Recommendation Report for Planning Permission

REF NO: **BR/106/13/**

LOCATION: 1 Arnhem Road
Bognor Regis

PROPOSAL: Removal of double garage and replace with detached 3 bed dwelling

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal is to demolish the existing flat roofed double garage and associated store room and to build a new 2 storey detached 3 bedroom pitched roof dwelling in its place. The new dwelling will be built on the same building line as 2 & 3 Arnhem Road and as a result, is set at a 25 degree angle to the line of the flank wall of 1 Arnhem Road. The proposed dwelling will be built right up to the boundary with both 1 and 2 Arnhem Road. Two parking spaces are proposed to the front of the new dwelling and two spaces are also proposed in the existing front garden of no. 1. The proposed dwelling will have a private amenity space of 6.5m by 7m and reduces the amount of space available to no. 1 by the same amount.
SITE AREA	150 m2 (0.015 ha).
RESIDENTIAL DEVELOPMENT DEN	67 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	There is a mature tree in the corner of the rear garden.
BOUNDARY TREATMENT	The boundary to 2 Arnhem Road is part 1.2m high panelled fence, part existing wall of 1's garage, part 1m high chain link style fence. There is a 1.9m high fence to the boundary with 44 Hampshire Avenue. The front garden of 1 Arnhem Road is screened by a dense hedge atop a dwarf wall to a total height of between 2 and 3m. There is no existing boundary treatment in front of the double garage.
SITE CHARACTERISTICS	This is the existing side garden to 1 Arnhem Road, a corner plot located on the junction of Arnhem Road and Hampshire Avenue. Currently, there is an attached double garage and store extension on the middle part of the site with hardstanding parking spaces in front and then private amenity space to the rear. The existing curtilage (including the site) to 1 Arnhem

Road is large but there is a very limited depth to the rear garden particularly compared to neighbouring properties. There is a small conservatory to the front of the dwelling.

There are no windows in the flank of 1 Arnhem Road. No. 2 on the other hand has a couple of ground floor flank secondary windows plus a door from the rear extension opening out onto the existing gap between the house and the boundary. There is then a window between ground and first floors that appears to serve the internal stairs. No. 44 Hampshire Avenue is at a right angle to the site of the proposed house and has bathroom & bedroom windows at first floor.

CHARACTER OF LOCALITY

A residential area located off Chichester Road which is predominantly characterised by traditional two storey pitched roof semi-detached dwellings. The exceptions to this in the immediate area are nos. 1 and 10 Arnhem Road which are detached corner plots and 1AA Westloats Lane to the west. There is a grassed park with trees on the opposite side of Arnhem Road.

There is on street parking on this side of Arnhem Road plus a parking bay running alongside the length of the park on the other side. The majority of dwellings on Arnhem Road have a part front garden, part front parking space arrangement.

RELEVANT SITE HISTORY

BR/373/87	Addition To existing garage	ApproveConditionally 14-09-1987

No comments.

REPRESENTATIONS

Representations received:

Bognor Regis Town Council

Bognor Regis Town Council - NO OBJECTION but concerns were raised over the distance allowed between the two houses, fearing the new dwelling would not leave sufficient space. Members also commented that the drawings do not seem to correspond with the overall footprint.

Comments on Representations received:

Comments noted.

CONSULTATIONS

Planning and Housing Strategy
Engineering Services Manager

Economic Regeneration
Council's Arboriculturist

Consultations responses received:

Councils Arboriculturist - I would not regard this tree, whether Bay or another species, appropriate to retain due to its close proximity to existing property. There are other trees near to the vicinity such as those which grow opposite in the Park.

District Engineers - The applicant states that surface water will be discharged to 'main sewer'. A SuDS system (Sustainable Drainage System) must be investigated for surface water disposal, i.e. soakage structures. Please apply standard conditions ENGD2A.

Comments on Consultation responses:

Coments noted.

POLICY CONTEXT

Designation applicable to site: Within Built Up Area Boundary.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
	GEN9	Foul and Surface Water Drainage
	GEN12	Parking in New Development
	DEV17	Affordable Housing

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework

SUPPLEMENTARY POLICY GUIDANCE

XXX6	Interim Affordable Housing Policy

POLICY COMMENTARY

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

The Development Plan consists of the Arun District Local Plan 2003.

Paragraph 214 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following publication. The Council published the Draft Arun Local Plan in July 2012 and this is a material consideration in the determination of this planning application. A pre-submission Plan has yet to be endorsed and published. Following publication of a pre-submission draft, there is required to be a formal public consultation, resolution of objections, examination and formal adoption. At this time, the emerging Local Plan is afforded very limited weight in terms of the decision making process.

