

Recommendation Report for Planning Permission

REF NO: BE/134/21/PL

LOCATION: 15 The Croft  
Bersted  
PO21 5TH

PROPOSAL: Conversion of 1 No. dwelling into 2 No. dwellings.

**SITE AND SURROUNDINGS**

|                                       |                                                                                                                                                                                                                                                                                                                                                          |
|---------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| DESCRIPTION OF APPLICATION            | Planning permission is sought for the conversion of dwelling with an annex into 2 dwellings. The annex measures approximately 8m in length by 7m in width and approximately 4.4m at greatest height would be part of one dwelling with 1bed and 2 storey end of terrace a second 3 bed dwelling.                                                         |
| SITE AREA                             | 376.00 square metres                                                                                                                                                                                                                                                                                                                                     |
| RESIDENTIAL DEVELOPMENT DENSITY (NET) | 53 dwellings per hectare                                                                                                                                                                                                                                                                                                                                 |
| TOPOGRAPHY                            | Predominantly flat.                                                                                                                                                                                                                                                                                                                                      |
| TREES                                 | None affected by the development.                                                                                                                                                                                                                                                                                                                        |
| BOUNDARY TREATMENT                    | The site is surrounded be approximately 1.8m high timber panel fence except of the eastern side with 1.8m high brick wall.                                                                                                                                                                                                                               |
| SITE CHARACTERISTICS                  | The site is occupied by a 2 storey end of terrace 3 bed dwelling with a beige rendered lower elevation and tile uppers with a flat roofed porch. The roof above terrace is shallow gable.To the south a large single storey 2 bed extension with a hipped roof /annex approved in 2007. There is an outbuilding within east-northern corner of the site. |
| CHARACTER OF LOCALITY                 | Proposal site is situated in the end of cul de sac characterised by terraced 2 storey dwelling of an identical appearance. There are blocks of flat roofed garages to the east which serve the houses on the Croft. To the south and west are the rear gardens 43,45 and 47 Stroud Green Drive which are bungalows.                                      |

**RELEVANT SITE HISTORY**

|            |                                       |                                  |
|------------|---------------------------------------|----------------------------------|
| BE/147/07/ | Proposed single storey side extension | ApproveConditionally<br>03-01-08 |
|------------|---------------------------------------|----------------------------------|

Permission was granted subject to conditions and condition 2 states:

The accommodation hereby permitted shall be occupied solely for purposes incidental to the occupation and enjoyment of 15 The Croft as a dwelling and shall not be used as a separate unit of accommodation.

Reason: To accord with policies GEN7 and DEV19 of the Arun District Local Plan and to prevent the establishment of an additional independent unit of accommodation which would give rise to an over-intensive use of the site and lead to an unsatisfactory relationship between independent dwellings.

## REPRESENTATIONS

Bersted Parish Council: No objection.

No letters of objection received.

## COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

## CONSULTATIONS

### CONSULTATION RESPONSES RECEIVED:

Engineers Comments Regarding Surface Water Drainage:

Due to the scale, location and type of application we have no conditions to request. Any alterations to surface water drainage must be designed and constructed in accordance with Building Regulations.

NATURAL ENGLAND: No objection, subject to appropriate financial contribution an appropriate assessment in view of the European Site's conservation objectives and in accordance with the Conservation of Habitats & Species Regulations 2017 (as amended).

### COMMENTS ON CONSULTATION RESPONSES:

Comments noted. The Appropriate Assessment has been sent to Natural England and approved.

## POLICY CONTEXT

Designation applicable to site:

Pagham Harbour Access Management Zone B;  
Built-Up Area Boundary.

