

Recommendation Report for Planning Permission

REF NO: BR/102/19/PL

LOCATION: 4 Burnham Avenue
Bognor Regis
PO21 2LB

PROPOSAL: Change of use from a house in multiple occupation to single dwelling.

SITE AND SURROUNDINGS	
DESCRIPTION OF APPLICATION	The application seeks to change the use from a HMO to a single dwelling.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The property has a 1m fence along the front and side boundaries.
SITE CHARACTERISTICS	The site is occupied by a 3 storey semi-detached dwelling. There is a detached outbuilding to the eastern side.
CHARACTER OF LOCALITY	The area is predominately residential characterised mainly by two storey dwellings with flats to the east of the site.

RELEVANT SITE HISTORY		
BR/314/87	Change of use to form 2 flats, rear extension, fire escape, garage	ApproveConditionally 05-10-87

Relevant planning history noted.

REPRESENTATIONS
REPRESENTATIONS RECEIVED:
Bognor Regis Town Council
Bognor Town Council provided no objection.
No representation received from nearby occupiers.
COMMENTS ON REPRESENTATIONS RECEIVED:
Comments noted.

CONSULTATIONS

Environmental Health
WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

WSCC Highways - The site is located within a sustainable location and the LPA does not consider the proposal would have an unacceptable impact on highway safety. Include condition relating to cycle storage.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. The garage is of sufficient size for storage of cycles and so it is not considered reasonable to insist on condition for cycle parking.

POLICY CONTEXT

Designation applicable to site:
Built up area boundary

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design
SDSP2	SD SP2 Built-up Area Boundary

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

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 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.

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 it would not have a materially adverse impact on the residential amenities of nearby properties nor would it have a significant adverse impact upon 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 proposed development is situated within the built up area boundary where the principle of development is acceptable subject to accordance with relevant development plan policies. As stated in SDSP2 the key policies considered are D DM1 and D DM4 of the Arun Local Plan.

Bognor has a 'made' Neighbourhood Plan however none of the policies are relevant to this application.

SITE HISTORY

The property had permission in 1987 for the change of use to No.2 flats. The property has however been used as a HMO since 1991 (without consent) and therefore this has become the existing use.

The change of use to a single dwelling has already taken place and is therefore retrospective.

DESIGN AND VISUAL AMENITY

The proposal does not seek any alterations to the external appearance of the dwelling. As a result, the dwelling will not alter in appearance and as such the change is not considered to impact upon the street scene and accord with D DM1 and D DM4 of the Arun Local Plan.

RESIDENTIAL AMENITY

The proposal will change the use of the dwelling from a house of multiple occupation to a single dwellinghouse.

There are no additional openings so there is not considered to be any additional adverse impact upon amenity in terms of overlooking. The change of use is also not considered to result in an increase of noise.

The proposal is not considered to result in any additional adverse impacts upon neighbouring amenity and accord with D DM1 and D DM4 of the Arun Local Plan.

PARKING

There are no additional car parking spaces proposed however there is an existing garage with space to the front for the parking of 1 No. car. The dwelling is also located within walking distance of Bognor Train Station and is considered a sustainable location. WSCC do not consider highway safety would be affected by the proposal.

SUMMARY

The proposed development is deemed to accord with the relevant development policies and as such is recommended for approval subject to the following conditions and informatives.

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.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby approved shall be carried out in accordance with the following approved plans
 - Location and Block Plan
 - Existing and Proposed Elevations
 - Existing and Proposed Floor 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.

- 2 **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.