

Recommendation Report for Planning Permission

REF NO: R/54/22/PL

LOCATION: 19 Botany Close
Rustington
BN16 2BJ

PROPOSAL: Variation of condition following R/139/17/HH relating to Condition No 2 - approved plans.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Variation of condition 2 of R/139/17/HH relating to the approved plans.
SITE CHARACTERISTICS	Residential dwellinghouse.
CHARACTER OF LOCALITY	Residential, large dwellinghouses.

RELEVANT SITE HISTORY

R/139/17/HH	Ground & first floor extensions to front & rear elevations, dormer extension to rear elevation, balcony & staircase to rear elevation & detached garden room.	ApproveConditionally 10-10-17
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Noted.

REPRESENTATIONS

Parish Council - No Objection.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATION RESPONSES RECEIVED:

None.

POLICY CONTEXT

Designation applicable to site:
Built Up Area Boundary (BUAB)

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:

NPPF National Planning Policy Framework

SUPPLEMENTARY POLICY GUIDANCE:

SPD13 Arun District Design Guide (SPD) January 2021

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan and Made Neighbourhood Development Plans.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

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 they do not materially alter the principle of the original application.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

(2) in dealing with an application for planning permission the authority shall have regard to -

- (a) the provisions of the development plan, so far as material to the application,
- (aza) a post examination draft neighbourhood development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

PRINCIPLE

Policy D DM1 sets out 13 design aspects of which applications should be assessed against. These include: Character, Appearance, Impact, Innovation, Adaptability, Crime Prevention, Trees, Public realm, Layout, Public Art, Density and Scale.

Policy D DM4 sets out criteria for which applications relating to extensions and alterations of existing buildings must be assessed against. They generally seek to minimise the impact of the proposal on the character of the host dwelling, its neighbours and the locality.

Rustington has a made neighbourhood plan and policy 2 is of relevance and states that proposals should have regard scale, density, massing, height, landscape design, layout and materials which reflect local architectural and historic character.

Part J.01 relates to form and character and states that development for new buildings or extensions to existing properties new development must ensure that the existing character and sense of place of an area is respected and enhanced.

The principle of the development has been agreed. It is only the issues relating to the amended plans which can be considered. This application seeks to reduce the size of the garden building by 700mm in length and relocated it nearer to the house.

DESIGN AND VISUAL AMENITY

The alterations to the size of the outbuilding will cause no harm. In reducing its size its impact to the main house will become less. Slight alterations have been made to the proposed materials, render has now been included. Render can be found to the main dwelling as such it will have no negative effect and is considered in-keeping. The alterations to the position of the building have no significant impact on the host dwelling, the building is still subservient.

The alteration will have no impact on the street scene as the garden building is located within the rear garden of the host dwelling.

The proposal is therefore compliant with policies D DM1 and D DM4 of Arun Local Plan.

RESIDENTIAL AMENITY

The garden building has been moved away from the boundary by 1m and the overall height of the structure has not altered from that approved. By these reasons it will have less impact on neighbouring properties.

There are no windows above ground floor level and none directed into nearby neighbouring properties, as such no negative impact from overlooking is foreseen.

In terms of overlooking, overshadowing and overbearing the proposal complies with Policy D DM4 of the Arun Local Plan.

SUMMARY

The proposed development is deemed to accord with the relevant development 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.

CIL DETAILS

This application is CIL Liable therefore developer contributions towards infrastructure will be required (dependant on any exemptions or relief that may apply)

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby approved shall be carried out in accordance with the following approved plans;

-Proposed plans and Elevations Garden Building 16164_04 Rev B

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM4 and D DM1 of the Arun Local Plan.
- 2 **INFORMATIVE:** This permission relates to the variation of condition 2 of planning permission R/139/17/HH only. The applicant is advised and reminded that the other planning conditions attached to the original planning permission number R/139/17/HH remain in force and must be complied with.