

**Recommendation Report for Application under Section 73 for the Removal or Variation of Conditions
Under a Previously Approved Permission**

REF NO: R/77/26/S73

LOCATION: 15 Evelyn Avenue
Rustington
BN16 2EJ

PROPOSAL: Application under section 73 of the Town and Country Planning Act 1990 for the variation of condition 2 imposed under R/31/26/HH relating to approved plans.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

R/31/26/HH	Single storey front porch and rear extension to replace the existing conservatory, proposed hip to gable extensions, a rear dormer, roof lights and side windows with obscure glass.	ApproveConditionally 15-04-26
R/6/26/CLP	Lawful development certificate for proposed hip to gable extensions, rear dormer, roof lights and side windows.	PP Not Required 12-02-26

Relevant planning history noted.

REPRESENTATIONS

Rustington Parish Council - Object on the grounds that the addition of cladding further accentuates the change in appearance of the house. It should be remembered that this material change was removed from the previous application following local residents and Parish Council objections.

1 No. letter of objection received for the following reasons:

- The cladding would be out of keeping with the street and visible at the sides as well as the front.
- 15 Evelyn Avenue sits in the middle of a row of eleven architecturally uniform bungalows that do not have cladding.
- The use of cladding would make the rear dormer even more obtrusive for neighbours.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATION RESPONSES RECEIVED:

None.

COMMENTS ON CONSULTATION RESPONSES:

None.

POLICY CONTEXT

Built Up Boundary Area.

Within an area with potentially high ground water.

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions and alter to exist builds (res and non-res)

[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
RDS	Rustington Design statement by Rustington Parish Council

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan and Made Neighbourhood Development Plans. The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

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 the proposal would not result in harm to visual or neighbouring amenity.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

- (2) in dealing with an application for planning permission the authority shall have regard to -
- (a) the provisions of the development plan, so far as material to the application,
 - (aza) a post examination draft neighbourhood development plan, so far as material to the application,
 - (b) any local finance considerations, so far as material to the application, and
 - (c) any other material considerations.

OTHER MATERIAL CONSIDERATIONS

There are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

PRINCIPLE

R/31/26/HH was approved on 15 April 2026 and granted planning permission for a single storey front porch and rear extension to replace the existing conservatory, proposed hip to gable extensions, a rear dormer, roof lights, and side windows with obscure glass.

This application seeks to amend the approved plans condition relating to 'Proposed Elevations 2027-DPA-06 Rev C'. The amendment would be to vary the approved external materials on the front porch and rear dormer and gable ends with neutral cream/beige composite cladding.

This change is proposed primarily for reasons of cost efficiency and buildability, enabling the development to be completed in a viable and timely manner. The proposed composite cladding is a durable, low-maintenance material with a consistent finish, offering long-term performance benefits.

DESIGN AND VISUAL AMENITY

The application site is located with Character Area 6 of the Rustington Neighbourhood Plan (RNP); therefore, the proposal must be assessed against RNP policy 2 and the Rustington Village Design Statement (VDS).

Policy 2 of the RNP requires development to reflect the local character of the area rather than replicate it exactly. Whilst the prevailing character of the street is predominately brick and painted brick, the immediate street scene is not uniform in its material palette. There are several dwellings incorporating cladding, including Nos.16, 24, 26, and 31, where cladding is used on prominent front-facing gables. These examples demonstrate that the use of cladding is an established material within the immediate locality.

Following concerns raised regarding the extent of the proposed cladding, amended plans were submitted during this application, reducing its use on the front elevation to the porch only, with brick remaining the dominant facing material across the principal elevation.

It is noted that 1 letter of objection has been received in relation to this planning application, and that the Parish Council raised an objection to the proposed variation of external materials to cladding on the basis that it would further accentuate the change in appearance of the dwelling and that they had made previous objections to the use of this material. The concerns have been acknowledged and amended plans were uploaded for public view and have been shared with the Parish Council, who submitted no further comment and maintained their objection.

The proposed rear dormer and front porch would retain the same footprint, height, and design as the approved development under application reference R/31/26/HH. The cladding would be limited to the front porch and would not appear dissimilar to the white cladding used on single-storey front projections at neighbouring properties. The rear dormer and gable-end cladding would not be readily visible from the

street scene, with some oblique views available, and the existing materials of the host dwelling would largely be retained. As a result, the proposal would maintain visual cohesion within the street scene and would not result in any additional adverse impact on visual amenity. The proposal would not result in harm to the character or appearance of the host dwelling, the street scene, or the wider locality. The proposal therefore is in accordance with Arun Local Plan Policies D DM1 and DM4 and the Arun Design Guide (ADG).

Given the modest scale of the porch, the rear siting of the dormer, and the presence of similar examples of cladding within the immediate street scene, the proposal would not appear incongruous or out of keeping with the established character of Area 6. Accordingly, the variation to the approved external materials; the use of neutral cream/beige composite cladding to the front porch and rear dormer and gable ends, would not result in any harm to visual amenity of the area. The proposal is therefore acceptable and in accordance with Arun Local Plan policies D DM1 and D DM4, the ADG, RNP policy 2 and the RVDS.

NEIGHBOURING RESIDENTIAL AMENITY

The proposed variation to the approved external materials on the front porch and rear dormer and gable ends with neutral cream/beige composite cladding would not result in any additional harm by way of overshadowing, overbearing, or overlooking impacts to neighbouring amenity, and is therefore in accordance with Arun Local Plan policy D DM1 and D DM4 and the ADG.

SUMMARY

The application seeks to vary the approved external materials for the approved tile hanging on the rear dormer and gable ends with neutral cream/beige composite cladding and use the same cladding for the front porch, replacing the approved brickwork to match the existing dwelling. This amendments would not result in any additional harm to visual or neighbouring amenity and is in accordance with relevant development plan policies.

OTHER MATTERS

As this is a Section 73 application any new permission sits alongside the original permission, which remains intact and unamended. Government guidance states that for the purpose of clarity to reinstate the conditions imposed on earlier permissions that continue to have effect.

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.

CIL DETAILS

This application is not CIL liable.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby permitted shall be begun on or before the expiration of 3 years from the date of the original permission granted under application reference R/31/26/HH approved on the 15 April 2026.

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:

- Existing Location and Site Plan 01.
- Proposed Site and Roof Plans 02.
- Proposed Floor Plans 04.
- Proposed Elevations 2027-DPA-06 Rev C

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Arun Local Plan policies D DM1 and D DM4.

- 3 All of the windows at or above first floor level in the side (north and south) elevations of the building shall at all times be and remain glazed entirely with obscure glass to a level equivalent to Pilkington Level 3 or nearest equivalent standard and be non-openable below 1.7m above finished floor level. This arrangement shall be retained permanently thereafter.

Reason: In the interests of the amenities of the occupants of nearby properties in accordance with Arun Local Plan policies D DM1 and D DM4.

- 4 Based on the information available, this permission is exempt from the requirement to provide a biodiversity gain plan under Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990. The following exemption applies:

This planning permission has been granted under a Section 73 application within the meaning of the Town and Country Planning Act 1990 (as amended) and relates to a planning permission for development which is a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Reason: In accordance with Schedule 7A of the Town and Country Planning Act 1990 (as amended).

- 5 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). 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 NPPF.