

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

REF NO: R/47/17/HH

LOCATION: 3 Meadway
Rustington

PROPOSAL: Demolition of existing garage, construction of new part single storey part two storey extension, new pitched roof to existing flat roof extension & canopy to front

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

Planning permission is sought for the following;

1) Demolition of the existing garage on the north side elevation of the property.

2) Replace with a wraparound extension at the ground floor side and front elevation incorporating a ensuite bathroom for a ground floor bedroom and a garage to the side and a bay window and open porch area under the roof overhang to the front. This would project a further 1.2 metres toward the north side boundary with 1 Meadway than the existing garage and a further 1.2 metres beyond the current front elevation. The height of the proposed half hipped flat roof would be 2.2 metres to the eaves to 3.3 metres at ridge of the hip roof and flat roof beyond. The demolished garage was of a similar height.

3) A 1.5 metre long extension of the main chalet roofed dwelling at first floor and roof height to accommodate an bathroom and dressing room at first floor level extending halfway over the proposed ground floor garage.

4) A half hipped roof would be added on top of the existing rear ground floor extension on the south side of the rear elevation from 2.9 metres flat roofed height to 3.3 metres in height

SITE AREA

0.06 hectares

TOPOGRAPHY

Predominantly flat

TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	A 1.6 metre trellised fence on the side boundary with 1 Meadway. Ranch style 1.2 metre post fence to the front boundary.
SITE CHARACTERISTICS	A detached chalet bungalow with rooms in the roof and roof dormers. The property has a driveway and parking area to the front and rear garden.
CHARACTER OF LOCALITY	The properties in this area are located on a dogleg bend and have staggered front elevations with 1 Meadway having a front elevation set back by an average of 4 metres on a 45 degree angle to the front elevation of the applicant's property. The area is a residential area on an estate road in Rustington.

RELEVANT SITE HISTORY

R/108/99/	New bedroom extension and alteration to existing sun loggia	ApproveConditionally 14-07-1999
-----------	---	------------------------------------

None relevant

REPRESENTATIONS

Representations received:

Rustington Parish Council

No objection.

Comments on Representations received:

Noted.

CONSULTATIONS

Arboriculturist

Consultations responses received:

None

Comments on Consultation responses:

N/a

POLICY CONTEXT

Designation applicable to site:

ADOPTED LOC PLN

TREE PRES ORDER

PRIVATE STREET

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	<u>GEN2</u> <u>GEN7</u> <u>DEV19</u>	Built-up Area Boundary The Form of New Development 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 and Alterations to Existing Buildings (residential and non-residential)
Rustington Neighbourhood Plan 2014 Policy 2		Housing Design

PLANNING POLICY GUIDANCE

NPPG	National Planning Practice Guidance
NPPF	National Planning Policy Framework

SUPPLEMENTARY POLICY GUIDANCE

RDS	Rustington Design statement by Rustington Parish Council
-----	--

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 may be 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. The Examination into the submitted plan was commenced but is currently suspended whilst Arun District Council addresses matters raised by the Inspector.

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 is taking place 10 April 2017 to 5pm on Tuesday 30 May 2017. 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 may also be material consideration to take into account.

Arun District Council's Development Plans:

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.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used are material considerations in the determination of this planning application. The emerging Plan was submitted in January 2015 and the examination is currently suspended. The examination is due to re-commence in summer 2017 following publication of modifications to the Plan.

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 and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. 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.

Policy R2 - Housing Design of Rustington Neighbourhood Plan is relevant to this application.

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

PRINCIPLE

The proposed development is located within the built up area where the principle of development is acceptable in principle in accordance with policy GEN 2 of the Arun District Council Local Plan 2003 (the Local Plan) subject to other policies within the local development plan in relation to the visual and residential amenity of the scheme, which in this case include policy GEN 7 & DEV 19 of the Local Plan, Policy NER 2 of the Rustington Neighbourhood Plan and supplementary planning guidance contained within the Rustington Design Statement

VISUAL AMENITY - Character of the development

The proposed extensions are relatively modest enlarging the current dwelling by approximately a metre to the front and north side elevations and 1.5 metres to the main roof at first floor level. In addition the creation of half hipped roofs at ground floor level to the side , front and rear using tiles to match and white rendering rather than painted brickwork and clay tiles to match will improve the appearance of the dwelling within the street scene and are recognized as a prevalent and attractive materials in the Rustington Design Statement in this area.

The proposed extensions would not dominate the appearance of the main dwelling house as it currently exists and would be considered subservient.

For the above reasons the garage extension would be considered subservient to the main dwellinghouse and to be sympathetic to the character of the host property and surrounding area in accordance with policy GEN 7 (ii) and DEV 19 (I), (ii) & (v) of the Local Plan and policy NER 2 of the Rustington Neighbourhood Plan and the Rustington Design Statement.

RESIDENTIAL AMENITY - Impact on neighbouring dwellings

The proposed extensions could only have an impact on the property to the north side 1 Meadway in terms of overlooking, loss of daylight or overbearing impact.

The new extension at ground floor level would only marginally increase the size of the current garage and first floor side elevation. Given the bulk of the current dwellinghouse it is not considered that the proposed extensions would have a significant additional impact despite the extension being located marginally within a 45 degree line of the front ground floor living room window of 1 Meadway at a direct distance of between 5 and 10 metres (given the angle of the front elevation of 1 Meadway). The Council uses the 45 degree rule of thumb to assess the impact of proposed developments.

Additionally no objection has been received from the neighbouring property.

A condition would be applied to ensure that the bathroom and dressing room windows at first floor would be obscure glazed and non opening below 1.7 metres in height to ensure that there is no overlooking toward 1 Meadway.

The proposed extensions are not considered to cause any significant additional adverse impacts on the residential amenity of neighbouring properties in accordance with policy GEN 7 (iv) and DEV 19 (iii) of the Local Plan.

It is therefore recommended that the proposal is approved 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;
Dwg.no. 1080.02.Rev b - Proposed Plans and Elevations - Dated 08/02/2016

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN 7 and DEV 19 of the Arun District Local Plan.

- 3 The materials and finishes of the roof tiles of the proposed extensions hereby permitted shall match in colour and texture those of the existing building and the walls and rainwater goods of the proposed extensions shall match in colour 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 The windows on the north elevation of the proposed extension at ground and first floor level shall at all times be glazed with obscured glass and fixed to be permanently non-opening below 1.7 metres in height.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policies GEN7, DEV19 of the Arun District Local Plan.

- 5 **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.