REPORT UPDATE

Application No :	R/66/08/
Agenda Page No :	44-54

- Letter of Objection

One additional letter of objection has been received in relation to the application detailed above, which raised the following points:-

- The parish council is reasonable in that the house on the plot (No. 29) was designed to face south and has windows in this direction;
- To build such a substantial house in this position is totally out of keeping with Sea Avenue and its white rendering makes it detrimental to neighbouring property;
- Underground garage is also out of keeping with the surroundings.

- Correction

It was Councillor Tyler who attended as Ward Member and acted on behalf of the Parish Council and not Councillor Northeast.

Officer Comment:

The points raised have been addressed within the Officer's Report.

Note: Changes to recommendations, conditions and/or reasons for approval will always be accompanied by a new replacement recommendation sheet.

Report of the meeting of the Development Control Post-Committee Site Inspection Panel held on 17-JUN-2008

REF NO: **R/66/08/**

LOCATION: 29 Sea Avenue
Rustington

PROPOSAL: Alterations to 29 Sea Avenue, construction of new house on plot to side of existing dwelling

Present - Councillors Hazlehurst (Chairman), Biss, Mrs. Harrison and Oliver-Redgate

Apologies for absence: Councillors Bower, Mrs. Hall, Mrs. Stainton.

Councillor Northeast attended as Ward Member and acted on behalf of the Parish Council.

The Inspection Panel assessed the planning merits of the site in detail. Members were unable to conclude whether the proposal was acceptable as the vote on the Officer's Recommendation was split and

RECOMMEND

that, in absence of a recommendation from the Panel, the Committee consider the recommendation included in Appendix 1.

R/66/08/

PLANNING APPLICATION REPORT

REF NO: **R/66/08/**

LOCATION: 29 Sea Avenue
Rustington

PROPOSAL: Alterations to 29 Sea Avenue, construction of new house on plot to side of existing dwelling

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal would involve the addition of 1 No. two storey detached dwelling to the south side of No. 29 Sea Avenue. Proposed basement area, comprising a garage and store. The proposal would also involve alterations to No. 29 Sea Avenue, which include removing gazing to the south elevation so that there is only a central window with French Doors below; additional glazing to the front and rear elevations.
SITE AREA	0.098 hectares approximately.
RESIDENTIAL DEVELOPMENT DENSIT	N/A
TOPOGRAPHY	Predominantly flat.
TREES	Several trees to site frontage and southern boundary. On the basis of the information submitted, none to be affected by the proposed development.
BOUNDARY TREATMENT	Mixture of tree coverage and fencing positioned adjacent to Sea Avenue. The rear of the site is bordered by 1.8m close boarded fencing. Trees and hedging to boundaries.
SITE CHARACTERISTICS	Side garden area to south side of No. 29 Sea Avenue. No. 29 Sea Avenue is a two storey detached property. The dwelling consists of red/brown bricks at ground floor level, with smooth white rendered walling above. Reddish brown tiled roof. Substantial sized property. 3 No. large windows to south side (window to each side is a bay window).
CHARACTER OF LOCALITY	Residential area. Surrounding properties are generally a mix of two storey detached dwellings, which are substantial in size. Varied style and design. Mixture of brick or rendered walls and tiled roofs.

R/66/08/

RELEVANT SITE HISTORY

Reference	Description	Decision
R/217/02/	Outline application for demolition of existing dwelling and replacement with 2no. detached houses	Approve Cond 06-12-2002
R/242/05/	Ground floor rear extension with balcony over.	Approve Cond 28-11-2005
R/52/02/	Outline application for demolition of existing dwelling and replacement with 2 no. detached houses and 2 no. detached bungalows.	Refused 07-05-2002
R/193/81	Outline erection of single detached dwelling with garage	Approve Cond 17-06-1981
R/74/81	Outline application for the erection of 2 detached dwellings with garages	Refused 15-04-1981

REPRESENTATIONS

Representations received:

Rustington Parish Council

Objection:

(i) The proposal, by reason of its height and mass, would represent an over-bearing form of in-fill development which would have a detrimental effect on the visual amenities and quiet enjoyment of the occupiers of No. 31 Sea Avenue;
(ii) The proposal would result in a severe loss of light and privacy, by reason of overlooking, for the occupiers of No. 31 Sea Avenue;
(iii) This type of in-fill development would, if approved, make it increasingly more difficult for the local planning authority to resist similar proposals in the vicinity, the cumulative effect of which would be to alter the character of the locality to the serious detriment of the amenities of the area.

