

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

REF NO: R/53/13/

LOCATION: Conifers
The Thatchway
Rustington

PROPOSAL: Revised details to garage, garage conversion and access (resubmission following R/161/12/)

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	Approx. 655 sq.metres.
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	Mature boundary hedging would be removed along the front and side boundaries. Brick walling and timber fencing enclosing rear boundary, approximately 2 metres in height.
BOUNDARY TREATMENT	Front and part of side boundary kept by mature hedging, approximately 2 metres in height.
SITE CHARACTERISTICS	Detached two storey dwelling, red brick and hanging tiles to elevations. Hipped red riled roof, flat roof garage projection to front. Conservatory to west flank and flat roof extension to rear.
CHARACTER OF LOCALITY	Private residential estate, mix of detached properties. Soft landscaped street scene with some low level boundary walling noted.

RELEVANT SITE HISTORY

R/66/06/	Proposed conservatory, room in roof and garden room including balcony to first and second floor	Approve Conditionally 07-06-2006
R/161/12/	Single storey rear extension, garage to side, boundary wall, garage conversion & balcony to front elevation	Approve Conditionally 27-09-2012

REPRESENTATIONS

Representations received:

Rustington Parish Council

No objection.

Comments on Representations received:

Noted.

CONSULTATIONS

Council's Arboriculturist

Consultations responses received:

None

Comments on Consultation responses:

None

POLICY CONTEXT

Designation applicable to site:

Built-up area boundary

Tree Preservation Order

Permitted Development Restriction

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:

[GEN2](#)

[GEN7](#)

[DEV19](#)

Built-up Area Boundary

The Form of New Development

Extensions to existing residential buildings

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

SUPPLEMENTARY POLICY GUIDANCE

RDS

Rustington Design statement by Rustington Parish Council

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

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.

The Development Plan consists of the Arun District Local Plan 2003.

Paragraph 214 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight but, because it predates 2004, a reduced 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. It should be noted that the NPPF states that

weight is given to individual policies and not to the plan as a whole.

The emerging local plan has recently been approved by the Council and is therefore a material consideration in the determination of this planning application. Whilst it has not been formally adopted due weight has been given to its policies in terms of the decision making process at this stage.

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 proposal follows a previously approved application R/161/12 for similar works. The only changes to the approved scheme is the increase in width of the new garage and changes to the window design to provide two smaller windows within the front elevation of the converted garage.

The proposed changes are minimal and will not significantly change the appearance or scale of the extension and conversion to that previously approved. As such the revisions are considered to be acceptable.

Details have also been provided to address conditions put onto R/161/12 which relate to the protection of the preserved trees upon the front and side boundaries of the site. These details do not address how the trees will be protected during construction nor does it address the impact upon the tree to the front (south) of the site from the new cross over as required. Accordingly the conditions will continue to be applied to this approval to ensure that adequate measures are taken to preserve the trees.

It is therefore recommended that the application be 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 for 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 a neutral impact has 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).

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:

Drawing No.s 2447-01 F; 2447-03_A3; 2447-08; 2447-02 Revision D; 2447-07 Revision A.

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

Reason: In the interests of amenity in accordance with policies DEV19 and GEN7 of the Arun District Local Plan.

- 4 No development shall take place until a scheme for the protection of the 2No. Pine trees (within Group 3 and Group 4 of TPO/R/1/01) which are sited on the western and southern grass verges respectively to the front and side of the site, including a method statement for the construction of the boundary wall, has been submitted to and approved in writing by the local planning authority. The approved means of protection shall be retained as approved for the duration of construction works on site and the construction carried out in accordance with the method statement. If within a period of five years following completion of the development the trees becomes seriously damaged or defective, another tree of the same species shall be planted in the same place, unless the local planning authority gives its written approval to any variation.

Reason: In order to ensure the continued good health and amenity value of the Oak tree in the interests of amenity in accordance with policy GEN7 of the Arun District Local Plan.

- 5 No development shall take place until there has been submitted to, and approved by, the Local Planning Authority, a landscaping scheme forward of the proposed front boundary wall which includes details of soft landscaping. The approved details of the landscaping shall be carried out in the first planting and seeding season following the construction of the boundary walling, and any trees or plants which, within a period of five years from the

completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of amenity and of the environment of the development in accordance with policy GEN7 of the Arun District Local Plan.

- 6 The balcony hereby approved shall not come into use until the screening as shown on Drawing No. 244702 D has been erected in accordance with this approved plans and shall thereafter remain in perpetuity.

Reason: In the interests of amenity in accordance with policy GEN7 of the Arun District Local Plan.

- 7 INFORMATIVE: Summary of Reasons for Grant Article 31 Development Management Procedure Order 2010

SUMMARY

This planning permission is granted because it complies with the policies listed below in that the development would not cause any material adverse effect on visual or residential amenity on the surrounding area and its character and there are no material considerations to indicate otherwise.

RELEVANT POLICIES

LOCAL PLAN: GEN7, DEV19

NATIONAL POLICIES: NPPF

SUPPLEMENTARY GUIDANCE: Rustington Village Design Statement

This is only a summary of reasons for granting to comply with Article 31 and full reasons appear in the Officer report.

- 8 INFORMATIVE: Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. 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.