

PLANNING APPLICATION REPORT**REF NO:** BE/34/08/**LOCATION:** 11 Ashurst Close
Bognor Regis**PROPOSAL:** Outline application for single storey dwelling.**SITE AND SURROUNDINGS****DESCRIPTION OF APPLICATION****SITE AREA****RESIDENTIAL DEVELOPMENT
DENSITY (NET)** N/A**TOPOGRAPHY** Predominantly flat**TREES** None of any significance affected by the proposed development.**BOUNDARY TREATMENT****SITE CHARACTERISTICS****CHARACTER OF LOCALITY****RELEVANT SITE HISTORY**

BR/1003/83	Proposed dwelling and garage	Refused 01-02-1984
BR/719/84	Proposed four bedroom house and garage	Refused 17-10-1984
BR/761/84	Proposed four bedroom house and garage	Refused 17-10-1984

REPRESENTATIONS**Representations received:**

Bersted Parish Council

Bersted Parish Council

None

Comments on Representations received:

None

CONSULTATIONS**Consultations responses received:**

None

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

Designation applicable to site:
(NOT REQUIRED FOR CLE/CLP)

DEVELOPMENT PLAN POLICIES

West Sussex Structure Plan:	DEV1 CH1	High Quality Development Character
Arun District Local Plan:	GEN7	The Form of New Development

PLANNING POLICY GUIDANCE

PPS1 PPS3	Delivering Sustainable Development Housing
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POLICY COMMENTARY

DELETE INAPPROPRIATE PARAGRAPHS AND AMEND THE REQUIRED PARAGRAPH
(REMOVE HEADINGS AND AMEND TEXT IF NECESSARY)

NOT REQUIRED FOR CLE/CLP

PLANNING

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

ADVERT

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual amenity, aural amenity, public safety, quality of the environment and impact upon the character of the local area.

LISTED

The above policies combine to describe the criteria against which the application will be assessed particularly with specific regard to impact upon the Listed Building.

CONSERVATION AREA

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to the character and appearance of the Conservation Area.

TREES

The above policies are general and, other than Circular 36/78 and DETR TPO's, are not specific to trees.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

DELETE INAPPROPRIATE PARAGRAPHS AND AMEND THE REQUIRED
PARAGRAPH (REMOVE HEADINGS AND AMEND TEXT IF NECESSARY)

PLANNING

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.

LISTED/CA

Section 16(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990 states: "In considering whether to grant Listed Building Consent for any works, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

Where the building is located in a Conservation Area, Section 71(1) of the Act states: In the exercise, with respect to any buildings or other land in a Conservation Area of any powers (under the Planning Acts), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

The proposal is considered to comply with these criteria in that it is not considered to materially affect the character or the setting of the Grade II Listed Building or the character of the Conservation Area.

TREES CA

Section 211(1) of the Town and Country Planning Act 1990 states:-

'Subject to the provision of this section and Section 212, any person who, in relation to a tree to which this section applies, does any act which might by virtue of Section 198(3)(a) be prohibited by a Tree Preservation Order shall be guilty of an offence.'

It is a defence to have provided notification to the Local Planning Authority 6 weeks in advance of any works. This is to enable the Local Planning Authority time to consider making a Tree Preservation Order.

TREES

Section 198 of the Town and Country Planning Act 1990 states:

"If it appears to a Local Planning authority that it is expedient in the interest of amenity to make provision for the preservation of trees.... they may for that purpose make an order"

The works to the trees are to be judged having regard to amenity.

ADVERTS

Regulation 3(1)(a)(b), 3(2)(a)(b) and 4(3) of the Town and Country Planning (Control of Advertisements) Regulations 2007 states:-

"3(1) A local planning authority shall exercise its powers under these Regulations in the interests of amenity and public safety, taking into account -

(a) The provision of the development plan, so far as they are material; and

(b) Any other relevant factors.

(2) Without prejudice to the generality of paragraph (1)(b) -

(a) Factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest;

(b) Factors relevant to public safety include -

(i) The safety of persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);

(ii) Whether the display of the advertisement in question is likely to obscure or hinder the ready interpretation of any traffic sign, railway sign or aid to navigation by water or air;

(iii) Whether the display of the advertisement in question is likely to hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

4(3) In determining an application for consent for the display of advertisements, the local planning authority may have regard to any material change in circumstances likely to occur within the period for which the consent is requested.

CLE/CLP

Section 192(2) of the Town and Country Planning Act 1990 states:-

If, on an application under this section, the local planning authority are provided with information satisfying them that the use or operations described in the application would be lawful if instituted or begun at the time of the application, they shall issue a certificate to that effect; and in any other case they shall refuse the application.

1. Assessment

S55 (2) (a) TCPA 1990 states that works which affect only the interior of a building...do not materially affect the external appearance... do...not involve development

It appears to me from the evidence described above that these proposals fit within this category. Accordingly they are not development. Accordingly they do not need planning permission.

I have not seen any evidence which suggest that PD Rights are an issue or need consideration. They only refer to development which I have concluded that this is not.

I refer to the cases at EPL Vol 5 para 3B 2068.13 and 1987 JPL 144 and Uttlesford DC v SoSE 1992 JPL 171 to establish that internal works of this nature are not development being part and parcel of the domestic accommodation.

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

RECOMMENDATION

REFUSE

- 1 The development of this site by the erection of a bungalow in the position proposed and of the size indicated would be out of keeping and prominent in the street scene and would adversely affect the character and appearance of the locality in conflict with policies DEV1, CH1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.