Sea Estate Residents Association Ltd

Objection:
The site by reason of its size is considered unsuitable to accomodate the proposed detached house without damaging the character and spatial effects of this residential area;
By reason of its height and mass, would result in an unneighbourly form of development, which would be detrimental to the character and amenities of neighbouring properties;
The contemporary design of the proposed dwelling, partly by way of its feature mainly glass bay together with black window frames etc would provide too much of a contrast with neighbouring properties and therefore have a detrimental effect upon the street scene;
The proposed provision of a basement garage necessitating a lengthy 1 in 4 'road like' entrance down to the garage, with protecting safety rails would be an alien feature in the street scene and would damage the character and amenities of the quality residential area. In addition, the new drive and parking areas required would add further risk of flooding to the Estate with the elimination of the current garden area acting as a soakaway.

R/66/08/

10 letters of Objection:
Concerns over noise, dirt and nuisance caused by development;
Will lead to loss of light, loss of privacy and overlooking effect;
Will lead to devaluation of property prices;
Out of keeping;
Design would appear out of character;
Contemporary design would provdie too much contrast with neighbouring properties and have a detrimental effect on the whole street scene;
Plans are misleading;
Overdevelopment;
Would extend beyond building line;
Would overpower and overshadow neighbouring properties;
Concerns over flooding;
Will lead to loss of tree and foliage.
Will lead to an increased number of cars.

Comments on Representations received:
The application site is located within the designated Built up Area Boundary for Rustington, where the principle of new development is accepted provided it complies with other Development Control Criteria. Further, an 'outline application for demolition of existing dwellin and replacement with 2 No. detached houses' (ref: R/217/02/) was approved conditionally anc the principle of 2 No. dwellings on this site has therefore been accepted previously.

It is acknowledged that the proposed dwelling would be relatively large in size and of a relatively modern design; however given the varied character of the surrounding area and the size of the plot it is considered that this would be acceptable and the proposal would not represent an obtrusive form of development as viewed from the street scene. In addition, it is not considered that the proposal would cause demonstrable harm to the residential amenities of any neighbouring property by way of overbearing effect, loss of privacy or loss of light.

Each application is dealt with on its own merits. Devaluation of property prices is not a material planning consideration. County highways have been consulted on the application anc have raised no objection. The application site is not located within a flood plain and the Environment Agency have therefore not been consulted in relation to this application. There is no such thing as a building line, within planning legislation, but in any case the new property would be set back behind the front of the neighbouring dwelling at No. 29 Sea Avenue. Disturbance caused by construction works are not a material planning consideration.

CONSULTATIONS

Head of Highways and Transport

Consultations responses received:

County Highways

No Objection:

R/66/08/

The Highway Authority was consulted previously on a similar application for this location under planning application no. R/217/02/ to which no objections were raised.

The proposal is of a single dwelling unit with access onto Sea Avenue via an existing access point. Sea Avenue is a private road; not maintained by WSCC, therefore, these comments are for advice only. The proposal has been considered using drawing no. 783/01/03 submitted with this application, in conjunction with other available WSCC map information.

From an inspection of the plans alone, there is no apparent visibility issue at the point of access onto Sea Avenue. However, the applicant should ensure the trees at the frontage of the property are maintained to preserve visibility. I have also checked our most recently available verified accident records, which reveals there have been no personal injury accidents in the vicinity of the existing point of access, indicating a low risk of highway safety issues with this proposal.

Comments on Consultation responses:

Noted. The suggested informative will be added accordingly.

POLICY CONTEXT

Designation applicable to site:

Within Built up Area Boundary
No Public Sewer

DEVELOPMENT PLAN POLICIES

West Sussex Structure Plan:	LOC1	Locational Strategy
	CH1	Character
	DEV1	High Quality Development
	NE17	Roads
Arun District Local Plan:	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
	DEV19	Extensions to existing residential buildings
	GEN12	Parking in New Development

PLANNING POLICY GUIDANCE

PPS1	Delivering Sustainable Development
PPS3	Housing
PPG13	Transport

POLICY COMMENTARY

PLANNING
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

R/66/08/

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

The proposal would involve the addition of 1 No. two storey detached dwelling to the south side of No. 29 Sea Avenue. Proposed basement area, comprising a garage and store. The proposal would also involve alterations to No. 29 Sea Avenue, which include removing gazing to the south elevation so that there is only a central window with French Doors below; additional glazing to the front and rear elevations.

