

Recommendation Report for Planning Permission

REF NO: BE/17/18/PL

LOCATION: 37 Norbren Avenue
Bersted
PO21 5HE

PROPOSAL: Proposed 2 bed bungalow

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

It is proposed to site a bungalow within part of 37 Norbren Avenue's front/side garden and part of 53 Greencourt's Drive front/side garden. It's side elevation would be positioned on the building line established by 53-55 Greencourt Drive and as such the front would be between 2m and 4.5m forward of the line established by 33-37 Norbren Avenue. The bungalow includes a large dormer on the side facing the rear of 53 Greencourt Drive. This would have a bedroom and bathroom window. Four velux windows are shown to other parts of the roof. East facing first floor gable end landing window also. The layout shows hardstanding on the Norbren Avenue side of between 11 & 12m in length (for parking & bin storage) and a 6m deep front garden to the Greencourt Drive side.

The proposal will also change the shape & size of the private gardens to 37 Norbren Avenue and 53 Greencourt Drive. In respect of parking, both dwellings will retain their single garages with parking spaces in front.

The remainder of this report abbreviates Greencourt Drive to GD and Norbren Avenue to NA.

SITE AREA

0.0068 hectares.

RESIDENTIAL DEVELOPMENT DENSITY (NET) 147 dwellings per hectare.

TOPOGRAPHY

Predominantly flat.

TREES

None affected by the proposed development.

BOUNDARY TREATMENT

- * Low wall & 1.8m high hedge to 37 NA; and
- * 1.7m high close boarded fencing to 53 GD.

SITE CHARACTERISTICS

Existing domestic gardens to 37 NA and 53 GD. There is a small shed within 37's garden. It is understood that 53 GD is also owned by 37 NA who is the applicant. A caravan is stored on part of the site to 37 NA whilst a boat is stored on part of the site to 53 GD.

CHARACTER OF LOCALITY

Residential area comprising of two storey semi- and detached 1930's houses with front ground/first floor bay windows. No

bungalows in the visible locality. On-street parking available. The following was observed in respect of the two adjacent properties:

* 53 GD - Two storey semi-detached dwelling with attached single garage to the side and lean-to side conservatory behind the garage. Three obscure glazed flank windows with at least one serving a bathroom; and

* 37 NA - Two storey semi-detached dwelling with attached single garage to the side. Similar style house to 53 so 3 first floor flank obscure glazed windows (including at least 1 bathroom) but with ground floor flank kitchen window and door instead of a conservatory.

RELEVANT SITE HISTORY

No relevant applications.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bersted Parish Council

"OBJECT for the following:- The proposed development does not comply with the following policies of the Bersted Neighbourhood Development Plan; HDQ5 regarding the design, character and integration with the surrounding houses in the area. HDQ8 as it is not clear whether there is adequate parking, which may lead to on street congestion. Overdevelopment of the site."

In addition, 13 letters of objection realising the following concerns:

- (1) Out of character;
- (2) Overdevelopment;
- (3) Impact on house values;
- (4) Road congestion from increase in parked cars particularly noting that a caravan and boat are currently stored on the site;
- (5) Impact on pedestrian & driver safety;
- (6) The dwelling will be overlooked on both sides;
- (7) Loss of soft landscaping in the existing gardens;
- (8) Impact of construction vehicles on the parking situation/noise from construction; and
- (9) Confusion as to whether the applicant will live in the bungalow or rent it out.

COMMENTS ON REPRESENTATIONS RECEIVED:

The Parish Council concerns will be analysed within the reports conclusions. The following comments are offered in respect of the local resident objections:

- (1) This will be considered within the reports conclusions;
- (2) This will be considered within the reports conclusions;
- (3) This is not a material planning consideration and so cannot be considered in this determination.
- (4) This will be considered within the reports conclusions and with reference to the advice of WSCC

Highways;

(5) This will be considered within the reports conclusions and with reference to the advice of WSCC Highways;

(6) This will be considered within the reports conclusions;

(7) It is accepted that the gardens currently have amenity value in the streetscene however, it is not considered that this alone is harmful to warrant a refusal and further, there are no trees to consider;

(8) The impact of construction is likely only to be temporary in nature and there is other legislation (such as Environmental Law) in place to protect residents from undue noise or dust; and

(9) This is not a material planning consideration and so cannot be considered in this determination.

