

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

REF NO: R/77/22/HH

LOCATION: 19 Sea Avenue
Rustington
BN16 2DQ

PROPOSAL: Two storey side extension.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	It is proposed to demolish an existing single garage, large garden shed and an attached store room and replace it with a part single, part two-storey extension consisting of a double garage/garden room with store above and a connecting lobby area.
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REPRESENTATIONS

Parish Council - No objection.

CONSULTATION RESPONSES RECEIVED:

None.

POLICY CONTEXT

Designation applicable to site:
Within built up area boundary.
Tree Preservation Order.

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
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD13	Arun District Design Guide (SPD) January 2021
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CONCLUSIONS

PRINCIPLE

In this case, the key policies are deemed to be D DM1 and D DM4 of the Arun Local Plan. Additionally, Policy 2 of the Rustington Neighbourhood Development Plan.

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.

DESIGN AND VISUAL AMENITY

It is proposed to demolish a single storey dual pitched roof garage and shed to the north of the host dwelling. The outbuildings currently sit on the northern boundary. This application seeks a new double garage with garden room to the rear, with first floor storage space and a new entrance lobby connecting the host dwelling to the garage/garden room. The overall length of the extension protruding to the north is 10.6m, its width is less than the host dwelling as it will be set back by approx.400mm from the primary elevation (western), its maximum height will be approx. 6.6m. Although the proposed extension has a large footprint it will not compromise the spatial character of the area as the host dwelling and plot on which it sits is also large.

The plot on which the host dwelling sits has an open frontage, as such the extension will be highly visible from the street and will affect the character of the area. By reason that the proposed extension is built of matching materials and utilises complementary design features which affords it good visual integration with the host dwelling, and as it is set back from the existing front elevation and will be built to an appropriate scale, the proposed extension will not have an unacceptable detrimental effect on the character of the area.

The proposed development is acceptable in terms of design and visual amenity and is therefore in accordance with policies D DM1 and D DM4 of the Arun Local Plan and policy 2 of the Rustington Neighbourhood Plan.

NEIGHBOURING RESIDENTIAL AMENITY

The extension will be located a minimum of 1m away from the northern boundary, whereas the existing structures were built to the boundary. Its overall height is approx. 3m higher than the existing garage on site, however the ridge point will be approx. 2.5m further away from the boundary over that of the ridge point for the existing garage.

Design guidance states that side extensions should be set away from neighbouring buildings by 2m and not foul the area formed when a 70-degree line radiates from the boundary at ground level. By reason that there is over 5m between the extension and the neighbouring building these recommendations will be complied with.

In terms of overlooking, new fenestration will be introduced at first floor level to the western, northern and

eastern elevations. The 3 rooflights to the northern elevation are of most concern. It is noted that these windows face towards a habitable first floor window to the southern elevation of No. 17 Sea Avenue. To introduce windows without restriction to the first-floor northern elevation of 19 Sea Avenue would have an unacceptable adverse effect to the adjoining occupiers in terms of a negative impact to privacy levels. To address this they will be conditioned to be obscured glazed and non-opening.

All other windows either face towards the front of rear private amenity space or are at ground floor level where is generally accepted that no harm will arise from overlooking.

Further to a condition relating to the rooflights, by reason that the proposal does not overbear or overshadow neighbouring properties it therefore accords with D DM1 and D DM4 of the Arun Local Plan.

SUMMARY

The proposed development accords with relevant development plan policies and as such is recommended for approval 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

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

- Proposed Elevations 21/4865/5 (except of the 3 rooflights shown to the Northern Elevation)
- Proposed Floor Plans 21/4865/4 (except of the 3 rooflights shown to the Northern Elevation)
- Location and Block Plan 21/4865/1

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.

- 3 The 3 rooflights hereby approved to the northern elevation shall be non-opening and have fully obscured glazing prior to the first use of the rooms. The windows shall be retained as obscure glazed/non-openable in perpetuity.

Reason: In the interests of protecting the privacy of the occupiers of No 17 Sea Avenue in accordance with D DM4 of the Arun 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 identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.