

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

REF NO: R/89/21/HH

LOCATION: 74 The Martlets
Rustington
BN16 2UE

PROPOSAL: Erection of a timber single storey granny annexe for ancillary use to the main dwelling.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The site is located in the west side of The Martlets which is a residential cul-de-sac. The main dwelling is an end terrace two storey property with a mix of brick and render finish to the walls, the roof pitched finished with a concrete tile. The site benefits from private amenity space and off-street parking.

The property is bound by residential gardens to north and south boundaries, whilst the west boundary backs on to the adjacent Grade II listed Care Home. The curtilage is well defined through high domestic fencing and some vegetation, this provides an effective screen resulting in protected neighbouring amenity and limited impact to the streetscene. There is also a row of established trees located within the grounds of the Care Home that screens out views of the site from the Care Home and vice versa.

This application seeks consent for dependant relative Annex. The annexe would be to the west boundary of the site.

External finishing for the annexe would include Marley Cedar Weatherboard Cladding - Cream White and UPVC windows.

The dimensions of the annex are: 4.45m high (pitch roof), 2.89m at eaves, 7.26m wide and 6.4m deep.

The boundary treatments at the rear includes domestic fencing and vegetation.

The use of the annexe will be ancillary to the main dwelling with strong functional links between them. It is intended that the occupant will be regularly preparing and eating meals in the main dwelling, watching television/relaxing, socialising with the family and using existing household facilities.

To confirm there will be no separate;
» Address,

- » Post Box
- » Utility meters,
- » Services such as internet, phone line and television,
- » Parking,
- » Garden area or curtilage, and
- » Access

A design and access statement has been provided to confirm the applicant is elderly and needs her family members to take care of her. The annexe will be for the applicant to occupy whilst her son and family move into the main dwelling. The applicant due to ongoing personal circumstances needs the support of her family now and into the future. The erection of an annexe will provide the balance of independence while still having the support and care of the family on hand. A personal statement has been provided to support the application which provides the background to the need.

RELEVANT SITE HISTORY

R/91/21/CLP Lawful development certificate for the proposed use of land for siting a mobile home for use ancillary to the main dwelling.

R/132/89 New garage and access

ApproveConditionally
03-07-89

REPRESENTATIONS

Rustington Parish Council objection: (i) The proposal for an annexe, of 7.3m in width and 6.5m in length, with the side wall being over half the length of the neighbouring property's garden, would most certainly represent an overbearing impact for the said property, namely 72 The Martlets (ii) The proposal would have an adverse effect on the privacy, visual amenities and quiet enjoyment of the occupier/s of the aforementioned neighbouring property (iii) The proposal, by reason of its mass, would represent an over-development of the site (iv) The proposal would be in conflict with Policy 2 of the Rustington Neighbourhood Plan (mass and overbearing impact).

Two letters of representation received from the adjoining property:

The development is out of character;
Overlooking and overbearing;
Loss of privacy;
Noise and disturbance;
Refuse storage issues.

Officer response to the above comments:

A Similar outbuilding could be constructed under permitted development and it could be used by the family members for additional accommodation; therefore the refusal cannot be justified.

The access to the annexe will be through the existing arrangement, no independent access will be provided. There would be no separate highway access or need to make any alterations to the existing access point.

The development would not negatively impact upon the amenity of the adjacent residential dwellings and street scene whilst maintaining its ancillary relationship with the host dwelling.

Annexe is single occupant building and it will be occupied by the applicant and this should not result in significant impact in terms of noise disturbance in terms light pollutions, excessive comings and going to the site or it would not result in over intensification usage of the site.

This proposal does not require additional refuse storage - the annexe will be used ancillary to the main dwelling.

A Planning condition has been recommended for ancillary use.

CONSULTATION RESPONSES RECEIVED:

None

POLICY CONTEXT

Designation applicable to site:

Built up Area Boundary; and
Adjacent to Grade II Listed Building.