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 and an adverse impact upon the established character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

The applicant has submitted a couple of photographs with the application which show: (a) a dwelling which has been extended to the side by the same width as the house; and (b) what looks like an infill plot. However, there is no explanation as to which sites these photographs refer to and thus no details on the history surrounding them. Therefore, it is not considered that any precedent is demonstrated by these photos.

CONCLUSIONS

PRINCIPLE:
The site lies within the Built Up Area Boundary where development is acceptable in principle subject to normal development control criteria such as visual & residential amenity and highway safety. Central government advice in the National Planning Policy Framework also supports the efficient and effective use of land.

DESIGN AND CHARACTER:
Policy GEN7 (ii) requires that new developments respond positively to the identified characteristics of a particular site to create developments which respect local characteristics. Central Government Advice further indicates that more intensive development is not always appropriate and that design which is inappropriate in its context should not be accepted. Furthermore new development should be well integrated with and complement the local area in terms of, for example, layout.

Section 7 of the NPPF states that good design is a key aspect of sustainable development (paragraph 56) and that developments should establish a strong sense of place and be visually attractive as a result of good architecture (paragraph 58). Paragraph 64 confirms that planning permission should be refused for poor design that fails to improve the character or quality of an area.

At first glance, the relationship of 1 Arnhem Road to the neighbour at 2 and the underused nature of the land by garaging suggest that there may be potential for infill on this site. However, closer assessment reveals there is just not quite enough space to fit a dwelling into this plot without detriment to the established character and appearance of the streetscene. The proposed dwelling appears cramped within the plot and the density of 67 per hectare suggests overdevelopment. For one, the proposed dwelling is to be built right up to the boundary on each side and this is out of character with surrounding dwellings (which have gaps on each side of the semi). For two, the resulting rear garden space is extremely small and also further reduces the size of no. 1's garden. It should also be noted here that the new dwelling will have no front garden to speak of and be limited to the overlooked 7m by 6.5m space. There is of course a large public amenity space to

the other side of Arnhem Road however this is not a private space.

The proposal also includes hardstanding parking to the whole of the front of the dwelling. Whilst this is in character with the existing situation with the double garage, it is out of character with other dwellings in the streetscene which have part front garden/part parking. This also means that the front of 1 Arnhem Road will be part paved to accommodate two new spaces. Not only will this be out of character with the streetscene and result in the loss of part of the front hedge, but the occupants of 1 Arnhem Road will lose part of their currently private front garden. Given that their rear garden is overlooked by 44 Hampshire Avenue, it is considered vital to preserve the privacy of the south facing front garden.

Whilst it might be possible to overcome some of these concerns by only providing 1 parking space to the front of each of the dwellings (given that there is plentiful parking adjacent to the park opposite) thus softening the frontage and retaining more front garden to no. 1, it is not considered possible to provide a smaller house on the plot as this would have raise further character issues.

AMENITY OF NEIGHBOURS
There is not considered to be any impact to either 1 or 2 Arnhem Road due to the similar building lines. There may be some indirect overlooking between the proposed dwelling and 44 Hampshire Avenue but obscure glazing would ensure that there are no privacy issues with the bathrooms of each dwelling.

AFFORDABLE HOUSING:
An Interim Affordable Housing Policy was approved by Full Council on 18th August 2010. The policy states that the Interim policy is in accordance with PPS3 Housing and for developments of 1-14 units an affordable housing provision of 15% will be sought district wide. In this case, the contribution required is £1,876 to be secured by a S106 Agreement.

SUMMARY:
Whilst there is no in principle objection to the development, the proposed dwelling represents a cramped form of development which is out of character with the streetscene and the visual amenities of the local area. It is not considered that changes could be made to the scheme to result in a different recommendation and therefore it is recommended that permission be refused.

It is also noted that no bin store is shown on the plans and that therefore,, there is no way to hide a bin at the rear of the property or to take rubbish from the rear of the dwelling to the front without going through the house.

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), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and

family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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

REFUSE

1 The site by virtue of its size & shape, is considered unsuitable to accommodate a dwelling and private amenity space satisfactorily without damaging the character of this established residential area. The proposal would therefore 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 and the National Planning Policy Framework.

2 The proposed dwelling provides insufficient space between the flank walls of the dwelling and the site boundaries. The Local Planning Authority consider that in respect of a two-storey building not less than one metre should be provided in order to give adequate convenience to the occupiers and to protect the character and appearance of the street scene in conflict with policy GEN7 of the Arun District Local Plan and the National Planning Policy Framework.

3 INFORMATIVE: Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. 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.