comprising properties of varying size and design set on similar sized plots.

RELEVANT SITE HISTORY

R/22/75	Two Storey Extension & Garage Extension	ApproveConditionally 05-03-75

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

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 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).

The relevant policy in the Rustington Neighbourhood Plan has been taken into account.

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 falls within the built area boundary where the principle of development is acceptable subject to accordance with relevant development plan policies. The key policy considerations in the determination of this application are deemed to be GEN7 and DEV19 of the Arun District Local Plan, the Rustington Neighbourhood Plan and the National Planning Policy Framework.

The proposed rear extension and side extension create a wrap around extension. The rear extension would cover approximately half the width of the rear elevation and links into the existing rear projection and the length of the side elevation. The extension would be built up to the side boundary with No.167 approximately 34.6m from rear boundary. The extension would be just visible from the road but the property currently has a single storey side garage, therefore the visual impact is not significantly different to the existing situation.

The proposed rear dormer extensions would not be seen from the road. The resultant dormer roof extension would still be adjacent the side elevation and appear as a small gable addition which is set below ridge level. It would appear subservient in the roof slope.

The proposed materials would be to match the existing property.

Therefore, when considering the proposal, as a whole, it is considered to be well integrated with the host dwelling and will not appear as an unduly dominant addition on the property and as such would not be harmful to the wider character of the area.

Given the position of the single storey extension and the dormer window there will be no unacceptable adverse impact upon the amenity of the adjoining occupier in No.163. Also given the distance to the rear boundary, in excess of 34m it is not considered that there will be adverse impact to properties ot the rear of the site.

With regard to No.167 the extension will be built up to the side boundary with this property. Given the height and design of the proposed extension it is not considered this aspect of the scheme will be harmful to the amenity of the occupiers of this property. Given the existing side garage the impact will not be significantly different. The proposed rear dormer extension does not provide windows higher than the existing windows. In light of this the dormer extension would not be harmful to the amenity of adjoining occupiers in No.167

Therefore, as a whole, the proposed development is not considered to be harmful to the amenity of the adjoining occupiers.

The proposed development is considered to comply with adopted planning policy in the Arun Local Plan and the Rustington Neighbourhood Plan. As such the application is recommended for appproval 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 18/69 SK1 Rev E.

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 and roof of the extensiosn 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 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.