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

REF NO: **R/90/13/**

LOCATION: 10 Sea Avenue
Rustington

PROPOSAL: Two storey side and rear extension, single storey front porch extension and new oriel window to ground floor front.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The proposal consists of three main elements:- - A two-storey extension projecting 4 metres to the rear of the dwelling and measuring approximtely 11.85 metres in width and 7.1 metres in height. - The raising of the eaves of the existing catslide roof on the northern elevation to match that of the roof over the existing two-storey projection to the front of the dwelling. - The formation of a gable roofed timber framed porch and a hipped roof oriel window to the front of the dwelling.
SITE AREA	Approximately 560 square metres.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	To the rear of the site, the northern and western boundaries are marked by approximately 1.8 metre high timber fencing. The southern boundary is marked by approximately 1.2 metre high timber fencing with hedging belonging to the neighbouring property running directly behind it.
SITE CHARACTERISTICS	The site is occupied by a detached two-storey dwelling which has brown brick elevation walls, with a timber framed, rendered section to the frontage, and a tiled mansard roof which has its eaves directly above ground floor window heads to the front and rear, with dormers formed at first floor level within the roof slopes. A single-storey lean-to extension has been added to the rear of the garage.
CHARACTER OF LOCALITY	The site is located on a private residential road that is lined by dwellings, the majority of which are detached, that exhibit a mixture of designs and scales. Dwellings are set

back from the road with mature landscaping and grass verging along frontages helping to create a tranquil, rural village environment.

RELEVANT SITE HISTORY

None.

REPRESENTATIONS

Representations received:

Rustington Parish Council

No objection.

One letter of objection: The proposed extension will greatly restrict the amount of light my property will receive. This will also create a large shadowing area over my property, especially in the winter months where we may not get any sun in afternoons.

Comments on Representations received:

Noted. Potential overshadowing impacts will be discussed within the conclusions of this report.

CONSULTATIONS

Consultations responses received:

None.

Comments on Consultation responses:

None.

POLICY CONTEXT

Within Built-Up Area

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
	DEV19	Extensions to existing residential buildings

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework

SUPPLEMENTARY POLICY GUIDANCE

RDS	Rustington Design statement by Rustington Parish Council

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to potential impact upon the character and appearance of the surrounding area and the amenities of any neighbouring residents.

The Development Plan consists of the Arun District Local Plan.

It should be noted that the Arun District Local Plan was adopted in 2003.

Paragraph 214 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight but, because it predates 2004, a reduced weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

The emerging local plan has recently been approved by the Council and is therefore a material consideration in the determination of this planning application. Whilst it has not been formally adopted due weight has been given to its policies in terms of the decision making process at this stage.

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 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 porch and orie window are modestly sized alterations that will not greatly impact upon the appearance of the dwelling and are not of a scale that would lead to a potetnial to adversely impact upon the amenities of neighbouring residents.

The bulk of the proposed works are concentrated to the rear of the dwelling and set below the ridge height of the existing roof. The frontage of the dwelling will, however, be altered to a degree due to the replacement of the existing catslide roof slope on the northern elevation with a two-storey element. This will not result in the built area of the site advancing any further towards the highway and, whilst reducing the visual gap between the dwelling and No 8 Sea Avenue to an extent, there will be adequate separation between the two-storey elements of the extension and the neighbouring dwelling to prevent a terraced appearance from arising. It is therefore considered that the proposal will not compromise the open and spacious feel of the street scene. It should also be noted that the altered appearance of the dwelling frontage would not make it appear incongruous within the street scene as the surrounding estate is characterised by a diverse mixture of dwelling designs and scales and it would integrate within this general pattern.

The proposed extension is considered to relate sympathetically towards the host dwelling in terms of design and scale. Whilst the footprint of the dwelling will be substantially increased as a result

of the proposal the height of the extensions are set below that of the existing roof line so as to ensure that their relationship towards the host dwelling is visually subservient. The design will retain the distinctive roof shape to the front of the dwelling, ensuring the host building is not overwhelmed. Further, the roof over the extensions will have a matching eaves and ridge height to the roof over the existing two-storey element to the front of the property, producing visual continuity and resulting in a smooth visual transition between existing and new features.

The extensions are stepped in from side boundaries and the rear extension does not project a significant distance along the overall length of the gardens to the rear of adjoining proeprties. The extensions are not of the same stature as the adjacent properties to the site and will not be positioned directly alongside any window serving primary living space within neighbouring properties. As such, it is not considered that they will appear overbearing. Further, unobstructed 45 degree sight lines can be taken from the centrepoints of such windows, demonstrating that there would not be a harmful level of overshadowing towards these windows.

Views towards neighbouring property from ground floor windows serving the proposed extensions will be interrupted by existing site boundary treatment. Plans show two first floor windows on the northern elevation of the extension. These windows would have the potential to offer intrusive views of the rear garden of 8 Sea Avenue. In order to mitigate against these concerns, it is considered prudent to attach a condition regarding them to be obscurely glazed at all times. Direct views from first floor windows on the rear elevation will be towards the far end of the site which is screened by boundary treatment as well as mature trees. These views would be similar to those offered by existing first floor windows on the rear elevation of the dwelling.

It is therefore recommended that the application is approved, subject to the following conditions.

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 for 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 it has been deemed that it would have a neutral impact 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:-

Site location plan;
1304/C01;
1304/CO2;
1304/CO3;
1304/SR01;
1304/SR02;

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

3 The first floor windows on the northern elevation of the building shall at all times/be glazed with obscured glass and, where less than 1.7 metres above floor level, be fixed to be permanently non-opening.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policies GEN7 and DEV19 of the Arun District Local Plan.

4 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: GEN2, GEN7, DEV19

NATIONAL POLICIES: National Planning Policy Framework

SUPPLEMENTARY POLICY GUIDANCE: Rustington Design Statement

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

5 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.