

R/45/17/PL

Recommendation Report for Planning Permission

REF NO: R/45/17/PL

LOCATION: Sandon
The Coppice
Rustington

PROPOSAL: Change of use of garage into treatment room & waiting area, two storey rear extension, rear dormer, first floor front extension & internal alterations to ground & first floor to include integral garage.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

There are two elements to the proposed application;

1) Change of use of an existing residential garage to use as an osteopath & naturopath clinic.

The garage would not be increased in size but internal alterations would take place including the installation of a treatment room and bathroom & waiting room to serve it.

External alterations would include the insertion of an entrance door and window in place of the garage door, ash timber cladding of the ground floor elevations of the garage and the insertion of a velux window in the roof.

2) Extensions to residential property;

REAR

On the ground floor the rear elevation would be extended to match the rear elevation of the lounge on west side of the property (by 2.3m across two thirds of the dwelling).

A hipped roof at 3.3m in height would project 1.1 metre beyond the furthest extent of the current rear elevation across the whole new unified 13.5m ground floor rear elevation.

On the first floor the main bedroom in the centre of the dwelling 5.5m in width would be extended 2.3m out above the proposed ground floor extension. The gable end roof above the bedroom would be extended out 2.3m above it at the same height as currently exists.

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A further dormer with a hipped roof, 2.1m in height projecting 1.1 metres in height, 2m in width would be added on the eastern end of the current rear roof.

FRONT

An open sided roof above a new front door in the centre of the front elevation 0.9 metre deep x 3.2m wide with a hipped roof to a height of 3.3m.

A matching hipped roof (3.3m in height) on the top of the current flat roof ground floor element on the western side which it is proposed to convert into a garage.

A new first floor bedroom at the front on the eastern side of the dwelling (near the doctors surgery) to be constructed on top of the existing ground floor flat roofed kitchen/utility room. This element would have a transverse gable end facing to the front. It would have an eaves height of 3.9m with a ridge height of 6.8m 30 cm below the main ridge height.

PARKING

Parking spaces and garage space for a minimum of 5 cars would be retained to the front of the dwelling.

SITE AREA

0.07 hectares.

TOPOGRAPHY

Predominantly flat.

TREES

None affected by the proposed development.

BOUNDARY TREATMENT

1.8m close boarded fence and landscaping to the side and rear boundaries. Open to the front elevation on the east and west sides of the property with a 2m close boarded fenced yard in the centre of the dwelling.

SITE CHARACTERISTICS

A large modern detached house and detached garage with hard surfaced off road parking areas to the front elevation with space for 3 cars next to the current garage to be converted to a treatment room and a minimum of 2 spaces to the west side of the dwelling including a new internal garage. The property has a 17m long by 23m wide rear garden.

CHARACTER OF LOCALITY

A predominantly residential area with a

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medical centre, The Coppice Surgery is immediately to the east side of the property. The Coppice is an unmade road serving 4 bespoke designed large detached dwelling houses in large grounds. The 4 properties are located to the south of the private road. To the north of the road are rear garden fences with tall trees and landscaping above belonging to large detached properties on Herne Lane. The applicant's property is located in a suburban area but has a rural feel due to the unmetalled road and trees and landscaping on the rear fence line of properties to the north of The Coppice and the front gardens of properties at the end of the cul-de-sac.

RELEVANT SITE HISTORY

R/78/97	Detached garage, conservatory and utility room	ApproveConditionally 13-06-1997
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The property has had a number of small extensions and a detached garage approved in the past.

REPRESENTATIONS

Representations received:

Rustington Parish Council

Objection on the grounds of;

- (i) Overdevelopment
- (ii) Unneighbourly form of development with an adverse effect on visual amenities and quiet enjoyment of the neighbouring property.
- (iii) Hazard to road users as a result of business use.

Comments on Representations received:

The issues of overdevelopment and unneighbourly aspect are covered in the conclusions section of this report.

With regard to the highway comments the road is a private road and as a result no objection would be made by West Sussex County Council Highways Department as a result. The property does have a minimum of 5 parking spaces. The Coppice only serves 4 dwelling houses and unlikely to have a high level of traffic using it. There does appear to be further parking spaces on The Coppice and neighbouring Herne Lane.

