

**Recommendation Report for Application under Section 73 for the Removal or Variation of Conditions
Under a Previously Approved Permission**

REF NO: BN/124/25/S73

LOCATION: Shannock
Church Lane
Eastergate
PO20 3UT

PROPOSAL: Variation of condition 2 imposed under BN/80/25/HH relating to approved plans.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application seeks to vary condition 2 imposed under BN/80/25/HH in order to increase the height of the building.
SITE CHARACTERISTICS	The site is a detached bungalow, with a planning consent for significant extensions and alterations granted under BN/80/25/HH.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

BN/119/25/DOC	Approval of details reserved by condition imposed under BN/80/25/HH relating to condition 3-inspection of all protective fencing around trees.	DOC Approved 22-01-26
BN/80/25/HH	Single storey front, side and rear extensions. Roof extension to include addition of first floor and habitable loft with PV panels. Installation of front boundary wall and gate and widen existing kerb.	ApproveConditionally 11-09-25

Planning history noted.

REPRESENTATIONS

Barnham and Eastergate Parish Council - No objection.

One letter of objection was received from a nearby occupier raising concerns that:

- The extension will result in overshadowing and loss of light.
- Overlooking of the outdoor swimming pool within the neighbouring property.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted. The comments appear to relate to the extensions and redevelopment of the property as a whole, rather than to the amendments which are sought under this application. Consent for the extensions was granted under BN/80/25/HH on 11 September 2025, and this consent remains extant. Impacts neighbouring amenity would have formed part of assessment of the application at this time. This current application relates only to the increase in height, and does not reconsider the merits of the scheme as a whole. Impacts on neighbouring amenity do form an important consideration under this application. However, they are only assessed insofar as they differ from those arising from the previously approved consent.

CONSULTATION RESPONSES RECEIVED:

None.

POLICY CONTEXT

Designation applicable to site:
 Lidsey Waste Water Treatment Catchment Area
 Tree Preservation Order (TPO/EG/1/12)
 Adjacent to Eastergate (Church Lane) Conservation Area

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions and alter to exist builds (res and non-res)

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

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, The South Inshore & South Offshore Marine Plan 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.

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 the alteration would not harm the visual amenity of the property or result in unacceptable adverse impacts on neighbouring

amenity.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

- (2) in dealing with an application for planning permission the authority shall have regard to -
- (a) the provisions of the development plan, so far as material to the application,
 - (aza) a post examination draft neighbourhood development plan, so far as material to the application,
 - (b) any local finance considerations, so far as material to the application, and
 - (c) any other material considerations.

OTHER MATERIAL CONSIDERATIONS

There are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

PRINCIPLE

Application BN/80/25/HH was approved on 11 September 2025 and granted permission for single storey front, side and rear extensions, a roof extension including the addition of first floor and habitable loft with PV panels. The application also approved the installation of a front boundary wall and gate and widening the existing kerb. This application seeks to amend the plans condition on the original permission, in order to increase the ridge height of the property.

SUMMARY

This application seeks to increase the ridge height of the property by approx. 0.2m. The original application proposed a substantial increase in the height of the building, of approx. 2.6m. This increased the height of the property to the same height as Oakside which is accessed off Old Rectory Drive to the rear. The proposed amendment would increase the height by an additional 0.2m above this property. Properties along Church Lane are varied, with differing styles and designs, and are a variety of heights, set at various distances from the road. Given the variety of properties along the street, and how far the property is set back from the road, the increase of 0.2m above the approved height is unlikely to be visually apparent when compared with the previously approved extension. The amendments would not harm the visual amenity of the site or the surrounding area, in accordance with Arun Local Plan (ALP) policies D DM1 and D DM4.

The property is positioned approx. 6.5m from the rear boundary, and the highest point of the roof would be located away from the property's neighbours to either side. Given the distance between the ridge and neighbouring properties, an increase of 0.2m to the maximum ridge height would not have any significant impact on overbearing effects experienced by neighbouring dwellings. In addition to the increase in the height of the ridge, the third floor rear window will also be positioned 0.2m higher than on the original plans. The repositioning of the window will not give rise to any views which could not be gained from the window as originally proposed, and therefore the amendments would not give rise to unacceptable impacts on neighbouring occupiers, in accordance with ALP policies D DM1 and D DM4.

OTHER MATTERS

As this is a Section 73 application any new permission sits alongside the original permission, which remains intact and unamended. Government guidance states that for the purpose of clarity to reinstate the conditions imposed on earlier permissions that continue to have effect.

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

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.

CIL DETAILS

This application is not CIL liable.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby permitted shall be begun on or before the 11.09.2028 (being three years from the date of the original planning 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:

- Site Plans 101
- Proposed Site Plan 103
- Proposed Crossover Plan 105
- Proposed Floor Plans 403
- Proposed Floor Plans 404
- Proposed Elevations 201 REVP4
- Proposed Section 501 REVP1

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Arun Local Plan policy D DM1.

- 3 All activity at the site is to be carried out in strict accordance with: - Arboricultural Impact Assessment, report ref. D2517 AIA, 16th June 2025.

If there is deemed to be a need for any Utility Service Route connections to bisect retained

tree Root Protection Areas/Zones, then prior to their installation a Method Statement prepared by an Arboricultural Expert must be submitted that stipulates how this can be achieved without adverse impact on tree roots. Written approval and confirmation of acceptance of this Methodology must be issued before any works are commenced out on site.

Reasons: To comply with BS5837:2012 and to ensure that retained trees are afforded due respect and appropriate levels of protection such that their ongoing health and vitality is not compromised, and they can continue to enhance the landscape and amenity of the area.

- 4 Based on the information available, this permission is exempt from the requirement to provide a biodiversity gain plan under Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990. The following exemption applies:

This planning permission is for an application under s73 of the Town and Country Planning Act (1990) to amend an existing planning consent. This permission was granted via a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Reason: In accordance with Schedule 7A of the Town and Country Planning Act 1990 (as amended).

- 5 INFORMATIVE: The applicant is advised that in addition to obtaining planning permission that they must also obtain formal approval from the highway authority to carry out site access works on the public highway. The granting of planning permission does not guarantee that a vehicle crossover licence shall be granted. Additional information about the licence application process can be found at the following web page:

<https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-vehicle-crossovers-for-driveways-licence/>

- 6 INFORMATIVE: The applicant is advised that in addition to obtaining planning permission that they must also obtain formal approval from any relevant third parties who have an interest in the land affected by the proposed drainage scheme. Any consents required relating to the discharge of water into a watercourse should also be obtained by the applicant prior to implementation. The grant of planning permission does not imply the grant of any such consent.