DEVELOPMENT PLAN POLICIES

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

DSP1	D SP1 Design
DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
HERSP1	HER SP1 The Historic Environment
HERDM1	HER DM1 Listed Buildings
TSP1	T SP1 Transport and Development

[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
SPD11	Arun Parking Standards 2020

CONCLUSIONS

PRINCIPLE

The key policies considered are D DM1, HER DM1, D DM4 and TSP1 of the Arun Local Plan.

The application site is located close to a Grade II listed building (RUSTINGTON CONVALESCENT HOME on the SEA ROAD). Policy HER DM1 set out criteria for which proposals must meet in order to be acceptable. These include preservation or enhancement of the building, protecting its architectural and historical integrity, as well as its special interest. Additionally, because the listed building is significant heritage asset proposals should protect the setting of these buildings.

Para 189 of the NPPF requires the LPA to firstly identify the significance of the heritage asset affected by a proposed development. The property is Grade II Listed and is of some significance. Paragraph 190 of the NPPF requires the LPA to consider the significance of the impact upon that heritage asset.

There will not be any harm or impact on the setting of this building due to the established tree screening on its eastern side. Also, the principle way in which the asset is experienced is from Sea Road to the front. The Councils Conservation Officer has given verbal advice to support this view.

Rustington has a made Neighbourhood Plan and policy NER2 with direct relevance to this application but the proposal complies with this policy.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that: "In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses." The proposal complies with this requirement as the proposal preserves the significance of the listed building.

DESIGN AND VISUAL AMENITY

The annexe would be located at the rear of the dwelling. The annexe is self a contained unit. The size is similar to a standard outbuilding to reflect the relationship of a traditional ancillary outbuilding, the single storey design will provide a clear subordinate appearance to the dwelling and surrounding properties in terms of mass and scale. In terms of the size of the plot the proposal does not look at odds with the surrounding pattern of development. The proposal would have no greater impact on the surrounding area than an outbuilding which would be permitted under Class E of the GPDO.

The development accords with D DM1 and D DM4 of the Arun Local Plan. There is no relevant guidance in the Arun Design Guide.

RESIDENTIAL AMENITY

As alluded above similar development could be constructed under the GPDO and for incidental purposes; therefore the impact of the physical nature of the building does not warrant refusal.

The window and door opening's in the front elevation has been proposed and one window in the kitchen. The kitchen window in the side elevation would not cause significant overlooking due to the boundary treatment. The occupant would need access to natural light and hence obscure glazing conditions would be unreasonable. If this development was constructed under the GDPO , the applicant is permitted to

have windows in the front and side elevations.

The annexe would be used ancillary to the main dwelling. Whilst occupation of the building by a family relative would have some impact of the peaceful nature of the rear garden due to the ancillary nature of the proposal this disturbance should not be significant. All the comments made by the Parish and members of the public have been taken into consideration during the assessment of this application.

Officers view is that, no harm is demonstrated to the residential amenity. The development is not considered to harm neighbouring amenity by way of overbearing, overshadowing or significant overlooking and accord with D DM1 and D DM4 of the Arun Local Plan.

PARKING

The application site benefits from off street parking and the proposed granny annexe does not lead to any requirements for additional parking. The proposal does not conflict with T SP1 of the Arun Local Plan or the Arun Parking Standards SPD.

SUMMARY

The development is deemed to accord with relevant development plan policies and as such is recommended for approval subject to the following conditions and informatives.

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.

CIL DETAILS

This application is CIL Liable therefore developer contributions towards infrastructure may be required

dependant on any exemptions or relief that may apply.

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:

Location plan & Block plan: drawing no1920.03.21 REV 2

Proposed floor plans& elevations: drawing no1920.03.21 REV 2

Design & Access Statement

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

- 3 The accommodation hereby permitted shall be occupied solely for purposes ancillary to the occupation of the main dwelling and shall not be used as a separate unit of accommodation.

Reason: To accord with policies D DM4 of the Arun Local Plan and to prevent the establishment of an additional independent unit of accommodation which would give rise to an over-intensive use of the site and lead to an unsatisfactory relationship between independent dwellings.

- 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.