### DEVELOPMENT PLAN POLICIES

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

|        |                                                         |
|--------|---------------------------------------------------------|
| DDM1   | D DM1 Aspects of form and design quality                |
| DDM2   | D DM2 Internal space standards                          |
| DDM4   | D DM4 Extensions&alter to exist builds(res and non-res) |
| DSP1   | D SP1 Design                                            |
| ECCSP2 | ECC SP2 Energy and climate change mitigation            |
| ENVDM2 | ENV DM2 Pagham Harbour                                  |

|        |                                          |
|--------|------------------------------------------|
| ENVDM5 | ENV DM5 Development and biodiversity     |
| QESP1  | QE SP1 Quality of the Environment        |
| SDSP1  | SD SP1 Sustainable Development           |
| SDSP2  | SD SP2 Built-up Area Boundary            |
| TSP1   | T SP1 Transport and Development          |
| WDM1   | W DM1 Water supply and quality           |
| WDM3   | W DM3 Sustainable Urban Drainage Systems |
| WMDM1  | WM DM1 Waste Management                  |

|                                                            |                           |
|------------------------------------------------------------|---------------------------|
| <a href="#">Bersted Neighbourhood Plan 2014 Policy ES1</a> | Design of new development |
| Bersted Neighbourhood Plan 2014 Policy ES2                 | Surface water management  |
| Bersted Neighbourhood Plan 2014 Policy HDQ6                | Outdoor space             |
| Bersted Neighbourhood Plan 2014 Policy HDQ7                | Attention to detail       |
| Bersted Neighbourhood Plan 2014 Policy HDQ8                | Car parking               |

#### PLANNING POLICY GUIDANCE:

|      |                                     |
|------|-------------------------------------|
| NPPF | National Planning Policy Framework  |
| NPPG | National Planning Practice Guidance |

#### SUPPLEMENTARY POLICY GUIDANCE:

|       |                                               |
|-------|-----------------------------------------------|
| SPD11 | Arun Parking Standards 2020                   |
| SPD13 | Arun District Design Guide (SPD) January 2021 |

#### 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.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

The relevant policies of the Bersted Neighbourhood Development Plan have been taken into account in determining this application: ES1 Design of new development, ES2 Surface water management, HDQ6 Outdoor Space, HDQ7 Attention to detail and HDQ8 Car parking.

#### 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 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 be weighed in the balance with the Development Plan.

## CONCLUSIONS

### KEY ISSUES

The key issues are principle, design and visual amenity, residential amenity, highways/traffic and impact on Pagham Harbour.

### PRINCIPLE:

The site is in the built up area where development is acceptable in principle in accordance with policy SD SP2 of the Arun Local Plan and provided it is in accordance with other policies of the Local Plan covering such issues as principle of conversion, character, residential amenity, noise, highway safety & parking and space standards.

Regard should be had to policy SD SP1 of the Arun Local Plan which states "When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF)." Para 120 (d) of the NPPF states that planning policies and decisions should "promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops)".

The site is in a sustainable location in walking distance of a range of shops, facilities and services. There are frequent bus services on Chichester Road providing access to Bognor Regis, Littlehampton. Chichester etc. and this includes Chichester and Barnham Railway stations.

The development complies with policies SD SP2 and SD SP1 of the Arun Local Plan and relevant paragraphs of the NPPF.

### CHARACTER OF THE AREA:

Policy D DM1 of the Arun Local Plan requires the Council have regard to certain aspects including:

- (1) Character - "Make the best possible use of the available land by reflecting or improving upon the character of the site and the surrounding area, in terms of its scale, massing, aspect, siting, layout, density, building materials (colour, texture), landscaping, and design features.";
- (13) Density - "The density of new housing will make efficient use of land while providing a mix of dwelling types and maintaining character and local distinctiveness. Higher densities will be more appropriate in the most accessible locations. Proposals should take into account the density of the site and its surroundings. The density of large sites should be varied to guard against uniformity"; and
- (14) Scale - "The scale of development should keep within the general confines of the overall character of a locality unless it can be demonstrated that the contrary would bring a substantial visual improvement."

Policy D SP1 "Design" states: "All development proposals should seek to make efficient use of land but reflect the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details.

Policies ES1 and HDQ5 of the Bersted Neighbourhood Development Plan require new development to be of a high quality and to reflect the character of the location.

Policy D SP1 "Design" states: "All development proposals should seek to make efficient use of land but reflect the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details.