CONSULTATIONS

WSCC Strategic Planning

Environmental Health

Southern Water Planning

Engineering Services Manager

Engineers (Drainage)

CONSULTATION RESPONSES RECEIVED:

SOUTHERN WATER - Note the presence of a sewer in the rear gardens of 37 NA & 53 GD and require its protection during works. Request an informative re new sewer connections and conditions to (a) protect the existing sewer and (b) ensure protection of any unrecorded sewers.

WSCC HIGHWAYS - raise no objections in respect of visibility, pedestrian/driver safety or parking provision. Consider that two tandem parking spaces would be sufficient. Conclude that the proposed development would not have a 'severe' impact on the operation of the Highway network, therefore is not contrary to paragraph 32 of the NPPF and as such there are no transport grounds to resist the proposal. Recommend conditions to ensure the provision of the access & crossover, parking spaces and cycle storage.

ADC ENVIRONMENTAL HEALTH - No objections. State that the first floor ceiling height must be at least 2.1m from floor to ceiling over at least 50% of the floor area when measured at a height of 1.5m from the floor and provide sufficient useable space.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. The sewer highlighted by Southern Water is outside of the site area.

POLICY CONTEXT

Designations applicable to site:

Within Built Up Area Boundary; and
Pagham Harbour Zone B.

DEVELOPMENT PLAN POLICES

[Arun District Local Plan \(2003\):](#)

AREA13	Sites of International Importance for Nature Conservation
GEN2	Built-up Area Boundary

GEN7	The Form of New Development
GEN9	Foul and Surface Water Drainage
GEN12	Parking in New Development

Publication Version of the Local Plan (October 2014):

D DM1	Aspects of Form and Design Quality
D DM2	Internal Space Standards
D DM3	External Space Standards
D SP1	Design
SD SP1	Sustainable Development
SD SP2	Built -Up Area Boundary
ENV DM2	Pagham Harbour
T SP1	Transport and Development
W DM3	Sustainable Urban Drainage Systems

<u>Bersted Neighbourhood Plan 2014 Policy ES1</u>	Design of new development
Bersted Neighbourhood Plan 2014 Policy ES2	Surface water management
Bersted Neighbourhood Plan 2014 Policy HDQ2	Integration of new housing
Bersted Neighbourhood Plan 2014 Policy HDQ3	Windfall sites
Bersted Neighbourhood Plan 2014 Policy HDQ5	Design of new housing development
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

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 and is 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.

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 then subject to public consultation. The hearing sessions into the examination of the Arun Local Plan ended on Thursday 28 September 2017 and the Inspector then wrote to the Council to set out his 'Interim Views following the Hearings'. The plan was then modified further in January 2018 (Modified - Arun Local Plan - January 2018 Consultation) and these were subject to public consultation between 12 January 2018 and 23 February 2018.

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. 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.

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).

The relevant policies of the Bersted Neighbourhood Plan have been considered within this report.

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 a materially adverse effect on the visual amenities of the locality, on the residential amenities of the adjoining properties and an adverse impact on 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 site is in an urban and predominantly residential area. It is defined as being part of the built up area boundary area and is acceptable in principle subject to normal development control criteria such as residential amenity, highway safety and parking. Paragraph 49 of the National Planning Policy Framework (NPPF) states with regard to housing that: "Housing applications should be considered in the context of the presumption in favour of sustainable development".

The Bersted Neighbourhood Plan states that permission will be granted for small residential developments on infill and redevelopment sites within the Parish subject to the other policies of the plan being met.

The Council cannot currently demonstrate a 5 year housing land supply and the policies of the development plan relating to housing supply (i.e. Arun Local Plan policy GEN2) are considered to be out of date. As a result, paragraph 14 of the National Planning Policy Framework (NPPF) is engaged and this states that planning permission should be granted unless (a) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole or (b) specific policies in the Framework indicate development should be restricted.

