

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

REF NO: R/97/15/HH

LOCATION: 14 Hawke Close
Rustington

PROPOSAL: Single storey side extension to create kitchen/family room & additional bedroom.
Porch extension to front of property

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	Approximately 815 metres squared.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The front boundary of the site is open with a 1.8 metre high brick wall located to the north of the property and the side and rear elevations featuring 1.8 metre high close boarded fencing.
SITE CHARACTERISTICS	The site is occupied by a detached bungalow with a dual pitched roof and integrated garage. The property is constructed from brick with a rendered panel on the primary elevation and a brown tiled roof.
CHARACTER OF LOCALITY	The character of the locality is predominantly residential in character and consists of detached bungalows of similar design and styles.

RELEVANT SITE HISTORY

None.

REPRESENTATIONS

Representations received:

Rustington Parish Council

My Council has noted the above application and wishes to raise no objection to it.

1 x Letter of No Objection

· Whilst, no objection raised in principle requests a restrictive condition preventing the creation of any windows or dormers on the northern elevation of the extension.

2 x Letters of Objection from 1 address

- The proposed wood burning stove is located 5 metres away and due to the south west prevailing wind noxious fumes would potentially pollute home and garden.
- Request for restriction on hours of work to prevent noise pollution.

Comments on Representations received:

Comments from Parish Council noted.

In response to the letters of representation:-

·The Town and Country (General Permitted Development) Order 2015 requires any windows on the side elevation of a property above ground floor level must be obscurely glazed and non-opening below 1.7 metres. However, a dormer on this elevation even if obscurely glazed would still have the potential to be overbearing upon the residential amenity of the neighbouring property and as such a condition will be included removing these permitted development rights.

·The Council's Environmental Health Department have advised that solid fuel appliances installed, maintained and operated in accordance with the Building Regulations and with manufacturer's instructions, burning suitable fuel and with a flue discharging at a suitable height should be capable of operating without smoke/fumes causing significant impact or nuisance to neighbours. Therefore, it is considered that accordance with Building Regulations will alleviate any potential nuisance caused by smoke/fumes.

·It is considered that any restriction on the hours of work for this development would be unreasonable given that environmental health have powers to control noise nuisance generated by unreasonable hours of work.

CONSULTATIONS

Consultations responses received:

None.

Comments on Consultation responses:

N/A

POLICY CONTEXT

Designation applicable to site:
Built Area Boundary

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#) GEN2
GEN7
GEN34
DEV19

[Publication Version of the Local Plan \(October 2014\):](#)

Built-up Area Boundary
The Form of New Development
Air Pollution
Extensions to existing residential buildings
QE DM3 Air Pollution
D DM1 Aspects of Form and Design Quality
D DM4 Extensions and Alterations to Existing Buildings (residential and non-residential)
SD SP2 Built-Up Area Boundary
Housing Design

[Rustington Neighbourhood Plan 2014 Policy 2](#)

PLANNING POLICY GUIDANCE

NPPG

National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE

RDS

Rustington Design statement by Rustington
Parish Council

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

Arun District Council's Development Plans:

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.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

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 on 30th October 2014 for six weeks.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Angmering; Arundel; Barnham & Eastergate; Bersted; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; and Yapton. The Rustington Neighbourhood Plan has been made and Policy 2 is considered relevant to the determination of this application.

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

PRINCIPLE

The site is situated within the built-up area boundary where the principle of development is acceptable, subject to accordance with relevant planning policies. The main criteria against which this application will be assessed is contained within the Arun District Local Plan which in this case are policies GEN7 and DEV19.

DESIGN AND VISUAL AMENITY

The application seek permission for the construction of a single storey side extension to the north of the original dwellinghouse. The proposal will extend beyond 5.7 metres from the northern elevation of the property with a depth of 13.8 metres with 6 metres of the proposed extension, extending beyond the existing depth of the original dwellinghouse.

The ridge height of the existing dwelling is 6 metres with the proposed side extension matching the existing ridge height and roof slope ensuring the proposal is well integrated with the existing roof line. The proposed rear extension is 5.1 metres in height which ensures that this aspect of the proposal appears subservient to the host dwelling.

The proposed extension by virtue of its design and position will appear subservient to the host dwelling in the street scene. Whilst, the fenestration and materials used will ensure that the proposal appears well integrated with the host dwelling. Therefore, the proposed extension is considered to be in accordance with policies GEN7 (ii) and DEV19 (i) & (ii) of the Arun District Local Plan.

The application also seeks permission for the construction of a porch forward of the primary elevation. The proposed porch extends 1 metre from the primary elevation of the property and has a ridge height of 3.7 metres. The proposed porch is considered to be subservient to the host dwelling and sympathetic to the established character of the property and wider area - with a number of properties in close proximity featuring porches of a similar design and style. Therefore, this aspect of the proposal is considered to be in accordance with policies GEN7 (ii) and DEV19 (i) & (ii).

RESIDENTIAL AMENITY

The proposed extension will be located 1.8 metres from the northern boundary of the site and 8.7m from the eastern boundary.

The position of the extension and its distance from the eastern and southern boundary of the site is considered adequate to alleviate any potential overlooking, overbearing or overshadowing

impacts upon the residential amenity of neighbours in these positions.

The proposed extension is located in close proximity to the northern boundary - however, due to the design of the roof, with the roof sloping away from the boundary it is not considered to give rise to any unacceptably adverse overbearing or overshadowing of the neighbouring property. The proposal is single storey and does not feature any windows on the northern elevation and as such it is not considered to give rise to any overlooking of the private amenity space associated with 12 Hawke Close.

It is recommended that a condition is included with the approval to prevent the creation of any dormers on the northern elevation of the property as this has the potential to give rise to unacceptable overbearing impacts upon neighbouring properties given the proximity of the proposed extension to the boundary.

The proposed porch by virtue of its design and position is not considered to cause unacceptable adverse overbearing, overshadowing or overlooking harm.

Therefore, the proposed extensions are deemed to be in accordance with policy GEN7 (iv) and DEV19 (iii) of the Arun District Local Plan.

The proposal includes the installation of a flue in association with a log burner to be installed in the extension. The proposed flue is not considered to have any adverse effects upon the visual amenity of the area nor will its presence be deemed in conflict with policies GEN7(iv) and DEV19 (iii) of the Arun District Local Plan. An objection was raised in relation to the impact of the potentially 'noxious fumes'. However, the proposed log burner will need to be in accordance with building regulations which will ensure that the proposed log burner does not cause unacceptable harm to residential amenity.

SUMMARY

This application is recommended for approval subject to the below 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 no impacts have been identified upon any 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: Existing Plan, Elevations, Rood Plan & Site Location Plan - 967.01.b; and Proposed Plan, Elevations and Roof Plan - 967.02.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 extension 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 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015, the extension shall not be extended or altered in any way unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of the amenities of adjoining residential occupiers and the locality in general in accordance with policy GEN7 of the Arun District 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.