The Arun Design Guide Supplementary Planning Document (SPD) adopted 25th January 2021 is a material consideration in the determination of applications. Part J.02 requires the appropriate scale for new extensions/alterations to existing forms that should be determined by their context, their location within the order of streets, and their function and positioning, and should avoid overshadowing of neighbouring properties and to avoid insensitive extensions and alterations which deviate from the general scale and massing of the surrounding area.

Para 130 of the NPPF 2021 states: "Planning policies and decisions should ensure that developments: (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)."

The conversion of the annex and end terrace dwelling would result in two dwellings and would involve some internal changes and the only external change proposed is an insertion of entrance door on the eastern elevation of annex. From the design perspective the annex is not the best addition to the end of terrace however given the position and the fact that it already exists, the proposed conversion would not result in a different appearance and it would have a neutral impact on the surrounded area.

It is not considered the conversion would detract from the local and wider area's character. The proposal complies with Arun Local Plan policies D DM1, D SP1, policies ES1 and HDQ5 of the Bersted Neighbourhood Development Plan, Arun Design Guide and with the guidance on character in the NPPF.

#### NOISE & RESIDENTIAL AMENITY:

Arun Local Plan policy D DM1 requires that the Council have regard to certain aspects when considering new development including: (3) Impact - "Have minimal impact to users and occupiers of nearby property and land. For example, by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance."

Policy QE SP1 states: "The Council requires that all development contributes positively to the quality of the environment and will ensure that development does not have a significantly negative impact upon residential amenity, the natural environment or upon leisure and recreational activities enjoyed by residents and visitors to the District."

Policy QE DM1 seeks to protect against the impacts of new noise generating development. It states that: "Developers proposing new noise generating development must seek advice from an early stage to determine the level of noise assessment required." It also emphasises that noise sensitive development will not be permitted if its users would be affected by noise by proposed noise generating uses.

None of the Bersted NDP policies refer to residential amenity issues. One of the 'core planning principles' of the NPPF is to create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience (paragraph 130 f).

There would be a marginal intensification of an existing residential use however it is not considered that residential use would be a noise generating form of development. The residential use would have similar characteristics to other residential properties in the locality.

There are no external changes except insertion of new entrance door on the east elevation of annex and the existing landing window on the south elevation at the first floor level is shown as obscure glazed albeit openable. A condition will be attached to the decision to ensure that this window would be no openable up to 1.7m above floor level to prevent overlooking of the private area of 1bed dwelling (annex).

The proposal would be in a general conformity with Arun Local Plan policies D DM1, QE SP1 and QE DM1.

#### COMPLIANCE WITH INTERNAL FLOOR SPACE STANDARDS:

Policy D DM1 states: "The planning authority will require internal spaces to be of an appropriate size to meet the requirements of all occupants and their changing needs. Nationally Described Space Standards will provide guidance". It is therefore necessary to assess the proposal against internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard) to determine if the building is suitable for residential use.

The requirement for a single storey, 1 bed, 2 person dwelling is 50m<sup>2</sup> whilst 47m<sup>2</sup> is proposed; requirement for a two storey 3 bed, 5 person is 93m<sup>2</sup>, whilst the internal space of existing end terrace dwelling is approximately 83m<sup>2</sup> which falls short of the required. In addition, bedroom 3 has the floor area less than 5m<sup>2</sup> and is wide 2.10m whilst it should be at least 2.15m. Notwithstanding above it is acceptable as the proposal is for the conversion of an existing building with annex.

Arun District Council has no size standards in respect of private gardens although section H.04 of the Arun Design Guide SPD advises that outdoor amenity spaces should be of an appropriate size and shape and be usable and enjoyable. It states rear gardens should have a minimum depth of 10.5m and buildings should be set back by 2m from the plot boundary to mark defensible space.

Bersted Neighbourhood Plan Policy HDQ6 requires private outdoor garden amenity space or a shared amenity area for all new dwellings.

Regard should be had to paragraph 130(f) of the NPPF(2021) which requires that new development has a high standard of amenity for existing and future users.

In respect of external standards, the proposal provides rear garden space with a depth of app. 7.6m which would not satisfy the requirement of Arun Design Guide. It would be at the expense of the host property which would have up to 6m deep rear garden with an area of 51m<sup>2</sup> only.

