

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

REF NO: R/77/17/HH

LOCATION: 10 Jubilee Avenue
Rustington

PROPOSAL: First floor extension over existing ground floor

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

A first floor rear extension above an existing ground floor extension measuring 3.7 metres in extension with a width across the entire rear elevation of the property 6 metres in width with an eaves height of 5.2 metres and a false ridge height of 6.2 metres, 2 metres below the main ridge height.

SITE AREA

400 sq.m.

TOPOGRAPHY

Predominantly flat

TREES

None affected by the proposed development.

BOUNDARY TREATMENT

2 metre close boarded fence to the boundaries of the rear garden.

SITE CHARACTERISTICS

A semi detached house with a long rear garden. The house and neighbouring semi detached property are set 3.5 metres forward of the properties to the north hence the only the scheme only projects approx. 50 cm behind the rear elevation of the properties to the north. The only impact would be on the adjoining semi detached property (8 Jubilee Avenue) which has an identical ground floor rear extension to the applicants property.

CHARACTER OF LOCALITY

A residential area of similar semi detached and terraced two storey properties with long rear gardens many of which have rear extensions at ground and first floor level.

RELEVANT SITE HISTORY

R/211/00/	1st floor rear extension, plus roof alterations including new rear dormer window.	ApproveConditionally 05-02-2001
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R/211/00 was approved for an identical sized first floor extension (and a rear roof dormer

extension). The planning permission lapsed.

Permitted development rights were removed for windows at first floor level in the south elevation of the first floor extension toward 12 Jubilee Avenue.

REPRESENTATIONS

Representations received:

Rustington Parish Council

No objection.

No comments from neighbours received.

Comments on Representations received:

Noted.

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

N/a

POLICY CONTEXT

Designation applicable to site:

ADOPTED LOC PLN

PD RESTRICTION

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#) GEN2
 GEN7
 DEV19

[Publication Version of the Local Plan \(October 2014\):](#)

Built-up Area Boundary
The Form of New Development
Extensions to existing residential buildings

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
NPPF

National Planning Practice Guidance
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; 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 and the National Planning Policy Guidance and the National Planning Policy Framework.

DESIGN

The proposed first floor rear extension with a roof height 2 metres below the main ridge height would not overly dominate the existing property nor have an impact on the street scene and it would relate sympathetically in terms of scale and size given the ground floor extensions that currently exist at the applicants and neighbouring semi detached property , 8 Jubilee Avenue.

The materials of the proposed extension would match that of the existing dwellinghouse.

Sufficient parking for the proposal will be retained on the front driveway.

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 is not considered to cause an adverse impact on neighbouring properties in terms of overlooking, a loss of light or an overbearing impact.

Due to the location of the property set 3.5 metres forward of the building line of the properties to the north the proposed extension would only extend approx.50 cm behind the rear elevation of those neighbouring properties and no impact would occur on residential amenity.

To the rear the properties on Conbar Avenue are in excess of 40 metres away due to the long gardens of properties in this area of Jubilee Avenue.

A cause for concern is the relationship between the proposed first floor extension and the closest rear window at first floor of 8 Jubilee Avenue, the neighbouring semi detached property. There would be no windows in the north facing side elevation and therefore loss of privacy would not be an issue. The Council uses the 45 degree rule to assess impacts on loss of light and overbearing impact where any development which impinges beyond a 45 degree line drawn from the centre of the neighbouring window are considered to potentially cause an unacceptable effect. The proposed extension would breach the 45 degree rule by 1.7 metres which would cause some loss of light and an overbearing impact on the affected window. No objection was received from the neighbouring property (a spare site notice was posted through their door) and while there would be a marginal loss of amenity the rear window affected would still have a broad outlook toward the 40 metre front garden. In addition the neighbour has an identical ground floor extension, other properties in the area such as no 4 Jubilee Avenue have identical first floor extensions to that here proposed and an identical first floor extension was previously granted permission under R/122/00. For the above reason the proposed first floor extension is not considered to have an unacceptable impact on the neighbouring dwelling such that a refusal would be justified despite not complying with the normal standards of residential amenity.

The proposed rear extensions at first floor level is considered to 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

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. 2217:1 - Block plan, proposed elevations and plans dated April 2017

Dwg.no. 2717:1 - Proposed sections dated April 2017

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 The materials and finishes of the external walls and sloping roof tiles of the extension hereby permitted shall match in colour and texture those of the existing building.

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

- 4 **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.