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

REF NO: **R/74/17/HH**

LOCATION: 18 Hawke Close
Rustington

PROPOSAL: Single storey rear extension

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	A single storey side extension behind the attached garage. replacing an existing smaller lean to extension. The measurements of the proposed extension would 4.2 metres along the side elevation of the dwellinghouse projecting 2.2 metres to the side boundary. It would be flat roofed 2.8 metres in height. It would be constructed in bricks to match the existing dwellinghouse.
SITE AREA	540 sq.m.
TOPOGRAPHY	Predominantly flat
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	A 2 metre close boarded fence.
SITE CHARACTERISTICS	A linked detached modern bungalow with large front and rear gardens.
CHARACTER OF LOCALITY	A residential cul de sac in Rustington of similar but bespoke designed bungalows.

RELEVANT SITE HISTORY

None relevant

REPRESENTATIONS

Representations received:
Rustington Parish Council
None received
Comments on Representations received:
N/a

CONSULTATIONS

Consultations responses received:
None
Comments on Consultation responses:

N/a

POLICY CONTEXT

Designation applicable to site:
ADOPTED LOC PLN

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
	DEV19	Extensions to existing residential buildings
Publication Version of the Local Plan (October 2014):	SD SP2	Built-Up Area Boundary
	D DM1	Aspects of Form and Design Quality
	D DM4	Extensions and Alterations to Existing Buildings (residential and non-residential)
Rustington Neighbourhood Plan 2014 Policy 2		Housing Design

PLANNING POLICY GUIDANCE

NPPG	National Planning Practice Guidance
NPPF	National Planning Policy Framework

SUPPLEMENTARY POLICY GUIDANCE

RDS	Rustington Design statement by Rustington Parish Council

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

A new local plan is in preparation may be a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015. The Examination into the submitted plan was commenced but is currently suspended whilst Arun District Council addresses matters raised by the Inspector.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these is taking place 10 April 2017 to 5pm on Tuesday 30 May 2017. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification may also be material consideration to take into account.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry 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.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used are material considerations in the determination of this planning application. The emerging Plan was submitted in January 2015 and the examination is currently suspended. The examination is due to re-commence in summer 2017 following publication of modifications to the Plan.

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

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation (Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Kingston; Littlehampton; Rustington; Walberton; Yapton.

Policy NER 2 of the Rustington Neighbourhood Plan is considered relevant to this application.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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 is within the built up area of Rustington and the principle of development is therefore considered acceptable in accordance with Policy GEN2 of the Arun District Plan 2003 subject to other relevant policies within the Local Development Plan.In this case the relevant policies are considered to be GEN 7 and DEV19 of the Arun District Local Plan, Policy NER2 of the Rustington Neighbourhood Plan, the Rustington Design Statement,,the National Planning Policy Guidance and the National Planning Policy Framework.

DESIGN
The proposed rear extension would not be visible from the street scene and would not have an impact on the character of the area. It would be constructed of bricks to match the existing dwellinghouse

The proposal is therefore considered to comply with policy GEN7 (ii) and DEV 19 (I), (ii) & (v) of the Arun District Local Plan 2003, policy NER2 of the Rustington Neighbourhood Plan and the Rustington Design Statement.

RESIDENTIAL AMENITY

The proposed development would not impact upon the neighbouring link detached bungalow because the property has a car port along the boundary facing the proposed side extension. As no impacts would be caused in terms of privacy, loss of light or overbearing impact the proposal would comply with policy GEN 7 (iv) and DEV 19 (iii) of the Arun District Local Plan 2003 and para 17 of the National Planning Policy Framework in relation to impact on the amenities on neighbouring properties

It is therefore recommended that the application is 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 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;

Dwg.no. 3334/02 REV A dated April 2017 - Existing & Proposed Floor Plans & Elevations
Dwg.no. 3334/01 dated April 2017 Proposed Block Plan

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN 7 of the Arun District Local Plan.

3 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.