The application site is located with the Designated Built up Area Boundary for Rustington, where the principle of new development is accepted subject to other Development Control Criteria.

A previous 'outline application for demolition of existing dwelling and replacement with 2 No. detached houses' (ref: R/217/02/) was Approved Conditionally on 6th December 2002. The principle of 2 No. dwellings on the site has therefore been established.

The application site is located with a residential area, positioned adjacent to Sea Avenue. No. 29 Sea Avenue is positioned to the north side of the site, with neighbouring gardens to the rear and a neighbouring property and garden area to the south side. No. 29 Sea Avenue is a two storey detached dwelling, which is within the same ownership as the proposed dwelling. This property has 3No. first floor windows to the south side that face towards the application site; whilst the proposed dwelling has 2No. first floor en-suite windows and 2 No. roof lights to the north elevation. Taking into consideration that the two properties would be within the same ownership, as well as the fact that the proposed en-suite windows could be obscure glazed via a condition, it is considered that the relationship between these dwellings would be acceptable. The closest dwelling to the south side is No. 31 Sea Avenue is a two storey detached dwelling. 2 No. first floor en-suite windows are proposed to the south side of the proposed dwelling, which could be obscure glazed via a condition. Taking the above into consideration, it is therefore considered that the proposed dwelling would not cause demonstrable harm to the residential amenities of any neighbouring property by way of overbearing effect, loss of privacy or loss of light.

R/66/08/

The surrounding area is predominately characterised by two storey detached properties. Many of these dwellings are substantial in size and varied in their style, design and use of materials. Plot sizes vary in width and size. It is acknowledged that the proposed dwelling would be relatively large in size and of a relatively modern design; however given the varied character of the surrounding area it is considered that this would be acceptable and the proposal would not represent an obtrusive form of development as viewed from the street scene.

The proposed changes to No. 29 Sea Avenue are considered to be relatively minor and would not, detract from the character of the building or the surrounding residential area. Further, alterations to the fenestration of the property would not require planning permission in their own right.

It is therefore concluded that the proposal would be accepatble and should be approved, subject to the conditions outlined below.

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 No development shall be carried out unless and until a schedule of materials and finishes to be used for external walls and roofs of the proposed building have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the building.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with policies DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

3 The first floor en-suite windows on the north and south elevations of the dwelling hereby approved shall at all times be glazed with obscured glass.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policies DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

4 No windows (other than those shown on the plans hereby approved) shall be constructed at first floor level or above in the north or south elevation of the dwelling hereby permitted without the prior permission of the Local Planning Authority on an application in that behal

Reason: To protect the amenities and privacy of the adjoining property in accordance with policies DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

R/66/08/

5 No development shall take place unless and until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping/hard and soft/, which shall include indication of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.

Reason: In the interests of amenity and of the environment of the development in accordance with policies DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

6 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the 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 policies DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

7 Prior to the commencement of the development hereby approved, a detailed level survey of the site including existing and resulting ground levels and the slab levels of the building the subject of this approval, and a scaled front and rear elevation plan detailing the proposed basement shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In order to safeguard the amenities of the area and neighbouring residents in accordance with policies DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

8 INFORMATIVE:

Summary of Reasons for Grant Article 22(1) General Development Procedure Order 199

SUMMARY

This planning permission is granted because it complies with the policies listed below in that the development 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 and there are no material considerations to indicate otherwise.

RELEVANT POLICIES

STRUCTURE PLAN: LOC1, CH1, DEV1, NE17.

LOCAL PLAN: GEN2, GEN7, GEN12, DEV19.

NATIONAL POLICIES: PPS1, PPS3.

R/66/08/

This is only a summary of reasons for granting to comply with Article 22 and full reasons appear in the Officer report.

9 INFORMATIVE:

The West Sussex County Council as Highway Authority would remind applicants that they may have to provide on the application site, areas for the parking and unloading of vehicles, temporary contractor buildings, plant and stacks of materials as the use of the adjacent public highway for these purposes may not be acceptable under the terms of the Highways Act.

ARUN DISTRICT COUNCIL:R/66/08/ 11/03/20