

Recommendation Report for Planning Permission for Works or Extension to a Dwelling**REF NO:** R/99/12/**LOCATION:** 1 Botany Close
Rustington**PROPOSAL:** Removal of tiled mansard to first floor, replacement of existing two-storey glazed front entrance, new front dormer with rooflight, alterations to existing rear dormer & balcony, new external staircase to rear, alterations to external fenestration, new boundary walls with gates & railings to front elevation**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As above. The changes are mainly internal. The footprint of the building would not be increased significantly. The porch on the west elevation would be removed and an external staircase added. A new dormer would be created on the front elevation at second floor level with a larger balcony to the rear.
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DENSITY	N/A
TOPOGRAPHY	Predominantly flat
TREES	None affected.
BOUNDARY TREATMENT	To No. 3, 4m high hedging. Existing boundary defined by pillars with fencing between.
SITE CHARACTERISTICS	Detached house. Plain tile roof. Tile hung and cream painted rendered elevations. No. 3, one secondary window at first floor facing onto site but behind the hedge at side of application dwelling. 12m wide footpath to beach other side of property and public greensward to rear. No. 3 has dormer in roof at first floor and a balcony. Some velux in other properties at second floor level. Currently only one window in side elevation facing path which is obscure glazed.
CHARACTER OF LOCALITY	Predominantly residential characterised by detached dwellings in large plots of varying design.

RELEVANT SITE HISTORY

R/163/98/	Re-form first floor accommodation and raise roof as two storey house with new screened balcony and associated works and twin garage extension	Approve Conditionally 26-11-1998
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R/150/00/	New balcony at existing dormer for proposed second floor bedroom	Approve Conditionally 16-10-2000
R/104/02/	Extension to form new garage	Approve Conditionally 04-07-2002
R/139/06/	Demolish existing external hot tub and construct new leisure complex at rear of property. New roof over 1st floor balcony (east)	Approve Conditionally 26-06-2006
R/12/59	Semi bungalow and garage	Approve 20-02-1959
R/321/78	Conversion/extension of existing garage into granny flat & addition of new garage	Approve Conditionally 10-01-1979
R/191/79	Extension to study Addition of conservatory	Refused 01-08-1979

REPRESENTATIONS

Representations received:

Rustington Parish Council

No objection.

Others:

None.

Comments on Representations received:

CONSULTATIONS

Engineering Services Manager

Engineers (structural)

Consultations responses received:

Structural Engineer

No Objection

Comments on Consultation responses:

None.

POLICY CONTEXT

Designation applicable to site:

Within Built-up Area Boundary

Right of Way

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:

[GEN7](#)
[DEV19](#)

The Form of New Development
Extensions to existing residential buildings

PLANNING POLICY GUIDANCE

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.

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 alterations would remove the mansard roof and visually enhance the appearance of the property. The alterations result in amendments to the existing balcony at first floor and a larger balcony at second floor. Both of these amendments would not materially increase overlooking to adjoining properties. The views from the rear would be oblique and any direct overlooking from the sides would be onto the front garden area and side elevation of the adjacent dwelling to the west.

The property is a large detached dwelling of individual design which is characteristic of the general pattern of development along the seafront. Whilst the balcony area would provide views across the applicant's garden, the adjacent dwelling to the west is sited 2.3m away and behind an existing single storey extension and there is mature screening along the boundary.

The external staircase would be sited along the eastern boundary which is adjacent to a public footpath to the sea. It would therefore be sited a reasonable distance from other residential properties and would cause no material loss of privacy.

The proposal would therefore have no materially adverse effect on either residential amenity by reason of loss of privacy or overbearing effects and there would be no adverse effect on visual amenity.

The proposed walling would be acceptable in terms of visual amenity being similar in materials to others in the locality and although located adjacent to a public footpath would be structurally sound.

The application is therefore recommended as approved subject to the conditions set out overleaf.

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 for 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 negative 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 0293(01)02revF, 03revE, 04revE, 05revE, 07revD, 06revE, 09revC, 08revC, 11revC, 10revD, 12revA, 14 and 15.

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 boundary wall hereby approved shall be constructed in accordance with the approved structural calculation details dated 18-06-2012.

Reason: In the interests of public safety in accordance with policy GEN7 of the Arun District Local Plan.

- 4 No development shall be carried out unless and until a schedule of materials to be used for the proposed boundary walling have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the wall.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with policy GEN7 of the Arun District Local Plan.

- 5 No development shall be carried out unless and until a schedule of materials and finishes to be used for external walls and roofs of the proposed development have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the building.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with policy GEN7 of the Arun District Local Plan.

- 6 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: GEN7, DEV19

NATIONAL PLANNING POLICY FRAMEWORK

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