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

REF NO: R/40/23/HH

LOCATION: 8 Botany Close
Rustington
BN16 2BJ

PROPOSAL: **Partial loft conversion with terrace, including part raising of ridge. Amended boundary wall treatments. External cladding.**

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The application seeks to construct a partial loft conversion with terrace, including part raising of the ridge. Amended boundary wall treatments. External cladding.

RELEVANT SITE HISTORY

R/294/21/HH	Single storey rear extension and conversion of roofspace to habitable use to include a rear dormer.	ApproveConditionally 08-02-22

REPRESENTATIONS

Parish Council - Object on the following grounds:

- Would not be subservient to the original building.
- Would have an overbearing effect on property to the west.
- Could adversely affect the peaceful enjoyment and amenities to adjacent property.
- Is in conflict with Policy 2 of the Rustington Neighbourhood Plan.

1 letter of representation objecting to the proposals on the following grounds:

- Original planning application for two storey house was refused and dismissed on appeal.
- Will be totally out of keeping with the existing dwelling.
- Front balcony will cause loss of privacy to number a Botany Close.
- Will have an overbearing impact on the neighbouring property.
- Extension is in contravention to the Arun District Council Policies.

CONSULTATION RESPONSES RECEIVED:

None.

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)

DSP1 D SP1 Design

Rustington Neighbourhood Plan 2014 Policy 2 Housing Design

PLANNING POLICY GUIDANCE:

NPPG National Planning Practice Guidance

NPPF National Planning Policy Framework

SUPPLEMENTARY POLICY GUIDANCE:

SPD13 Arun District Design Guide (SPD) January 2021

CONCLUSIONS

BACKGROUND

As noted above, planning permission was recently granted (ref. R/294/21/HH) to extend the property and the current submission proposes a reduced development in terms of scale. As such, the previous approval is a material planning consideration.

PRINCIPLE

The key policy considerations are Policies D SP1, D DM1 and D DM4 of the Arun Local Plan, guidance set out in Part M of the Arun Design Guide SPD and the Rustington Neighbourhood Plan.

DESIGN AND VISUAL AMENITY

The site is a corner plot with Frobisher Way and Botany Close and comprises a detached bungalow with accommodation in the roof space.

The proposed development would raise the height of part of the existing ridge to the western side creating a part two storey frontage and also raise the existing gable end on the western side. It is also proposed to create a front balcony at first floor level, however, this would be enclosed both sides with a glass balustrade to the front. It is noted that there are other properties in the locality that feature front balconies. Other than the proposed raising of the ridge to the western side, the remainder of the existing dwelling house would remain with the inclusion of roof lights and changes in external materials.

Whilst the style and appearance of the existing dwellinghouse would change, there is an eclectic mix of styles and designs of dwellinghouses in the locality. As a result, the proposed extension does not unacceptably compromise the established character of the area.

In this regard, the design and appearance of the proposal, in terms of the extension, is deemed appropriate in context to the main building and is therefore considered acceptable meeting the requirements of policies D SP1, D DM1 and D DM4 of the Arun Local Plan and Design Guide SPD.

The proposals also include a change in the existing boundary treatment comprising hedging and erecting a 2m high boundary wall. Unlike most properties in the locality that have open frontages, the application site and the property opposite in Frobisher Way are enclosed, the latter with timber fencing. It is also noted that a property at No.1 Botany Close benefits from a front boundary wall enclosure. Therefore, in this context the proposed walling would be acceptable in terms of visual amenity.

The scheme would not result in an adverse impact on the visual amenities of the locality.

RESIDENTIAL AMENITY

The proposal will not result in any adverse overlooking and because the front balcony area is enclosed, it would not offer side views to adjacent properties. However, it is considered necessary to condition the proposed rooflight in the western side to be a minimum of 1.7m above floor level to ensure no adverse overlooking of the neighbouring property to the west.

The comments of the objection are noted, however, it is considered that the proposal would not result in any adverse overlooking, overbearing or overshadowing of neighbouring properties.

The proposal is in accordance with Policies D SP1, D DM1 and D DM4 of the Arun Local Plan and the Design Guide SPD.

SUMMARY

The scale, siting and design of the proposal would have limited and acceptable impact on the neighbours and the character of the area and is therefore 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

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, therefore, developer contributions towards infrastructure will be not required.

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:

Location Plan - P001 Rev P1
Proposed Block Plan - P002 Rev P1
Proposed Site Plan - P004 Rev P2
Proposed Ground Floor Plan - P009 Rev P6
Proposed First Floor Plan - P010 Rev P6
Proposed Roof Plan - P011 Rev P4
Proposed North and East Elevations - P012 Rev P2
Proposed South and West Elevations - P013 Rev P1
Existing and Proposed Boundary Elevations - P014 Rev P1

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

3 The roof light in the western side elevation of the development hereby permitted shall be positioned with the lowest part of the opening a minimum of 1.7m above the internal floor level of the room to which it serves.

Reason: In the interests of protecting the privacy of neighbouring properties and having regard to policy D DM4 of the Arun 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.