

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

REF NO: R/80/20/HH

LOCATION: 52 Sea Avenue
Rustington
BN16 2DJ

PROPOSAL: Demolition of existing single storey rear extension replacement with single storey rear extension, and demolition of single storey attached double garage to be replaced with 2 storey side extension.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION The application seeks to demolish the existing rear extension, and double garage to replace with the construction of a single storey rear extension and a two storey side extension.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Rustington Parish Council

No objection.

1 letters of objection:

- If there were to be construction vehicles parked on the road, this may be dangerous.
- The construction may cause disturbance, in the summer months.

One letter of 'no objection':

- There roads and verges should not be damaged as part of the proposal.

OFFICERS COMMENTS ON REPRESENTATIONS:

Representations noted. Parking on the private road is managed by the estate company. The time of year the construction commences is not reasonable to control via a condition in this case.

CONSULTATIONS

Arboriculturist

CONSULTATION RESPONSES RECEIVED:

None.

POLICY CONTEXT

Designation applicable to site:
Within built up area boundary

DEVELOPMENT PLAN POLICIESArun 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

<u>Rustington Neighbourhood Plan 2014 Policy 1</u>	The Rustington Convalescent Home (Carpenters), Sea Road
Rustington Neighbourhood Plan 2014 Policy 2	Housing Design

PLANNING POLICY GUIDANCE:

NPPDG	National Design Guide
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

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.

Policy 2 of the Rustington Neighbourhood Development Plan states that development proposals will be supported providing that their scale, density, massing, height, landscape design, layout and materials reflect and enhance the established character of the area.

DESIGN AND VISUAL AMENITY

Due to the siting of the two storey extension, it will be visible in the street scene of Sea Avenue. As a result of its scale, it is considered to have an impact on the appearance of the host dwelling, and cannot be considered to be a subservient addition to the host dwelling. However this is not reason alone for refusal of the application. The two storey extension is well integrated with the host dwelling, predominantly as a result of its design, and use of materials. The roof slope of the matches that of the existing roof, which creates a better visually unified building through the use of symmetry. Sea Avenue does not have a uniform spatial pattern for which to result in harm as a result of the development.

The single storey rear extension is sited to the West of the host dwelling, and is not considered to result in any harm upon the character of the host dwelling, or its locality. This is due to its modest form, and its siting allowing there to be no views of this element of the proposal from the public realm.

The development, whilst conflicts with D DM4(b) of the Arun Local Plan, is considered to be in accordance with D DM1, D DM4(a) and D DM4(e) of the Arun Local Plan.

NEIGHBOURING RESIDENTIAL IMPACT

The proposed development is considered to result in a significantly harmful overbearing impact upon the neighbouring dwelling to the South. This is resultant of the introduction of a 5m high flank wall approximately 1.1m from the neighbouring dwelling. This contravenes the 45 degree line from the window on the Northern elevation of the #54 Sea Avenue, and is considered to have a harmful impact upon the front balcony of this neighbouring dwelling. Due to the siting of the two storey extension it is considered to have no harmful overshadowing of neighbouring dwelling to the Northern side of the application site. The single storey rear extension is not considered to have any harmful impact, due to its scale, siting, and boundary treatment present within the site. The development is not considered to result in any views of which result in any harm to the privacy of neighbouring dwellings. This is inclusive of the second floor rear windows, which are not considered to provide views any different to those existing from the host dwelling at current.

The development is considered to conflict with D DM1(3) and D DM4(c) of the Arun Local Plan, in that it is considered to result in a harmful overbearing impact upon the occupiers of the dwellings to the South.

SUMMARY

The proposed development is conflict with D DM1(3) and D DM4 (c) of the Arun Local Plan in that it results in a significantly harmful impact on the occupiers of the dwelling to the South, by way of an overbearing impact.

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

REFUSE

- 1 The proposal, due to its height, siting and length, will have an unneighbourly overbearing effect and overshadowing impact on the occupiers of the dwelling to the South, in conflict with policies D DM1(3), and D DM4(c) of the Arun Local Plan.

- 2 **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 with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.