

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

REF NO: R/51/22/HH

LOCATION: 40 Cudlow Avenue
Rustington
BN16 2HF

PROPOSAL: Two storey side extension, single storey rear extension and extend existing dormers, following demolition of existing detached garage. This application may affect the setting of a listed building.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks to construct a two storey side extension and a single storey rear extension. The existing dormers will also be extended in width.
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REPRESENTATIONS

Rustington Parish Council provided an objection

- The proposal, by reason of its mass, would represent an over-development of the site, which would be overbearing for the occupiers of the neighbouring property, namely No. 38 Cudlow Avenue, and would most certainly adversely affect their visual amenities and quiet enjoyment.

No representation received from nearby occupiers.

CONSULTATION RESPONSES RECEIVED:

None

POLICY CONTEXT

Built up area boundary

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

DDM1	D DM1 Aspects of form and design quality
HERDM1	HER DM1 Listed Buildings
HERSP1	HER SP1 The Historic Environment
DSP1	D SP1 Design
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)

[Rustington Neighbourhood Plan 2014 Policy 2](#) Housing Design

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
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SUPPLEMENTARY POLICY GUIDANCE:**CONCLUSIONS****PRINCIPLE**

The key policies considered are D DM1 and D DM4 of the Arun Local Plan and the Arun Design Guide.

Rustington has a made Neighbourhood with policy 2 of relevance to the application relating to design.

DESIGN AND VISUAL AMENITY

The proposal is in part located to the front of the dwelling and will be highly visible from the street scene.

The dwelling is a detached chalet bungalow with front and rear dormers and detached garage to the rear.

The dwelling seeks to construct a two storey side extension. This will have a width of 3m retaining just under 1m to the boundary. This will meet with the ridge of the dwelling forming a garage at ground floor. The dwelling has a hipped roof to the east and a gable end to the west. The side addition will construct a gable end to the east and whilst this does add some bulk, it results in the dwelling appearing more symmetrical in appearance.

The front dormer will increase in width although remains appropriate in scale and does not appear unduly dominant upon the roof slope. The dormer will feature light grey cladding and whilst cladding is not common in the area, the material proposed is acceptable.

The properties in the area are mixed in design and style and there are examples of front dormers and the proposal will not result in the dwelling appearing adversely out of character in the area.

The extension will reduce to single storey at the rear building line and run along the eastern side to join with the existing garage to the rear. This element is not visible from the wider area.

The Arun Design Guide states 'Extensions should respond to and complement the existing character and appearance of the building and wider townscape in terms of scale, massing, materials, openings and roof form.' 'Side extensions should in most cases be set back from the front of the house in order to play a subservient role'. The proposal part complies with the guide. It is not set back from the principal elevation and conflicts with the statement. 'Building frontage no greater than 70% of the existing building.' The proposal is less than 70% of the frontage.

The proposal will alter the appearance of the building although this will not result in harm on the character of the area in accordance with D DM1 and D DM4 of the Arun Local Plan and Policy 2 of the Neighbourhood Plan.

RESIDENTIAL AMENITY

The side extension has a width of 3m and extends along the full side elevation of the dwelling. This reduces to single storey and extends beyond the rear elevation to join with the existing detached garage to the rear eastern boundary. It has a curved glazed element which joins with the rear of the host dwelling. The single storey extension will have a flat roof to a height of 2.8m.

Whilst the extension adds bulk to the property running along the full side boundary the impact on the neighbouring dwelling at No 38 will not be significant in which a refusal is justified. This is due to the

siting of the extension which does not intersect a 45 degree angle from rear facing windows. Part of the development along the boundary is already in existence forming the garage and there is also a garage to the boundary at No.38 which partially restricts views of the side addition.

The two storey element will result in some overbearing with two windows located to the side elevation of No.38 although with around 5.5m retained from the side elevation of the dwelling to the side elevation of the extension, overbearing is not deemed significant.

The dormers to the front and rear will be increased in width by around 4m. The rear dormer retains 3.5m to the roof boundary and its increase will not result in adverse harm upon nearby occupiers.

There will be two additional rear facing windows to the dormer. Due to their siting, views over the neighbouring gardens will be minimal although the plans demonstrate the windows will be obscured glazed, serving a bathroom which will be conditioned.

The extension will feature a glazed element although due to the siting and being single storey, views will be over the garden of the host dwelling and are not additional to that from standing in the garden.

The development will not result in adverse harm on amenity by way of overbearing, overshadowing or overlooking in accordance with D DM1 and D DM4 of the Arun Local Plan.

IMPACT ON LISTED BUILDING

There are two listed buildings to the west of the site, to a corner fronting Sea Lane. Para 194 of the NPPF requires the LPA to identify the significance of the heritage asset affected by a development. The heritage assets in this case are of some significance. Para 195 requires the LPA consider the significance of the impact upon that heritage asset. The proposal has limited impact on the significance of the heritage asset as a result of the proposal being a number of properties away from the asset. As a result, the development is not visible from the Listed properties. The development is in character with the area by way of its scale and design and the proposal does not result in harm upon the setting of the Listed Building.

SUMMARY

The proposed development accords with relevant development plan policies and as such is 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.

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 P1
- Proposed Block Plan - P002 P1
- Proposed Elevations - P010 P1
- Proposed Ground Floor Plan - P007 P1
- Proposed First Floor Plan - P008 P1
- Proposed Roof Plan - P009 P1

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.

- 3 The two first floor windows on the rear facing dormer shall at all times be glazed with obscured glass and only openable at a high level, at least 1.7m above finished floor level.

Reasons In the interests of the amenities of the occupants of nearby properties in accordance with policies D DM1 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.