The property is in a walking distance of 500m from the closest Playing Field to the north--west. The proposal broadly complies with the relevant internal standards and external standards providing limited private amenity space. It is considered to be acceptable given the vicinity of public open space, other properties in the area and a sustainable location with a frequent bus services within a very short distance. It would be in a general compliance policies D DM1 & D DM2 and with the guidance in the NPPF (para. 130).

#### CAR PARKING & HIGHWAY SAFETY:

Arun Local Plan policy T SP1 seeks to ensure development: provides safe access on to the highway network; contributes to highway improvements & promotes sustainable transport, including the use of low emission fuels, public transport improvements and the cycle, pedestrian and bridleway network. In respect of highway safety, it states that:

"The Council will support transport and development which: Explains how the development has been designed to: (i) accommodate the efficient delivery of goods and supplies; (ii) give priority to pedestrian and cycle movements and have access to high quality public transport facilities; (iii) create safe and secure layouts for traffic, cyclists and pedestrians whilst avoiding street clutter."

In respect of parking, it states that:

"The Council will support transport and development which: incorporates appropriate levels of parking in line with West Sussex County Council guidance on parking provision and the forthcoming Arun Design Guide taking into consideration the impact of development upon on-street parking".

Policy HDQ8 of the Bersted Neighbourhood Development Plan stresses that proposals for new development will have adequate onsite parking to meet current and future needs at a minimum rate of two spaces per dwelling unless alternative and accessible car parking arrangements can be made which do not add to on-street congestion.

Para 110 of the NPPF (2021) states: "In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that: (b) safe and suitable access to the site can be achieved for all users". Regard should be had to para 111 which states:

"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

According to the requirement of the Arun Parking Standards 2 parking space for 1, 2 or 3 bed house in Parking Behaviour Zone 2 are required. No alterations to the access are proposed. 3 parking spaces are provided at the front of the property and 1 garage in the nearby block of garages.

No secure and covered cycle storage is proposed; in accordance with Arun's parking standards the provision of storage for a minimum of 1 space for up to 2 bed house and 2 spaces for 3+ bed are required.

It is considered the proposal would satisfy policy T SP1 of the Arun Local Plan, Arun Parking Standard and with the guidance on highways in the NPPF subject to condition attached.

#### BIODIVERSITY:

Policy ENV DM5 of the Local Plan requires development schemes shall seek to achieve a net gain in biodiversity and protect habitats on site. They shall incorporate elements of biodiversity including green walls, roofs, bat and bird boxes as well as landscape features minimising adverse impacts on existing habitats (whether designated or not)."

The documents do not show any indicative landscaping, this would need to be detailed to provide a scheme which will soften the development and add to biodiversity net gain. The impact of the proposals could be lessened in this location and blended into the surrounding residential setting with further thought given to the landscape offer and greening to enhance this.

The proposal fails to provides details of biodiversity net gain in biodiversity and protect the habitats on

site therefore not in accordance with the ALP policy ENV DM5. However this does not result in a reason for refusal as biodiversity net gain can be conditioned.

#### **IMPACT ON THE PAGHAM HARBOUR SPECIAL PROTECTION AREA:**

ALP Policy ENV DM2 requires 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.

NPPF, paragraph 174 a) stresses that planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status).

The site lies in designated Zone B and this application results in a net increase in residential accommodation, impacts to the coastal Special Protection Area(s) and Ramsar Site(s) may result from increased recreational disturbance.

According to Natural England's advice, an appropriate assessment in view of the European Site's conservation objectives and in accordance with the Conservation of Habitats & Species Regulations 2017 (as amended), PART 6, Chapter 2 should be carried out. Therefore it should be considered whether the proposed development as a whole, notwithstanding financial measures, is likely to have a significant effect on the Pagham Harbour Special Protection Area.

The application for the conversion of property results in recreational disturbance only to Pagham Harbour. Having considered the mitigation and avoidance measures to be provided in-perpetuity through the contribution to the Joint Pagham mitigation scheme, Arun District Council conclude that with mitigation the plan or project will not have an Adverse Effect on the Integrity of the European protected site(s).

