

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

REF NO: R/68/13/

LOCATION: 32 Tennyson Avenue
Rustington

PROPOSAL: Side and rear extension

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The proposed extension is a flat roof structure that would wrap around the entire southern (side) and rear elevations of the original dwelling. Height to roof top would be approximately 2.35 metres.
SITE AREA	Approximately 310 square metres.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	The rear garden is enclosed by approximately 1.8 metre high timber fencing.
SITE CHARACTERISTICS	The site is occupied by a detached bungalow dwelling that has painted render elevation walls set on a red/brown brick plinth. A garage extension has been added to the southern elevation and a minor extension has been made to the rear of the dwelling.
CHARACTER OF LOCALITY	The site is located on a residential road that serves a linear arrangement of detached and semi-detached bungalow dwellings that are set back from the road. Small gaps are maintained between individual buildings and frontages have a fairly uniform appearance.

RELEVANT SITE HISTORY

R/117/91	Single storey extension at rear	Approve Conditionally 19-08-1991
----------	---------------------------------	-------------------------------------

REPRESENTATIONS

Representations received:

Rustington Parish Council
None.

Two letters of objection (from same address): The front elevation drawing does not

report

correspond with other elevation drawings in terms of the height of the garage. If the garage roof is raised to the level of the rest of the proposed extension it would be out of proportion and out of keeping with the rest of the neighbourhood and would set a precedent for similar sized building works in the area. Guttering would encroach the boundary with No. 34 Tennyson Avenue. Windows would overlook the kitchen, bathroom and bedroom/study of No. 34 Tennyson Avenue. Length, proximity and increased height of extension would create a loss of light and impaired outlook. The side pathway for No. 34 would become too overbearing to use.

Comments on Representations received:

Noted. There proposal does not involve the raising of the roof of the existing garage, a revised drawing supplied by the agent clarifies this matter. Potential boundary issues are a legal rather than planning matter, the application is judged on the basis of the plans supplied to the council and these plans show all elements of the proposed extension to be within the site of No. 32. Possible impacts upon the amenities of neighbouring residents, including overlooking, overshadowing and overbearing, will be addressed within the conclusions of this report.

CONSULTATIONS

Consultations responses received:

No objection.

Comments on Consultation responses:

Noted.

POLICY CONTEXT

Designation applicable to site:
Within Built-Up Area

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
	DEV19	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 potential impact upon the character and appearance of the surrounding area and the amenities of any neighbouring residents.

The Development Plan consists of the Arun District Local Plan.

It should be noted that the Arun District Local Plan was adopted in 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.

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.

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 proposed extension is a single-storey flat roof structure that will be positioned entirely to the rear of existing building works. As such, it will not have any material impact upon the appearance and setting of the dwelling within the street scene. It is also noted that a number of nearby properties have been extended to the rear. It is therefore considered that the proposal is in keeping with the nature and scale of nearby development and would not have a detrimental effect upon the character and appearance of the surrounding area.

The proposed extension will increase the floor space of the existing dwelling by approximately 50%. The structure will be of a modest height, particularly due to the use of a flat roof, and given this characteristic, and the fact that the increase in floor space is evenly distributed around the side and rear of the dwelling, it is considered that visual subservience towards the host dwelling will be maintained. The height of the flat roof will match that of the eaves of the existing roof, producing a smooth transition between the existing building and the proposal, strengthening visual integration.

With regards to the amenities of neighbouring properties, it is noted that the southern elevation of the proposed extension will be built directly adjacent to the southern site boundary and will be within 1 metre of the northern elevation wall of No. 32 Tennyson Avenue. Despite the close proximity, it is considered that the modest height of the proposed extension, aided by the use of a flat roof, will prevent it from appearing overbearing, with the elevation wall extending only approximately 0.55 metres above the height of the existing fence in position on the southern boundary. For this same reason, it is also considered that the proposed extension will not bring about an undue increase in overshadowing of windows installed in the northern elevation of No.

32.

Windows to be installed within the southern elevation of the proposed extension are to be obscure glazed and will therefore not offer intrusive views into windows on the neighbouring property that they will face towards. A condition requiring these windows to remain obscure glazed at all times can be attached to any approval given. Views from all other proposed windows towards neighbouring properties will be interrupted by existing site boundary treatment.

It should be taken into consideration that an extension with an elevation wall in a matching position, and of a matching height and length, to the southern elevation of the proposal could be constructed without the need for planning permission under householder permitted development rights.

It is therefore recommended that the application is approved, subject to the following conditions.

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 it has been deemed that the development would have a neutral impact 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).

report

- 2 The development hereby approved shall be carried out in accordance with the following approved plans:-

TAR/001 Rev. A
TAR/002 Rev. B

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 windows on the southern elevation of the extension shall at all times be glazed with obscured glass. All parts of the window shall be non-opening, except where at or over 1.7 metres above floor level.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policies GEN7 and DEV19 of the Arun District Local Plan.

- 4 The materials and finishes of the external walls of the extension hereby permitted shall match in colour and texture those of the existing dwelling.

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

- 5 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: GEN2, GEN7, DEV19

NATIONAL POLICIES: National Planning Policy Framework

SUPPLEMENTARY PLANNING GUIDANCE: Rustington Design Statement

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

- 6 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.