

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

REF NO: R/39/18/HH

LOCATION: 37 Sea Avenue
Rustington
BN16 2DQ

PROPOSAL: Single storey front extensions & first floor front extension.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. Two extensions are proposed at the front. The first floor extension is on the north side over the existing pitched roof single storey element. It will have a flat roof hipped at the side which will be significantly lower than the ridge of the existing house. There will be one window on the front. On the south side a single storey extension is proposed. It will be 4.5 m long with the south elevation in line with the existing south elevation, 2.7m deep and project 1.5 out beyond the foremost part of the existing dwelling. It will have a flat roof with a false hip. A front porch is attached to this extension. It will measure 1.85 m x2.07m and have a pitched roof 3.6 m high to the ridge and to the 2.4 m high to the eaves with the gable facing onto the street.
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	1.6m close-boarded fence with 20cm trellis and evergreen hedge on north boundary. Hedge over 2 metres in height on the south boundary. Dwarf brick wall with higher piers on front boundary with very low trimmed hedge in front and planting behind up to the height of the piers (c1.2 m).
SITE CHARACTERISTICS	The property is a two storey house on the east side of the road set back approximately 10 m. It is built of brick and render with a brown tiled hipped roof and catslide roof on the south side with a large pitched roof dormer and a subservient two storey element on the north side with a hipped roof. There is a garage on the south side at the rear and a gap of 5 m to the boundary. There is a window at first floor on the north elevation of the adjacent two storey house to the south. The house to the north is also two storey. It has no windows at first floor in the side elevation facing on to the application site. There is a 3 m gap between the side elevations of the two houses, The house on the application site and the houses on either side are all set back from the road by about the same distance.

CHARACTER OF LOCALITY

Private residential estate with wide tree lined streets and large houses of varying designs but mostly two storey on generous plots set back from the road.

RELEVANT SITE HISTORY

R/5/97	Enlargement of dormer roof	ApproveConditionally 14-02-97
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R/230/96	New garage	ApproveConditionally 06-01-97
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Noted

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Rustington Parish Council
no objection

1 letter of no objection requesting conditions to deal with hours of work and noise disturbance due to problems experienced the previous year when work was carried out at the property

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted. The imposition of such a condition would be inappropriate on development of this kind. Excessive noise and disturbance can be dealt with under the Environmental Health legislation.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

None

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

Within the 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):

SD SP2 Built -Up Area Boundary
D DM1 Aspects of Form and Design Quality
D DM4 Extensions & Alterations to Existing Buildings

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.

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 Rustington Neighbourhood Plan has been made and the relevant policies considered in the

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 is in the built up area where development is acceptable in principle. The design of the extensions is sympathetic and subservient to the architectural style of the existing property and will not unacceptably impact on the visual amenities of the area. Due to the set back of the house from the road and the shallow depth of the extensions the additions will not appear intrusive in the street scene. The single storey extension at the front will have no adverse impact on the amenities of the adjacent properties due to the distance from the boundaries and the existing boundary treatment. The small extension at first floor will project no further forward than the most forward part of the front elevation of the existing house and there are no windows at first floor on side elevation of the house to the north. Therefore there will be no unacceptable impact on the amenities of that property or the property to the south. As such the proposal complies with policies GEN7 and DEV19 of the Arun District Local Plan, policies D DM1 and D DM4 of the Arun Local Plan 2011-2031 and policy 2 of the Rustington Neighbourhood Plan.

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:
Drawings, 1a, 2b, 3a, 4a 5, 6a, 7, 8, 9,1 and 11

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies GEN7 and DEV19 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 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.