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

REF NO: R/97/18/HH

LOCATION: Gunters Mead
The Roundway
Rustington
BN16 2BW

PROPOSAL: Demolish existing side extension. Construct part two-storey side extension, part single storey with balcony on top. Remove tile hanging & fix weatherboard to first floor walls.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above - single and two storey side extension which would result in the current balcony element being closer to the side boundary. The pitched roof would reflect the existing dwelling and cladding is proposed for the upper floor to replace tile hanging.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Wall and hedging to side adjacent to extension. Brick and decorative block wall to front.
SITE CHARACTERISTICS	Detached two storey dwelling.
CHARACTER OF LOCALITY	Mixed character residential area with large detached dwellings.

RELEVANT SITE HISTORY

R/231/71	Amendment To R/103/71 Repositioning Of Garage	ApproveConditionally 05-11-71
R/51/65	Outline Application For Two Detached Houses With Garage	ApproveConditionally 13-04-65
R/103/71	House And Garage	ApproveConditionally 20-08-71
R/289/15/HH	First floor side extension over existing single storey sun room & change of existing vertical tile hanging to fibre cement weatherboarding	ApproveConditionally 01-03-16

Noted - a two storey pitched roof in a similar position was approved in 2015 but this did not contain a balcony element. Cladding was also approved

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Rustington Parish Council

No objection

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

None

COMMENTS ON CONSULTATION RESPONSES:

None

POLICY CONTEXT

Designation applicable to site:
ADOPTED LOC PLN
TREE PRES ORDER
PUBLIC SEWER ON SITE
PD RESTRICTION

DEVELOPMENT PLAN POLICES

Arun District Local Plan (2003):

DEV19	Extensions to existing residential buildings
GEN7	The Form of New Development

Publication Version of the Local Plan (October 2014):

D DM1 Aspects of Form and Design Quality

D DM4 Extensions & Alterations to Existing Buildings

D SP1 Design

Rustington Neighbourhood Plan 2014 Policy 2 Housing Design

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
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.

A new local plan is in preparation and is a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taking place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification. The examination was completed in September 2017.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

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. 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: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton.

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).

The relevant Rustington NDP policies have been taken into account in this report.

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 extension to the south is modest and blends in with the existing dwelling and as such has a subservient appearance. It would have a limited impact on the street scene and not cause harm to the character of the area.

The change of the materials on the upper floor has a greater impact on the street scene but this has already been approved by a previous permission (although this has not been implemented). The impact on the street scene of the amended materials is not unacceptable.

There is one door to the side of the extension at first floor level but this has no greater impact on the amenities of the neighbour than the existing balcony. The height of the extension and the distances from the boundary also have an acceptable impact on the amenities of neighbours in terms of overshadowing and overbearing.

There is a first floor balcony at present facing south. The proposal includes a smaller balcony but this would be closer to the neighbours by just under 1m. There is no proposal to screen the view to the neighbour However there is a separation to the boundary of 3m, substantial boundary trees and a further gap to the neighbouring property. Therefore it is considered that the level of additional harm to amenity that may arise through overlooking is not sufficient to warrant refusal or require a high boundary screen.

The proposal is therefore considered to comply with GEN7 and DEV19 of the Local Plan and policy 2 of the RNDP and the application is recommended for approval subject to conditions.

HUMAN RIGHTS ACT

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.

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:-
17-114-9 a, 17-114-10 a, 17-114-11 b, 17-114-12 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 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015, (or any Order revoking or enacting that Order) no windows or other openings shall be formed in the south wall of the proposed extension without the prior permission of the Local Planning Authority on an application in that behalf.

Reason: To protect the amenities of adjoining residential properties in accordance with policies GEN7, DEV19 of the Arun District Local Plan.

4 The materials and finishes of the external roof of the building hereby permitted shall match in colour and texture those of the existing building. Samples of the weatherboarding shall be submitted to and approved by the Local Planning Authority before development is commenced and the materials so approved shall be used.

Reason: In the interests of amenity to achieve a reasonable visual quality in the buildings 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.