CONSULTATIONS

Engineering Services Manager
Engineers (Drainage)
Southern Water Planning
Environmental Health

Consultations responses received:

ADC Drainage - No comments

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Southern Water - No objection subject to an informative.

ADC Environmental Health - No objections subject to an informative.

Southern Water - No objection subject to a formal application for a connection to the foul sewer to be made by the applicant or developer.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designation applicable to site:
ADOPTED LOC PLN
CLASS B ROAD

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	<u>GEN2</u> <u>GEN7</u> <u>GEN12</u> <u>GEN32</u> <u>DEV19</u>	Built-up Area Boundary The Form of New Development Parking in New Development Noise Pollution Extensions to existing residential buildings
Publication Version of the Local Plan (October 2014):		SD SP2 Built-Up Area Boundary D DM1 Aspects of Form and Design Quality D DM4 Extensions and Alterations to Existing Buildings (residential and non-residential)
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
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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 may be 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. The Examination into the submitted plan was commenced but is currently suspended whilst Arun District Council addresses matters raised by the Inspector.

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 is

taking place 10 April 2017 to 5pm on Tuesday 30 May 2017. 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 may also be material consideration to take into account.

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 are material considerations in the determination of this planning application. The emerging Plan was submitted in January 2015 and the examination is currently suspended. The examination is due to re-commence in summer 2017 following publication of modifications to the Plan.

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

Policy NER 2 in Rustington Neighbourhood Plan relates to this proposal.

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 proposal is within the built up area of Rustington and the principle of development is therefore considered acceptable in accordance with Policy GEN2 of the Arun District Plan 2003 subject to other relevant policies within the Local development plan.

In this case the relevant policies are considered to be GEN 7, GEN 12, GEN 32 and DEV19 of the Arun District Local Plan, Policy NER2 of the Rustington Neighbourhood Plan, the Rustington Design Statement and the National Planning Policy Guidance and the National Planning Policy Framework.

There are two elements to this proposed application for planning permission;

CHANGE OF USE

It must be noted that the change of use could potentially be classed as permitted development under section 55 2 (a) & (d) of the Town and Country Planning Act 1990 where that change of use is incidental to the primary use of the dwellinghouse this may be considered to be the case. The proposed use for a treatment room in the garage could be considered incidental given that it would use less than 10% of the overall floorspace and given that it would be a low key use unlikely to cause a significant impact on neighbouring properties (i.e. 3 or 4 visitors per day between 9.30 - 5 pm weekdays with up to 3 parking spaces serving the visitors and additional car parking for the residential occupants).

A planning application has been made for the change of use however and therefore needs to be assessed as follows;

The use of the garage as a treatment room including a waiting room does not involve any extension to the garage and would not therefore have an adverse impact on the appearance of the existing property. The external alterations are relatively minor including an altered door, a velux rooflight and re-cladding of the external alterations of the building.

The proposed use as a treatment room with a limited number of individual customers and limited opening hours would not be considered to alter the residential character of the area.

The provision of up to 3 car parking spaces on site and the low impact of the precise proposed business use i.e one person at a time being would not have an unacceptable impact on the residential amenity of neighbouring or nearby residential properties.

For this reason the change of use of the garage to use as an osteopath and naturopath treatment room is considered to comply with policy GEN 7, GEN 12 and GEN 32 of the Arun District Local Plan.

RESIDENTIAL EXTENSIONS

Visual Amenity

The design of the extensions when viewed from the street scene would not adversely impact the appearance of the dwellinghouse or the character of the area. The pitched roof, gable end and bedroom extension at first floor at the front would improve the appearance of the property replacing a flat roof with a pitched roof and the further addition of ground floor hipped roofs on a new open sided porch and above an existing flat roofed extension (the new garage extension) would add features to the front elevation enhancing the cottage style of the property.

The front bedroom extension would add bulk to the front of the dwelling however due to a low eaves level in a chalet bungalow style, the use of hanging tiles at first floor level and given the bespoke design of surrounding properties and their staggered building line at the front, it is not considered to be out of character and it would be subservient to the dwellinghouse as a whole. Due to its location 13 metres away from the neighbouring dwellinghouse to the east it is not considered to dominate the appearance of the neighbouring property.

