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

REF NO: R/7/18/HH

LOCATION: 11 Wallace Road
Rustington
BN16 3JZ

PROPOSAL: Single storey rear extension & loft conversion

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above The single storey rear extension measures approximately 2.3m deep. 2.7m wide (max) it is 2.5m wide off the existing extension, and 2.8m high with a flat roof. The proposed dormer window would measure approximately 3.9m wide, 2.6m high and 3.1m deep. Amended plans were submitted to clarify the set in of the single storey rear extension. Materials would match the existing property.
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The property has a mature hedge on one side boundary approximately 2m high and a timber fence on the other boundary approximately 1.8m high.
SITE CHARACTERISTICS	The application site comprises a two storey end terrace property constructed of brick beneath a tile roof. The property is set on a narrow but reasonable sized plot. The property has an existing lean to rear extension part of which appears to be original and part a more recent addition.
CHARACTER OF LOCALITY	Residential comprising properties of a similar size and scale.

RELEVANT SITE HISTORY

There is no relevant planning history.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Rustington Parish Council

Rustington Parish Council have no objection

One letter of objection has been received a summary of points being

The block plan submitted Jan 18th 2018 are incorrect. This structure has already been built (incorrectly under an assumed development) and the plans for the ground floor extension show a flat roof. A sloping roof has been built.
It also shows the extension stopping short of the boundary with 12 Wallace Road. It does not, meaning the footings must be overlapping those of the extension of 12 Wallace Road.
This structure is much bigger than the one it replaces and is now only 27cm from 12 Wallace Road, cutting out light, restricting the opening of a side window, and will be a cause of damp to the side wall of 12 Wallace Road.
The sloping roof line of the ground floor extension has been cut in to the rear wall of 11 and 12 Wallace Road, but the cut line goes over the boundary of 12 Wallace Road.
The new structure also now does not allow emergency access to the gas meter and emergency cut off valve to 12 Wallace Road, which is dangerous.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments are noted and where relevant are addressed in the conclusions.

However, it is noted that consideration is given to the details in the current application, as such if the approved scheme and the as built scheme are different the planning permission would not cover the as built scheme. There is an open enforcement investigation that will address any discrepancies in what is being applied for. The application needs to be considered on the details submitted and not as built which it is accepted is different .

It is not considered that the issue re the gas meter is a material planning consideration. Planning permission would not authorise development on the neighbours property.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

None

COMMENTS ON CONSULTATION RESPONSES:

None

POLICY CONTEXT

Designation applicable to site:
Built up area

DEVELOPMENT PLAN POLICES

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):

D DM1	Aspects of Form and Design Quality
D DM4	Extensions & Alterations to Existing Buildings
D SP1	Design
SD SP2	Built -Up Area Boundary

Rustington Neighbourhood Plan 2014 Policy 2 Housing Design

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework

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 and is 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.

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 has taking place. 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. The examination was completed in September 2017. A consultation on the proposed modifications ended in mid February 2018.

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. 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.

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).

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 application site is situated within the built up area and within established residential area where the principle of development is acceptable subject to compliance with relevant development plan policy.

The proposed single storey extension would be sited to the rear of the property and would not be visible from the road. There is an existing lean to structure in place at present which will be removed, retaining what appears to be the original rear addition. The proposed extension would lead to a resultant structure that would be almost the full width of the rear elevation of the house, it will be set in approximately 0.07m from the side boundary with No.12. The proposed flat roof extension would be built into the existing lean to extension, it is considered that the proposed extension would be subordinate to the main house and retains an adequate amount of rear garden, approximately 20m deep. Whilst the flat roof and scheme does appear a little awkward with its relationship to the existing lean to roof, given the size and the fact that the structure is to the rear with little view from public areas it is not considered that this is sufficient to merit refusal. It is considered that the proposed extension is not unduly harmful to the character and appearance of the host property nor is it considered harmful to the character of the wider area.

The proposed dormer roof extension does appear large given the small roof slope area. However, it is set in from the side margins by approximately 0.4m and 0.5m respectively, it is 0.3m above eaves and below the ridge line of the main house. The dormer extension will not be visible from Wallace Road and whilst it may be seen from Brookside Avenue to the rear, given the distance from this road to the property the proposed dormer extension is not considered to be unacceptably visually harmful to the wider area.

Materials for the development would match the existing property.

Therefore, on balance, it is not considered that the scheme as a whole would be demonstrably harmful to the character and appearance of the host property or the wider area.

The proposed rear extension is set behind the existing lean to extension and does not extend beyond the rear elevation of this addition. As such it is not considered that there is an unacceptable harmful impact upon the residential amenity of the adjoining occupiers to the north in Eden House. The proposed dormer window extension has two windows the nearest to this property being to an en suite as such it is not considered that this aspect of the scheme will lead to an unacceptable loss of privacy to the occupiers of Eden House.

With regard to No.12 to the south the proposed rear extension is set in approximately 0.2m from the boundary with No.12. The elevation facing No.12 has no windows in the side elevation it is not considered that the proposal will be unacceptably harmful to the amenity of the adjoining occupier in No.12 with regard to loss of privacy. No.12 has a rear extension and as such the proposed development is not considered to lead to an unacceptable loss of outlook or be unduly dominant upon the amenity of the adjoining occupiers. Representations have also been made regarding the possibility of damp to the neighbouring property, however, this is not a material planning consideration that could be used to support a reason of refusal. Also reference is made to not being able to open a window, however, the proposed extension is within the curtilage of the application property and is sited 0.07m from the side boundary as such it would only block any window which would open over the applicant's property and therefore this would not justify a reason of refusal.

The proposed dormer window will lead to increased views of the garden of No.12 however, this is not considered to be any materially different to the existing situation experienced from the first floor windows and as such is again not considered to be sufficiently harmful to merit refusal.

There are no parking implications arising from the proposed development.

In summary, the proposed development is not considered to be visually obtrusive or prominent and would not have an adverse impact on the character and appearance of the host property and the amenity of adjoining occupiers. The proposed development would therefore comply with planning policies in the Arun Local Plan 2003 and the Rustington Neighbourhood Plan.

Therefore, the application is recommended for approval 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 site location plan, 2207/01/01 (amended received 15 March 2018), 2207/01/02, 2207/01/03 & 2207/01/04.

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 The materials and finishes of the external walls and roof of the extensions 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.