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

REF NO: **R/92/14/HH**

LOCATION: 3 Central Avenue
Rustington

PROPOSAL: Side/rear extension and loft conversion

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The proposal relates to a flat roofed single storey extension to the southeast corner of the building measuring 5.1m at its widest point and 5.6m at its longest point to create a dining area and utility room, which would replace the existing conservatory. An extension to the front is also proposed at first floor above the porch and in the roof area by changing the hipped roof to gables to create 2 bedrooms and en-suites. 2 rooflights are proposed in the rear roof slope and a juliette balcony in the south elevation.
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	Hedging and fencing to road frontage to approx 2m height. Fencing to between approx 1.2m and 1.8m to rear and side boundaries
SITE CHARACTERISTICS	Detached bungalow. White painted pebble dash render. Plain tile roof. red colour tile hanging to gables. Corner site. Main garden area is located to the side of the dwelling.
CHARACTER OF LOCALITY	Predominantly residential characterised by detached dwellings of varying design in medium sized plots set back from the road frontage.

RELEVANT SITE HISTORY

None

REPRESENTATIONS

Representations received:

Rustington Parish Council

No Objection

1 letter of representation - Hopefully windows in rear roof slope will be high level and have frosted glass to preserve neighbours privacy. Extension of roof slope to west is unclear.

One letter of objection - Proposal would compromise and spoil view. Any increase in the building elevation of the current single storey would block out sun from the garden. Would compromise privacy. Devaluation of property. Almost trebles size of existing bungalow. Would spoil concept of original 1932 estste. Traffic associated with building works should use Central Avenue.

Comments on Representations received:

The agent has submitted a cross section to demonstrate that the windows in the rear elevation will be high level and cannot readily be looked out from. The plans have been clarified to confirm the extent of roof alteration to the west. Devaluation of property, disruption and routing of contractors vehicles and loss of view are not planning matters. The roof height is not being increased and the extension of the ridge is not considered to result in a material loss of outlook. The size of the dwelling would not be trebled.

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

None

POLICY CONTEXT

Designation applicable to site:
Within built up area boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	GEN7	The Form of New Development
	DEV19	Extensions to existing residential buildings
Publication Version of the Local Plan - Excluding the Spatial Portrait, Employment, Housing Allocations, Transport, Monitoring and Implementation sections (February 2014):		D DM1 Aspects of Form and Quality D DM4 Extensions & Alterations to Existing Buildings D SP1 Design

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

The Development Plan consists of the Arun District Local Plan 2003.

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry 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.

NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following publication. The Council agreed the majority of the Arun Local Plan in February 2014 (Publication Version) and this is a material consideration in the determination of this planning application. The remaining chapters of the Local Plan namely: the Spatial Portrait, Employment & Enterprise, Housing Allocations, Transport, Monitoring and Implementation will be considered for publication at a later meeting of Full Council. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place. The chapters that have been published will undergo public consultation alongside the remaining chapters when they have been agreed. The weight given to the current published policies can be significant depending:
- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).
The policies within this published version of the plan are at an advanced stage as they have been agreed by Full Council for regulation 19 consultation, they have been subject to independent audit and are considered to meet the NPPF and there are no known significant unresolved issues arising from regulation 18 consultation for the published policies.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place once the remaining chapters / policies have been published.

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 extensions would not significantly increase the bulk or prominence of the dwelling. The overall height of the dwelling will not increase and the design would be in keeping with other

development in the locality. The extensions would be constructed of materials to match the existing dwelling and would be sympathetic and visually subservient to its appearance.
With regard to residential amenity the changes to the roof would increase the length of the ridge by 4m at both ends where the hips become gables but it is considered that this increase is acceptable. The eaves of the roof is 2m from the boundary and this combined with the width of the neighbour's garage which abutts the boundary provides a distance of 5m to the main garden area of the property to the east which is adequate to ensure no materially adverse overbearing effects result. In addition the roof would slope away from the boundary. 2 rooflight windows are proposed in this rear roof slope and cross section details have been submitted to indicate that they would not result in a material loss of privacy given their height. A condition relating to obscure glazing is not therefore considered necessary.
The juliette balcony on the south elevation would face onto the side garden of the application dwelling and would be 14m from the side boundary which would preclude any adverse overlooking effects resulting.

The application therefore accords with policy DEV19 of Arun District Local Plan and policy DDM4 of the Emerging Local Plan and is recommended for approval subject to the following conditions

HUMAN RIGHTS ACT

FOR APPROVAL
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 (the 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 neutral 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).

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 912.01 and 912.02.c

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 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 identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.