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.

The application site lies within the settlement boundary of Bognor Regis and there are various local amenities and services within walking distance of the site along street lit footways. Bognor Regis Train Station is a walk or cycle of around 1.8km and there are bus stops nearby on South Way & Chichester Road to the east and Collyer Avenue to the south east. The closest food shop is a Tesco Express on Chichester Road - a walk or cycle of 650m. The nearest large supermarket is the Morrisons in Bognor Regis (2km). The site also sits within 400m of a large School site and 1.2km from a doctors surgery. It is therefore considered that the proposal is environmentally sustainable as residents will not need to rely on the private car to access basic services & facilities. These environmental factors weigh in the scheme's favour.

It is considered the proposal will result in localised economic benefits through the need to employ people to carry out the building works. The proposal will also result in a net gain of 1 new dwelling and so an increase in Council tax receipts and a new homes bonus payment. In addition, the new dwelling could bring new people into the area who could then spend money on local goods & services. These economic factors weigh in the scheme's favour. It is also considered that the proposal will have social benefits by providing new housing to meet local needs. This also weighs in the scheme's favour.

It is considered the proposal is sustainable development and would benefit from the NPPF presumption in favour of sustainable development. This report now considers the proposal against the relevant policies of the development plan.

DESIGN & CHARACTER:

Bersted Parish Council object partly on the grounds that the proposal is an overdevelopment of the site and the design of the proposal will not integrate with the character of the local area. In addition, local residents consider the proposal not to be in character and to represent an overdevelopment of the site.

Arun Local Plan Policy GEN7 (ii) requires that new developments respond positively to the identified characteristics of a particular site to create developments which respect local characteristics.

Bersted Neighbourhood Plan policies ES1, HDQ2, HDQ5 and HDQ7 are all relevant. Policy ES1 states that: "New development which would have an effect on the appearance or character of the surrounding area should be of a high quality design and should contribute to local character by creating a sense of place appropriate to it's location".

Policy HDQ2 states that "Proposals for new housing must ensure that the new homes are well connected to the surrounding area and visually integrated with their surroundings." Furthermore, HDQ5 requires that new housing is of a high quality and is designed to reflect the local character.

Policy HDQ7 requires that the following items are integrated into the design at an early stage:

- bin stores and recycling facilities;
- cycle stores;
- meter boxes;
- lighting;
- flues and ventilation ducts;
- satellite dishes and telephone lines; and
- gutters and pipes.

It is also necessary to consider the guidance within the National Planning Policy Framework. Section 7 states that good design is a key aspect of sustainable development (paragraph 56), and that developments should respond to local character & history, reflect the identity of local surroundings & materials, establish a strong sense of place and be visually attractive as a result of good architecture (paragraph 58). Paragraph 60 advises that local planning authorities should promote or reinforce local distinctiveness. Paragraph 64 then confirms that planning permission should be refused for poor design that fails to improve the character or quality of an area.

It is clear from the surrounding area, that the character is defined by two storey semi- and detached dwellings of a 1930's style with bay windows. There are no instances of bungalows or even dormer bungalows and as such, the proposed development of a bungalow here is considered to be out of character on a matter of principle. It is considered that the dwelling would appear out of place and incongruous in the streetscene and that this would be materially harmful to the appearance of the streetscene and character of the public realm.

Turning now to the site layout, although the dwelling will respect the building line of GD, it does so with a side elevation and this would be out of character with other properties in the streetscene which all have front elevations facing onto the road. Furthermore, due to the small size of the site, the dwelling will significantly project forward of the established NA building line and this will be harmful to the appearance of the streetscene when viewing the property from the east or west. This will also erode the present character of NA in respect of the existing dwellings all having front gardens at least 5-6m deep.

The proposal also makes little provision for external amenity space with the only meaningful space to the front of the dwelling. Houses on NA and GD all have 5-6m deep front gardens and 13m+ rear gardens. It is considered that the proposal would introduce a form of development that would be cramped and significantly at odds with the existing spacious and traditional character of the streetscene/area.

