

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

**REF NO:** R/51/18/HH

**LOCATION:** 27 Jubilee Avenue  
Rustington  
BN16 3NF

**PROPOSAL:** Demolition of existing single garage and erection of detached double garage.

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| <b>SITE AND SURROUNDINGS</b> |
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|----------------------------|-------------------------------------------------------------------------------------------------|
| DESCRIPTION OF APPLICATION | The application seeks to demolish an existing garage and replace with a detached double garage. |
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| <b>RELEVANT SITE HISTORY</b> |
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| <b>REPRESENTATIONS</b> |
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**REPRESENTATIONS RECEIVED:**

Rustington Parish Council

Parish Council provided no objection.

5 letters of objection from 3 people

- The roof will be detrimental to the property because of the height
- Significantly higher than the previous garage
- We will lose natural light
- It will be an eyesore

These comments will be considered in the conclusions section.

**CONSULTATION RESPONSES RECEIVED:**

None

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| <b>POLICY CONTEXT</b> |
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Designation applicable to site:

Built up area boundary

**DEVELOPMENT PLAN POLICES**

|       |                                          |
|-------|------------------------------------------|
| DDM1  | D DM1 Aspects of form and design quality |
| DSP1  | D SP1 Design                             |
| SDSP2 | SD SP2 Built-up Area Boundary            |

[Rustington Neighbourhood Plan 2014 Policy 2](#)

Housing Design

**PLANNING POLICY GUIDANCE:**

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

**CONCLUSIONS****PRINCIPLE**

The proposed development is situated within the built up area boundary where the principle of development is acceptable subject to accordance with relevant development plan policies. Policies D SP1 and D DM1 of the Arun Local Plan (ALP) seek that development reflects and improves on the character of the site and local area as mirrored by policy 2 of the Rustington Parish Neighbourhood Plan.

Policy D DM1 of the ALP also requires development to minimise its impact on neighbouring occupiers by way of privacy and outlook. Whilst not specific in the wording of policy 2 of the neighbourhood plan it is stipulated in the policy's reasoned justification (paragraph 4.2) that development should not impact surrounding properties but seek to maintain privacy.

The site is occupied by a two-storey semi-detached property with a garage to the rear of a 20m long rear garden. The area consists of housing of similar types and styles.

**DESIGN AND VISUAL AMENITY**

The proposed garage is not visible from the street scene to the front elevation of the property. However, the property has an access road to the rear which backs onto a public open space, where the garage is partially visible from the southern end.

The garage will be situated to the rear garden of the property and at a height of 4.8m will be double the height of the existing structure.

A prominently sized garage located in the rear garden of a property to the north has been constructed with a height of 4m. This proposal at a height of 4.8m will have a dominating view along the unmade road running to the back of the properties on the east side of Jubilee Gardens and whilst there is another garage of a lesser height, the addition of yet another garage of a greater height will, on balance, incrementally add to have an unacceptable adverse impact on the area when seen from this point. Therefore, the garage due to its location and height will not reflect or improve the character of the site and the surrounding area and is therefore in conflict with policies D SP1 and D DM1 of the Arun Local Plan and policy 2 of the RNP.

**RESIDENTIAL AMENITY**

The proposed double garage will be constructed to a height of around 4.8m (2.4m above the existing boundary fence) with eaves to 2.8m and a steeply designed pitched roof. It will have a width of 5.2m and a depth of 6.2m and will be located tight to the boundary with its neighbours. As a prominent feature in the rear garden it will have an overbearing and unneighbourly impact on the occupiers of 29 and 25 Jubilee Avenue in conflict with policy DDM1 of the Arun District Local Plan and Policy 2 of the Rustington Neighbourhood Plan.

**SUMMARY**

The proposed double garage would have an unacceptable impact on the character and appearance of the locality and constitute an unneighbourly form of development harmful to the amenity of adjoining

occupiers. As such, the proposal is in conflict with relevant development plan policies and as such is recommended for refusal.

## 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), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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

### REFUSE

- 1 The proposed garage by reason of its height, design and prominent location will have an unacceptable impact on the character and appearance of the locality and result in an unacceptable loss of outlook when enjoying the garden of the adjoining residential property 29 Jubilee Avenue contrary to policies D SP1, D DM1 of the Arun District Local Plan and Policy 2 of the Rustington Parish Neighbourhood Plan.
- 2 **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 identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.