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

REF NO: **R/78/13/**

LOCATION: 9 Milton Close
Rustington

PROPOSAL: Proposed rear conservatory attached to existing loggia

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Proposal relates to the provision of a conservatory to the rear of the existing loggia on the north side of the property, measuring 3.5 metres x 4.8 metres, with a height of 3.13 metres. It would be constructed of pvcu brickwork and block work.
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	1.8 metre high fencing to no.8.
SITE CHARACTERISTICS	Semi detached bungalow. Existing loggia and single storey flat roofed extension to rear. Rendered elevations.
CHARACTER OF LOCALITY	Predominantly residential characterised by semi-detached bungalows of similar design arranged in a cul-de-sac fronting a central grassed area.

RELEVANT SITE HISTORY

R/106/02/	Covered passageway. Roof to be translucent plastic, doors at either end	Approve Conditionaly 02-08-2002
LU/279/69	Extension and garage	Approve Conditionaly 03-10-1969
LU/418/84	Single storey rear extension and internal alts to provide 1 additional bedroom - plus new detached garage	Approve 19-09-1984

REPRESENTATIONS

Representations received:

Rustington Parish Council

No objection

Comments on Representations received:

None

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

Designation applicable to site:
Within built up area boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	GEN7	The Form of New Development
	DEV19	Extensions to existing residential buildings

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework

POLICY COMMENTARY

PLANNING
The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

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 proposed extension would be single storey and located to the rear of the property. It would be positioned behind the existing loggia and would not be readily visible or prominent in the street scene. Only a maximum of the top 1 metre of the roof would be visible above the existing loggia.

The conservatory would be set away from the boundary with no.8 by 0.3 metres at its closest point and this extends to 2.4 metres. The conservatory would pitch away from the boundary and would not project significantly above the height of the boundary fence. It would therefore have no adverse overbearing effects on the residential amenity of the adjoining neighbour and would comply with policy GEN7 of Arun District Local Plan.
The scale form and design of the conservatory are acceptable in terms of the impact on the existing dwelling and it would be visually subservient to the main dwelling and accord with policy DEV19 of Arun District Local Plan.
The application is therefore recommended for approval subject to the following conditions.

HUMAN RIGHTS ACT

FOR APPROVAL
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 (the right to respect for private 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 no negative 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).

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: dimensioned conservatory details, and substitute elevation and floor plans dated 20-05-2013.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

3 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: GEN7,DEV19

NATIONAL POLICIES: National Planning Policy Framework

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

4 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.