

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

REF NO: R/90/18/HH

LOCATION: 9 Park Drive
Rustington
BN16 3DZ

PROPOSAL: Side & rear extension with rooms in the roof

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION The proposed development seeks to extend the site to the side and rear (South and West) elevations creating provision for rooms in the new roof.

RELEVANT SITE HISTORY

R/243/17/HH Two storey side extension, rear single storey extension Withdrawn
with balcony over, extend side garage. Raise the ridge & 31-01-18
alteration to roof shape to create 3No. dormers in roof
space.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Rustington Parish Council

Parish Council - Objection

- The proposal is overly large, and would present an overbearing impact on the street scene, and be out of character with it as a result.
- The balcony would be detrimental to the enjoyment of Herne Court.

29 letters of objection -

- The proposed flat roof, if used as a balcony, would result in a loss of privacy to local occupiers, especially when entertaining.
- This proposal removes only the provision for a rear balcony, and it would be very easy to erect a balustrade after the development.
- The proposal does not reflect the character of the locality, and impacts the enjoyment of winter sunshine for the occupiers of dwellings to the rear.
- The proposed development is not visually integrated with the host dwelling. This is resultant of not only a height increase, but also the rotation of the host dwellings principal axis, from E-W, to N-S.
- The proposed development is not visually subservient to the host dwelling.
- The extra height of the roof causes the proposed development to have an overbearing impact on the occupiers of Herne Court.

- The proposed development causes the host dwelling to appear as a three storey dwelling, the only one in the road. The extension would cause the proposal to appear as to be more like a small office block than a house, wholly out of character with the rest of the properties in Park Drive. It would amount to an overdevelopment of the site.
- The proposed development does not create any extra provision for parking.
- The proposed development increases the frontage of the property by 49%, which is out-of -character with the area. (This comment was re-addressed resultant of the amendments, and now becomes 35%)
- The proposal involves the removal of Leylandii trees.

OFFICERS RESPONSE

The majority of concerns will be addressed in the conclusion section. Additionally, as a result of the plan amendments, some of the concerns relate to issues which are no longer part of the development.

The proposed development does not include the provision for the use of the rear flat roofed extension to be used as a balcony. Resultant of significant objections and concerns off unacceptable loss of privacy at adjacent dwelling, it will be conditioned as to not allow this area to be used as a balcony also.

With regard to loss of light, the footprint of the host dwelling is over 19m from the dwelling of the objector, and over 10m from the rear garden of the objector. This is only the footprint, without consideration for the fact that the closest two storey element of the dwelling is set 4.6m back from this point.

CONSULTATION RESPONSES RECEIVED:

None.

POLICY CONTEXT

Designation applicable to site:

Within built up area boundary

DEVELOPMENT PLAN POLICES

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
SDSP2	SD SP2 Built-up Area Boundary

[Rustington Neighbourhood Plan 2014 Policy 3](#) Open spaces

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

RDS	Rustington Design statement by Rustington Parish Council
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CONCLUSIONS

PRINCIPLE

The application site is located within the built up area boundary, where the principle of development is

acceptable subject to accordance with the relevant development plan policies, as stated in SD SP2 of the Arun District Council Local Plan. In this case, the key policies are deemed to be D DM1 and D DM4 of the Arun District Council Local Plan. Additionally, Policy 2 of the Rustington Neighbourhood Development Plan.

DESIGN AND VISUAL AMENITY

This application is a re-submission of the withdrawn application R/243/17/HH. The main difference is that the roof form is significantly different, in that due to its design it alleviates the concerns which applied to the previous application. Additionally, the removal for the provision of the rear extension has removed the concerns raised by neighbouring dwellings relating to overlooking. The proposal went through some revisions during the planning process, as a result of negotiation between the Planning Officer and the agent. This involved significant roof alterations, as the original scheme had unsympathetic gables, which were replaced with sloping hips.

The proposed development is considered to result in a change of appearance of the host dwelling, as a result of the siting and significant scale of the proposed extension. As a result of this scale, it is not considered to be subservient to the host dwelling. However, it is not considered to have a significantly detrimental impact on the established character of the host dwelling as a result of its design, scale and use of materials. Resultantly, it would be visually integrated with the existing dwelling and would result in a sympathetic addition to the dwelling, in terms of character, in accordance with D DM4(a) of the Arun District Council Local Plan (2011-2031).

The proposed extensions are readily visible from the street scene of Park Drive, as a result of no boundary treatment to the front elevation. However, the proposed development allows the dwelling to continue to be in line with the existing set-back building line. The area is characterised by a mixture of both types, and designs of dwellings. There is no uniform character in the area, as the locality is populated by both different types, and designs of dwellings. Most prominently, the host dwelling is adjacent to Herne Court, which is a block of 6 flats. The proposed development does not result in an increase in height, although it is noted that the dwelling is of a substantial height, there are developments of similar scales in the area, of a wide plethora of designs. Even though none of these developments have rooms in the roof, the design of the dwelling is not so significantly different from those in the area that it appears as a prominent and obstructive feature in the locality. Therefore, the proposed development is in accordance with D DM1(1) of the Arun District Council Local Plan (2011-2031), Policy 2 of the Rustington Neighbourhood Development Plan and the criteria within 'Area 6' of the Rustington Village Design Statement.

NEIGHBOURING RESIDENTIAL AMENITY

The proposed extension is not considered to give rise to any significantly adverse impact on the neighbouring dwellings. The impact of overlooking from the proposal is considered to be no worse than that resulting from the existing dwelling, and as there are existing windows on the front and rear elevations of the property, and therefore it is considered that the existing level of privacy is not worsened by the development. Whilst due to the scale of the proposed development, there is potential for loss of light at adjacent dwellings to the North, this is considered to be mitigated by the aspect of the host dwelling. Concerns relating to loss of light to dwellings to the West are mitigated by significant separation distances (as mentioned earlier). The roof alterations at the dwelling are considered to have potential for overbearing impacts on the occupiers of Herne Bay, however, there is both intervening foliage, fencing, and small garages that allow a separation distance of over 10m between the two buildings, which is considered to mitigate any concerns.

As such, the proposed development is considered to be in accordance with D DM1(3) and D DM4(c) of the Arun District Council Local Plan (2011-2031).

SUMMARY

The proposed development is deemed to accord with relevant development plan policies and as such is recommended for approval 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 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**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:

- Block Plan - 10047474 - 05/06/2018 20:42:09
- Proposed Ground Floor Plan - 201 Rev C - 15/04/2018 - Rev A 27/02/2018
- Proposed First Floor Plan - 202 Rev C - 12/09/2017 - Rev C 15/04/2018
- Proposed Second Floor Plan - 207 Rev D - 15/04/2018
- Proposed East Elevation Plan - 203 Rev D - Rev D 15/04/2018
- Proposed North Elevation Plan - 205 Rev D - 22/02/2017 - Rev D 15/04/2018
- Proposed West Elevation Plan - 204 Rev D - Rev D 15/04/2018
- Proposed South Elevation - 205 Rev D - 15/04/2018 - Rev D 15/04/2018
- Proposed Roof Plan - 208 Rev D - 12/09/2017 - Rev D 15/04/2018

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun District Local Plan (2011-2031).

- 3 The materials and finishes of the external walls and roof of the development hereby permitted shall match in colour and texture those of the existing dwelling.
- Reason: In the interests of amenity in accordance with policies D DM1 and D DM4 of the Arun District Local Plan (2011-2031).
- 4 The roof area of the extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area.
- Reason: To safeguard the amenities of the occupiers of adjoining property in accordance with policy D DM1 of the Arun Local Plan.
- 5 **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.