

Recommendation Report for Planning Permission

REF NO: AW/320/19/PL

LOCATION: 44 Christchurch Crescent
West Meads
Bognor Regis
PO21 5SJ

PROPOSAL: Application for the variation of condition 2 relating to plans and removal of condition 4 relating to ancillary use restriction following grant of planning permission under reference AW/368/17/HH.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	See above.
	The proposed change to condition 2 (plans condition) would result in small external and internal changes. The open porch would be attached to the south-eastern elevation of an existing and a new entrance door would be inserted on the front elevation of the main dwelling. The front large window to the left would be replaced with a smaller one. The proposed layout shows two separate dwellings.
SITE CHARACTERISTICS	Semi-detached bungalow with side extension with an open plan garden to front and side and driveway to side situated within a corner position of the north-western bending of Christchurch Crescent.
CHARACTER OF LOCALITY	Open plan estate with wide pavements and grass verges formed of the modest detached and semi-detached bungalows set back from the road with off street parking and drive ways to the side garages. The roof pitches are predominantly low pitched.

RELEVANT SITE HISTORY

AW/368/17/HH	Alterations to create an elderly persons annexe.	ApproveConditionally 11-04-18
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AW/368/17/HH to convert the unit into one dwelling with an attached 'granny annexe' has been granted subject to conditions. Condition 4 refers to the ancillary use of the approved 'granny annex'.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Aldwick Parish Council

Members objected to the removal of the conditions as this should remain 1 dwelling as per the conditions applied under AW/368/17/HH.

COMMENTS ON REPRESENTATIONS RECEIVED:

The proposal is recommended for a refusal.

POLICY CONTEXT

Designation applicable to site:

Within the built up area boundary.

2km Buffer of Site of Specific Scientific Interest Bognor Reef

Pagham Harbour Zone B

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ENVDM2	ENV DM2 Pagham Harbour
SDSP2	SD SP2 Built-up Area Boundary

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD10	Aldwick Parish Design Statement
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POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

Aldwick Parish is not preparing a NDP but has an adopted Parish Design Statement which is a material consideration.

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 not considered to comply with relevant Development Plan policies in that it would have materially adverse effect on the character of the locality. No completed s106 agreement has been

submitted for Pagham Harbour for the additional unit.

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 building itself will not change significantly, externally. An existing large window of the host building to the left would be replaced with a new UPVC front door with open porch. The side extension was granted planning permission in 2012 under AW/250/12.

Character

The alterations to the outside of the property are, in themselves, considered to comply with policies D DM1 and D DM4 of the Arun Local Plan as they are modest in scale.

However they would result in two visually separate units, introducing a terrace of three dwellings in the area where the properties are mainly bungalows, detached and semi-detached houses. Therefore the proposal would fail to respond to the locally distinctive pattern of development and the character of the surrounding area characterised by open plan estate. The addition of a separate unit of accommodation would result in an over development of the site.

The granny annex was approved for an incidental use, one that has a normal functional relationship with the primary use of the planning unit and the proposed external and internal changes indicate an entirely separate use of an existing extension/granny annexe.

Condition 4 of AW/368/17/HH restricts the annexe accommodation to be occupied solely for purposes ancillary to the occupation and enjoyment of 44 Christchurch Crescent as a dwelling.

The development described as an application for the removal of this condition is more than the removal of single condition but the subdivision of the plot into two separate dwellings resulting in a new residential unit within the settlement boundaries of No 44 Christchurch Crescent.

The applicant sought a pre-application advice (PAA/189/17). The officer report concluded: 'It is considered very unlikely the Council would grant permission for the use of the side extension as a separate residential unit in the future'.

It is also noted that the application property has been used as a two separate properties without authorisation for a certain period of time and this application is to authorise this use.

Neighbour Amenity

The impact on neighbouring residential amenity would be limited as external alterations would not increase the scale of the building and the external alterations are modest. However, subdivision of planning units may change the character of the use.

In this case it is not considered that the development would have a detrimental impact on residential amenity.

Pagham Harbour

Policy ENV DM2 requires that new residential developments within a 400m to 5km distance ('Zone B') of Pagham Harbour make a financial contribution towards the provision of accessible natural open green spaces to serve the area. A contribution of £1,275 per new residential unit was agreed by the Councils Cabinet on 20 July 2015. The Councils Cabinet subsequently approved a reduction in the tariff from £1,275 to £871 as of the 10th April 2017.

The application site lies within the designated Zone B and accordingly it was necessary to apply this requirement. The net increase in 1 dwelling results in a contribution of £871 at the current rate. No signed legal agreement has been made available.

Housing Land Supply

Arun District Council is unable to demonstrate a 5 year Housing Land Supply at the time of this assessment which therefore triggers the presumption in favour of sustainable development under footnote 7 and paragraph 11(d) of the National Planning Policy Framework (2019).

Paragraph 11(d)(ii) makes clear that decisions should be taken in accordance with the policies in the Framework unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

It is considered that the overdevelopment of the site with resultant impact on the character of the area together with the lack of required legal agreement means the adverse impacts of the development outweigh the benefits of approval.

Conclusion

For the above reasons this application for the variation of condition 2 and removal of condition 4 relating to planning application under reference AW/368/17/HH is recommended for refusal. Furthermore, there is no legal agreement in place to secure the required Pagham Harbour mitigation measured.

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), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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

REFUSE

- 1 The creation of an additional dwellinghouse would represent an overdevelopment of the site and would introduce a terrace of three dwellings resulting causing harm to the character of the pattern of development contrary to policy D DM1 of the Arun Local Plan.
- 2 The application has failed to make provision of a s106 legal agreement towards the provision of accessible natural open green spaces to serve the area contrary to policy ENV DM2 of the Arun 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 identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.
- 4 If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.