The Appropriate Assessment has been sent to Natural England and they state that all mitigation measures are appropriately secured in any planning permission given.

On the basis of a net gain of 1 unit, the applicant has agreed to the £871 contribution and this is secured by the agreed Section 106 agreement. There is no conflict with policy ENV DM2 of the Arun Local Plan.

#### **SUMMARY**

The conversion of an existing dwelling with annex resulting in two dwellings would represent an efficient use of urban land without compromising the visual amenities or character of the area, highway safety or the amenities of nearby residential occupiers. The proposal is sustainable development and is in a general compliance with development plan policies. The recommendation to approve is made subject to conditions and informative.

#### **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.

#### **SECTION 106 DETAILS**

This decision will be granted with a S106 legal agreement relating to a contribution of £871 towards the cost of delivering measures to avoid or mitigate to an acceptable level, the harm caused to Pagham Harbour by the Development.

#### **CIL DETAILS**

This application is not CIL Liable as conversion to 2 no. dwellings and no extension is involved.

#### **RECOMMENDATION**

- 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:  
  
Dwg No 3358/03 Rev A, Proposed Ground & First Floor Plan;  
Dwg No 3358/04, Proposed Roof & Boundary Plan;  
Dwg No 3358/05 Rev A, Existing and Proposed Elevations;  
Dwg No 3358/06 Rev C, Location, Site and Block Plan;  
Dwg No 3358/07, 'Descriptive Site Plan'.  
  
Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.
- 3        Before dwelling 15A hereby permitted is occupied dustbin enclosure shall be provided as part of the development in accordance with detailed drawings to be submitted to and approved in writing by the Local Planning Authority, such drawings to show the siting and design thereof. The details as approved shall be retained in perpetuity.

Reason: To safeguard the appearance of the property and the amenities of the area in accordance with policies D DM1 of the Arun District Local Plan.

- 4 No part of the development shall be occupied until the car parking spaces for hereby permitted 15A have been constructed in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. These spaces shall thereafter be retained at all times for their designated use.

Reason: To provide car-parking space for the use in accordance with policies D DM1 and T SP1 of the Arun Local Plan.

- 5 No part of the hereby permitted dwelling 15A shall be occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority. The facilities so approved shall be retained in perpetuity.

Reason: To provide alternative travel options to the use of the car in accordance with policies T SP1 of the Arun Local Plan.

- 6 Prior to the occupation of the dwellings, a scheme for the provision of facilities to enable the charging of electric vehicles to serve the approved dwellings shall be submitted to the local planning authority for approval and thereafter implemented in accordance with the approved details and the charge points shall thereafter be permanently retained and maintained in good working condition.

Reason: New petrol, diesel and hybrid cars/vans will not be sold beyond 2035, and to mitigate against any potential adverse impact of the development on local air quality, in accordance with policy QE DM3 (c) of the Arun Local Plan, the Arun Parking Standards SPD and the National Planning Policy Framework.

- 7 Within 3 months of the date of the first occupation of 15A details of improvements to secure biodiversity net gain shall be submitted to and approved in writing by the Local Planning Authority. The details so approved shall be completed on site within 3 months of the approval of the details and retained thereafter.

Reason: In accordance with Arun Local Plan of policy ENV DM5 and the National Planning Policy Framework.

- 8 The first floor windows on the southern elevation of the end terrace building shall at all times be glazed with obscured glass and fixed to be permanently non-opening up to 1.7m from the floor level.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policies D DM1 of the Arun Local Plan.

- 9 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking or re-enacting this Order) no extensions (including porches or dormer windows) to the dwelling houses shall be constructed or buildings shall be erected within the curtilage unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To safeguard the privacy and amenity of adjoining occupiers, maintain adequate amenity space and safeguard the cohesive appearance of the development in accordance with policy D DM1 of the Arun District Local Plan.

- 10 INFORMATIVE: INFORMATIVE: This decision has been granted in conjunction with a

Section 106 legal agreement relating to a contribution of £871 towards the cost of delivering measures to avoid or mitigate to an acceptable level, the harm caused to Pagham Harbour by the Development.

- 11      **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.