

Recommendation Report for Planning Permission for Works or Extension to a Dwelling**REF NO:** R/9/13/**LOCATION:** 44 Jubilee Avenue
Rustington**PROPOSAL:** New porch, rear extension and extend and alter roof to form a fourth bedroom, box room and shower.**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	Proposal is for: - Ground floor rear extension to form family room and rear porch, 5.9m wide x 4.3m deep x 2.8m high. - Rear dormer and front roof light for bedroom, bath and box room. Dormer 5.8m wide x 3.8m deep x 3.1m high. - Front porch, 2.7m wide x 0.9m deep x 2.55m high - Brick, tile and white UPVC to match existing and render on rear ground floor extension.
SITE AREA	Approximately 364sqm.
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Front garden open. 1.5m timber fences to side and rear.
SITE CHARACTERISTICS	Application site is a two storey semi-detached dwelling with car parking in front setback and long garden with outbuilding.
CHARACTER OF LOCALITY	Surrounding the site are two storey semi-detached dwellings, some of which have been extended to the rear and have roof and rear dormer extensions.

RELEVANT SITE HISTORY

R/26/12/	Extension and new porch to front	Refused 03-04-2012
R/85/12/	2 storey extension to rear & porch to front (re-submission following R/26/12/)	Refused 06-06-2012

Refused applications proposed a two storey rear extension. Current application is single storey rear extension only.

REPRESENTATIONS

Representations received:

Rustington Parish Council

- Objection.
- By reason of height and mass would present an over-bearing appearance which would result in a loss of light and privacy for the occupiers of No. 42 Jubilee Avenue.
- Detrimental effect on the visual amenities and quiet enjoyment of the occupiers of No. 42 Jubilee Avenue, together with other neighbouring properties within close proximity of the site, and in particular No. 46 Jubilee Avenue.

One submission:

- No objection to the alteration of the building.
- Request that building work is carried out at reasonable/social times. For example, not before 8am and not after 6pm in order to keep disruption to a minimum.

Comments on Representations received:

- Proposed rear extension is only 2m deeper than existing rear extension at No. 42 Jubilee Avenue. The proposal does not conflict with a 45 degree line drawn from the centre of No. 42 Jubilee Avenue and will not result in an adverse overshadowing impact to No. 42 Jubilee Avenue. The openings facing toward No. 42 Jubilee Avenue are set back 3m from the boundary and 4m from the dwelling and will not result in a loss of privacy.
- As discussed in detail elsewhere in this report, it is not considered that the proposal will have a materially adverse amenity impact on any neighbouring residential property.
- Hours of work are not conditioned by planning.

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

N/A

POLICY CONTEXT

Designation applicable to site:

Within built up area boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:

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

The Form of New Development
Extensions to existing residential buildings

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

SUPPLEMENTARY POLICY GUIDANCE

RDS

Rustington Design statement by Rustington
Parish Council

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 and the South East Plan adopted in 2009.

It should be noted that the Arun District Local Plan was adopted in 2003 and the South East Plan in 2009.

In accordance with paragraphs 214 of the NPPF, the South East Plan is afforded full weight as part of the development plan. Footnote 41 (page 49) states the Governments clear policy intention to revoke regional strategies.

Paragraph 214 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight but, because it predates 2004, a reduced 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.

The emerging local plan has recently been approved by the Council and is therefore a material consideration in the determination of this planning application. Whilst it has not been formally adopted due weight has been given to its policies in terms of the decision making process at this stage.

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 is located within the built-up area boundary where the principle of development is acceptable.

GEN7 THE FORM OF NEW DEVELOPMENT

The proposed extensions respond to the characteristics of the site without having an adverse amenity effect on neighbouring properties.

DEV19 EXTENSIONS TO EXISTING RESIDENTIAL BUILDINGS

VISUAL AMENITY

The proposed rear extensions and front porch sympathetically relate to and are visually integrated with the existing building. The siting, form and scale are appropriate to the existing dwelling and the design and materials are characteristic of the subject property and neighbouring properties.

The proposed extensions are visually subservient to the subject dwelling. The proposed increase in floor space is 37.8sqm or 48%. The depth of the rear extension is just over 50% of the length of the existing dwelling and is set in from the boundaries of the site. The dormer is no higher than the existing ridge and is set in from the edges of the roof. The proposed porch is only 2.55m high and has a floor area of 2.4sqm and is subservient to the dwelling.

RESIDENTIAL AMENITY

The proposed rear extension falls partially within a 45 degree line drawn from the centre of the rear door of No. 46 Jubilee Avenue, however the rear room is a kitchen and is also served by a south facing window which is 7.5m from the nearest dwelling and would receive sunlight. The proposed rear extension does not conflict with a 45 degree line drawn from the centre of the rear extension at No. 42 Jubilee Avenue to the north. The proposed porch is minor and will not overshadow any neighbouring property. There will not be an adverse effect to neighbouring properties as a result of overshadowing.

The proposed ground floor rear extension windows are 38.5m from the rear boundary and the dormer window is 42m from the rear boundary and serves a bedroom. The proposed side entry door is 2.1m from the side boundary and 3.5m from the nearest opening at No. 42 Jubilee Avenue and is located behind a high timber fence and under a flat roof. The window to the side elevation serves a bathroom only. The openings to the front porch face onto the street and are 24m away from the nearest dwelling opposite. The proposed works will not result in a material overlooking impact to neighbouring properties.

Large rear dormers are characteristic of neighbouring properties. The proposed dormer is no higher than the existing ridge and does not project beyond the existing eaves and will not result in an overbearing effect to neighbouring properties.

RUSTINGTON VILLAGE DESIGN STATEMENT

Application site is located in Character Area 8 of Rustington Village Design Statement in the northern area in a new development of brick semi-detached houses. Many of these properties have already been extended. The proposed extensions will not materially alter the character of this area.

SUMMARY

The proposal is acceptable in terms of the relevant policies and is recommended for approval subject to 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

In assessing this proposal a neutral impact has 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: OS Sitemap, Survey Plan of Existing Building (Drg. No. 1 Rev. 0) dated 29/12/12 and To Form New Porch, Family Room and 4th Bedroom (Drg. No. 1 Rev. A) dated 25/02/13.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies GEN7 and DEV19 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: Permitted Development**

This permission shall not purport or be deemed to grant approval to either the front porch nor the hip-to-gable roof extension which are shown on the plans but do not form part of the application.

- 5 **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 POLICIES: NPPF

SUPPLEMENTARY PLANNING GUIDANCE: Rustington Village Design Statement

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

- 6 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 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.