It is therefore considered that the proposal would be contrary to policy GEN7 of the adopted Arun Local Plan 2003, policies ES1, HDQ2 & HDQ5 of the Bersted Neighbourhood Plan, policy DDM1 of the Arun Local Plan 2011-2031 Publication Version showing Modifications and the guidance on design in the National Planning Policy Framework.

RESIDENTIAL AMENITY:

Local residents consider that the dwelling will be overlooked on both sides.

Arun District local Plan Policy GEN7 (iv) indicates that development will be permitted if it takes into account impact on adjoining occupiers, land, use or property. None of the Bersted NDP policies refer to residential amenity issues. However, one of the 'core planning principles' of the NPPF is to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings (paragraph 17).

Due to the position of the dwelling between two existing houses, its roof level windows (dormer

windows/velux windows) will be looked down upon by existing first floor flank windows. However, these flank windows are all obscure glazed and this will therefore prevent any actual overlooking. Perceived overlooking will remain but the occupier of the new bungalow would be aware of this when/if they chose to occupy it. It is not considered that this is so harmful as to warrant an objection.

Furthermore, although the east facing first floor window will look towards the flank of 37 NA, the affected windows are all obscure glazed and a condition could be applied to the new landing window to ensure it is also obscure glazed. This would not adversely affect the living condition of a future occupiers of the bungalow and would protect the occupier of 73 NA from a loss of privacy to their bathroom windows.

However, it is considered that the position of the proposed dormer bedroom and bathroom windows in the first floor north elevation would result in a harmful impact upon the privacy of the occupiers of 53 GD. These proposed windows would directly face 53's existing first flank obscure glazed windows at a distance of between 2.5 & 3m and would also allow views out over 53's rear garden. Also, it would not be possible to insist on obscure glazing of the dormer bedroom window as that would have a materially harmful impact on the amenity of the occupier.

It is considered that views from ground floor windows could be screened out by way of new boundary treatments. Furthermore, it is not considered that the use of the proposed parking area would be harmful to the amenity of 37 NA as it lies adjacent to 37's existing garage, where a caravan used to be parked. However, this parking area will back onto the rear garden of 53 GD and if a car was left running for some time, it could result in noise and air pollution to the detriment of 53's enjoyment of their rear garden.

It is therefore considered that the proposal would conflict with policy GEN7 of the adopted Arun Local Plan 2003 and the guidance on amenity in the National Planning Policy Framework

INTERNAL & EXTERNAL SPACE STANDARDS:

It is necessary to assess the proposal against the internal space standards as set out in the Governments new Technical Housing Standards (Nationally Described Space Standard). The stated requirement for a 2 storey, 2 bedroom, 3 person dwelling is 70m². The proposed internal space is 93m² and this therefore exceeds the standard.

In respect of external garden standards, the current modified version of the emerging Arun Local Plan proposes to delete policy D DM3 in favour of inclusion within a future design guide. It is not therefore considered appropriate to now refer to this policy. However, Bersted Neighbourhood Plan policy HDQ6 states that "A private outdoor garden amenity space, or a shared amenity area must be provided for all new dwellings". Furthermore, paragraph 17 of the NPPF seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings.

It is not considered that the proposal makes any provision for a private outdoor garden amenity space for the new dwelling. It is acknowledged that a 6m deep garden area is shown to the west side of the dwelling but this is effectively a front garden and will not be private unless it is screened by high fencing and that itself would be resisted as it would be harmful to the streetscene. Therefore, it is considered that the proposal conflicts with Bersted Neighbourhood Plan policy HDQ5 and with paragraph 17 of the NPPF. It is also considered that the proposal will reduce the private garden space to the two adjoin dwellings and this will be detrimental to their own amenity.

PARKING PROVISION & ACCESS:

Bersted Parish Council object partly on the grounds of inadequate parking. In addition, local residents consider that the proposal will increase on-street parking congestion in the street and will have an

adverse impact on pedestrian & driver safety.