To the rear of the property the extensions are of an attractive design in matching materials, constructed within the rear building line of the neighbouring property except for a ground floor verandah type roof projecting 1.1 metres supported on pillars across the 13.5 metre rear elevation. This would not impact on the visual amenities of Cranbrook House to the west nor the doctors surgery to the east. Additionally the new rear elevation is in excess of 17 metres from the rear boundary on Station Road and would not have an impact on visual amenity from Station Road in that direction.

Therefore it is considered the extensions would comply with policies GEN 7 (ii) and DEV 19 (ii), (iii) and (v) of the Arun District Local Plan and Policy NER 2 of the Neighbourhood Plan and the Rustington Design Statement in relation to design and visual amenity.

Residential Amenity

The extensions to the front and the rear would not cause a loss of residential amenity due to overshadowing, overlooking or overbearing effect on neighbouring properties. The following issues were considered when assessing the proposal;

The rear extensions, other than the dummy roof at ground floor level by 1.1 metres would not project beyond the rear elevation of the only neighbouring property Cranbrook House to the west nor would they have a significant impact on the windows of the doctors surgery.

The first floor extension at the front however this would be located 8 metres from the boundary on the western side of the dwellinghouse and would not be visible from the front habitable room windows on the eastern side of Cranbrook House beyond the existing two storey part of the applicant's dwellinghouse. The front elevation for both properties faces north and therefore no loss of light would occur as a result.

The side, front and rear extensions at ground and first floor levels would comply with policy GEN 7

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(iv) and DEV 19 (iii) of the Arun District Local Plan 2003 and para 17 of the National Planning Policy Framework in relation to impact on the amenities on neighbouring properties.

PARKING

The additional car parking and traffic movements as a result of the change of use would not be significant and well serviced by 3 on site parking spaces.

The application is considered to comply with policy GEN 12 of the Arun District Local Plan.

SUSTAINABILITY

This site is within 50 metres of local bus services, 930 metres from Angmering railway station and within 4000 metres of a local shopping centre (Rustington) and other services upon which it could be expected to rely. It is considered that the development is consistent with policy in respect of sustainable development in policy GEN7 (iii) of the Local Plan.

NPPF TEST ON SUSTAINABILITY:

Paragraph 7 of the NPPF sets out the three dimensions to sustainable development - the economic, social and environmental roles. In order to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system

Environmental Role

The site is located within the existing built up area and is within easy walking distance of shops, services and public transport hubs. .

As such it would be possible to walk, cycle or catch a bus to the site. This weighs in favour of the proposals in terms of environmental aspects of sustainability

Social Role

It is considered that the proposal will support the local community by allowing family members to work from home without harming the amenity of neighbouring properties and providing health care facilities. This factor weighs in the scheme's favour.

Economic Role

It is considered that the proposal will create a limited number of jobs during construction and will provide a small amount of additional space for commercial purposes. Both of these elements would provide a benefit to the local economy. These economic factors weigh in the scheme's favour.

Assessment-

The NPPF requires there to be a presumption in favour of the proposals which are located in a sustainable location. The site lies within the built up area boundary, is located in a location adjacent to public transport and near to local services & facilities. It is considered that the site would

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not be car reliant and that people can walk, cycle or use public transport to reach the property and for the residential occupants. It is considered therefore that this site could represent a sustainable location of an additional housing unit within the existing built up area boundary.

It is therefore recommended that the application is approved, subject to the following 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;

Block Plan received - 02/03/2017

Parking Layout - 02/03/2017

Proposed Ground Floor Plan dwg.no. - BSB/17/526/4/A

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Proposed First Floor Plan dwg.no. - BSB/17/526/5/D
Proposed Elevations dwg.no. - BSB/17/526/6/C
Proposed Section - dwg.no. - BSB/17/526/8/A
Proposed Roof Plans - dwg.no. - BSB/17/526/11/B
Garage Conversion, Proposed Floor Plans and Elevations - BSB/17/526/9
Garage Conversion Existing & Proposed rear and side elevations -
BSB/17/526/Additional

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN 7 of the Arun District Local Plan.

- 3 The materials and finishes of the external walls and roofs of the extensions (with the exception of the ash timber cladding proposed on the garage) 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: Advisory only - Please note that a suitable sink and wash hand basin together with hot and cold water, or water of a suitably controlled temperature and proper drainage should be provided within the treatment room.
- 5 A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel 033 0303 0119) or www.southernwater.co.uk.
- 6 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.