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

REF NO: **R/99/16/HH**

LOCATION: 87 Sea Avenue
Rustington

PROPOSAL: Render finish to all existing brick elevations and installation of 3 no.non obscurely glazed windows at first floor level on the side elevations.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The front boundary of the site features a brick wall approximately 1m in height with the rear and side boundaries of the site consisting predominantly of mature planting.
SITE CHARACTERISTICS	The site is occupied by a detached two storey dwelling constructed from brick with a tiled roof.
CHARACTER OF LOCALITY	The character of the locality is predominantly residential and consists of properties of various designs and styles.

RELEVANT SITE HISTORY

A certificate of lawfulness was granted for various alterations at the dwelling including changes to the fenestration, installation of new balcony, replacement of roof materials and various other minor alterations to the dwelling.

REPRESENTATIONS

Representations received:

Rustington Parish Council

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

Comments on Representations received:

Comments noted.

CONSULTATIONS

Consultations responses received:

None.

Comments on Consultation responses:
N/A

POLICY CONTEXT

Designation applicable to site:
Within built area boundary.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	GEN2	Built-up Area Boundary
	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 and Alterations to Existing Buildings (residential and non-residential) SD SP2 Built-Up Area Boundary
Rustington Neighbourhood Plan 2014 Policy 2		Housing Design

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

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; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; 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 application site falls within the built area boundary where the principle of development is acceptable subject to accordance with relevant development plan policies. The relevant considerations in this application are considered to be policy GEN7 of the Arun District Local Plan and Policy 2 of the Rustington Neighbourhood Plan.

DESIGN AND VISUAL AMENITY
The proposed rendering of the existing dwelling is not considered to have a detrimental impact upon the character of the host dwelling or the locality of the site. Residential properties in close proximity to the application site feature various materials, finishes and designs with a number of examples of rendered dwellings having been identified in close proximity and as such the proposal is considered to be in keeping with the character of the area.

Therefore, the proposed rendering of the dwelling is considered to comply with policy GEN7(ii) of the Arun District Local Plan.

The proposal includes the installation of 3 no. replacement windows at first floor level on the side elevations of the dwelling. However, in order for this aspect of the alteration to benefit from permitted development it is necessary for them to be obscurely glazed and non-opening which these windows are not. The alteration in the fenestration details of the proposed windows at first floor level are considered acceptable in design terms and deemed to comply with relevant development plan policy.

RESIDENTIAL AMENITY
No residential amenity harm has been identified in relation to the proposed rendering of the building. The proposed first floor windows are not considered to give rise to unacceptably adverse overlooking of neighbours. The 3 no. windows are situated in place of existing windows and as such the proposed windows will not result in any additional adverse overlooking beyond that which can already be achieved by the existing windows. Therefore, the proposed alteration is deemed acceptable in accordance with policy GEN7(iv) and DEV19(iii) of the Arun District Local Plan.

SUMMARY
The proposal is considered to accord with relevant development control policy and is therefore recommended for approval subject to the below condition.

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 (he 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: Location Plan - 1000; Existing & Proposed Block Plan - 1001; Existing & Proposed Site Plan - 1002; Existing & Proposed Plans - 2000; and Proposed Elevations - 2002.

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 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.