Policy GEN7 (vii) requires that new development allow for the safe movement of pedestrians and vehicles, giving priority to pedestrians. Regard should also be had to paragraph 32 of the National Planning Policy Framework which states that: "Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe".

WSSCC Highways have been consulted but raise no objection to the proposal in respect of the safety of either drivers or pedestrians. It is therefore considered that a refusal on these grounds could be defended on appeal.

Arun Local Plan policy GEN12 refers to the need to provide sufficient off-street parking. However, the standards within the appendices to the Local Plan which it refers to have been superseded by the West Sussex (Residential) Parking Demand Calculator.

The West Sussex Parking Demand Calculator indicates a total demand for the new house of 2 spaces. This is in line with the requirement set out within policy HDQ8 of the Bested Neighbourhood Plan. The proposals shows an area of hardstanding on the east side of the dwelling which is long enough to accommodate the parking of 2 cars in a tandem arrangement. This therefore complies with Council policy in respect of parking. It is acknowledged that the development of this site will reduce some of the existing on-street parking and that 37 NA will have less parking space as a result. However, it is not considered that this will have an adverse impact on the amenity of local residents and it is not considered that a refusal on these grounds could be defended on appeal.

On this basis, it is considered that the proposal complies with the NPPF and the policies of the development plan.

DRAINAGE:

Bersted Neighbourhood Plan policy ES2 requires surface water management measures for development proposals to ensure that the risk of flooding both on-site and downstream is not significantly increased. However, this is not a high risk area such that the Council would ordinarily impose a drainage condition. Instead, drainage would be dealt with through the building regulations process. This is an appropriate solution and therefore, the proposal is considered to comply with the policy.

PAGHAM HARBOUR:

The application is accompanied by a signed legal agreement relating to a payment of £871 towards the mitigation of the impacts of the development on the Pagham Harbour Special Protection Area.

Emerging Local Plan (Arun Local Plan 2011-2031 Publication Version showing Modifications) policy ENV DM2 states that all 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 report to Cabinet stated that:

"The access management measures identified are referred to as Strategic Access Management and Monitoring (SAMMs). As these do not include the allocation of specific land, they are not classified as physical infrastructure, and are not included under the definition of infrastructure within Section 216 of the Planning Act 2008, meaning the pooling restrictions as set out under Regulation 123 of the CIL Regulations (2010) as amended, does not apply. It is common practice by many other authorities (for example Elmbridge) that contributions towards SAMMs are gathered through S106 planning obligations.

This approach has also been confirmed within Counsel advice sought by the Council. As a contribution is required to make the development acceptable in planning terms, it is therefore in compliance with the tests under Regulation 122 of the CIL Regulations (2010) as amended"

The Councils Cabinet subsequently approved a reduction in the tariff from £1,275 to £871 as of the 10th April 2017.

Paragraph 014 (Reference ID 23b-014-20160519) of the Planning Practice Guidance describes tariff style contributions. It clearly states that these consist of contributions to pooled funding 'pots' intended to fund the provision of general infrastructure in the wider area. The Council accepts that the Pagham Harbour contribution is based on a tariff. However, the contribution is required to fund strategic access management and monitoring measures (SAMMs) which are necessary to meet the requirements of European law (transposed into English law through the Conservation of Habitats and Species Regulations 2010). Essentially this requires the Council to maintain, if not improve, the existing condition of the site.

As these SAMMs do not include the allocation of specific land, they are not classified as physical infrastructure, and are not included under the definition of infrastructure within Section 216 of the Planning Act 2008, meaning that the pooling restrictions as set out under Regulation 123 of the CIL Regulations (2010) as amended, do not apply.

Therefore, it is considered that the Council is able to seek these contributions despite the guidance in PPG Paragraph 031 (Reference ID: 23b-031-20160519009). This has also been tested at appeal on several occasions. For example, APP/C3810/W/16/3146804 which concerned a single dwelling in nearby Aldwick.

Furthermore, it should be noted that this policy has a basis in the current development plan in that Local Plan policy AREA13 "Sites of International Importance for Nature Conservation" which states that: "Where development is permitted, the use of conditions or planning obligations will be considered in order to secure any compensatory or mitigation measures and appropriate management that may be required."

The application site lies within the designated Zone B and accordingly it was necessary to apply this requirement. The net increase in 1 dwelling resulted in a contribution of £871 at the current rate and it is this that is secured by the signed legal agreement.

SUMMARY:

There is no in principle objection to the residential development of this site within the built up area and it is considered that the proposal complies with development control criteria concerning highway safety, parking, internal space standards and drainage. However, notwithstanding, it is not considered that the site is suitable for an additional residential dwelling and that the proposal will severely harm the character of the area and the appearance of the streetscene. It is also considered that the proposal will have an adverse impact on the amenity & living conditions of the adjacent properties and that there is insufficient private amenity space allocated to the new dwelling.

The Council cannot currently demonstrate a 5 year housing land supply and the policies of the development plan relating to housing supply are considered to be out of date. As a result, paragraph 14 of the National Planning Policy Framework (NPPF) is engaged and this states that planning permission should be granted unless (a) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole or (b) specific policies in the Framework indicate development should be restricted. In this case, it is not considered

that the tilted balance in favour of sustainable development would apply as the proposal would result in adverse impacts to the character of the area, the amenity of future occupiers and the amenity of adjacent residential occupiers. It is therefore recommended that the application be refused for the following reasons.

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

The application is accompanied by a signed/complete legal agreement relating to a payment of £871 towards the mitigation of the impacts of the development on the Pagham Harbour Special Protection Area.

RECOMMENDATION

REFUSE

- 1 The proposed introduction of a dormer bungalow into this predominantly two storey residential area will harm the character of the streetscene and the wider locality. The proposal is therefore contrary to policy GEN7 of the Arun District Local Plan; policies ES1, HDQ2 & HDQ5 of the Bersted Neighbourhood Plan; the National Planning Policy Framework; and policy DDM1 of the Arun Local Plan 2011-2031 Publication Version showing Modifications.
- 2 The site by virtue of its size and shape, is considered unsuitable to accommodate a dwelling, parking & private amenity space satisfactorily without damaging the character of this established residential area including with reference to the established Norbren Avenue building line and the forward facing nature of dwellings on Greencourt Drive. The proposal would result in an unduly cramped and unneighbourly form of development which would be detrimental to the character and amenities of the surrounding residential area, contrary to

policy GEN7 of the Arun District Local Plan; policies ES1, HDQ2 & HDQ5 of the Bersted Neighbourhood Plan; the National Planning Policy Framework; and policy DDM1 of the Arun Local Plan 2011-2031 Publication Version showing Modifications.

- 3 The proposal fails to provide any meaningful private external amenity space and also results in a reduction of the private amenity space available to numbers 53 Greencourt Drive and 37 Norbren Avenue. This will be detrimental to the amenity of residential occupiers and is considered to conflict with policy HDQ5 of the Bersted Neighbourhood Plan, policy GEN7 of the Arun District Local Plan, the National Planning Policy Framework and policy DDM1 of the Arun Local Plan 2011-2031 Publication Version showing Modifications.
- 4 The proposed dormer bathroom and bedroom windows will result in overlooking of the existing flank windows and rear garden of 53 Greencourt Drive and the proposal would therefore harm the living conditions of these residential occupiers. The proposal is therefore contrary to policy GEN7 of the Arun District Local Plan; the National Planning Policy Framework; and policy DDM1 of the Arun Local Plan 2011-2031 Publication Version showing Modifications.
- 5 The use of the proposed side/rear parking area which backs onto the boundary with the rear garden of 53 Greencourt Drive has the potential to adversely affect the enjoyment of 53s rear garden by way of noise and disturbance associated with the operation of vehicles and as such, the proposal is contrary to policy GEN7 of the Arun District Local Plan; the National Planning Policy Framework; and policy DDM1 of the Arun Local Plan 2011-2031 Publication Version showing Modifications.
- 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 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.