

Recommendation Report for Planning Permission

REF NO: BR/107/19/PL

LOCATION: 32 Argyle Road
Bognor Regis
PO21 1EA

PROPOSAL: Change of use of single dwelling to a House in Multiple Occupation (HMO)

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks to change the use of the single dwellinghouse to a house of multiple occupancy.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The property is sited a corner with small wall running along the front and side elevation.
SITE CHARACTERISTICS	The site is located to a corner and occupied by a chalet bungalow. To the side elevation there is space for 1 car.
CHARACTER OF LOCALITY	The area is mixed in character with residential to the north and some commercial premises to the south of the road.
None	

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bognor Regis Town Council

Bognor Town Council provided an objection.

- It would adversely impact the character of the area.
- Contribute to excessive car parking demands in the area.
- Small scale garden is not adequate for 8 persons.
- 8 persons will generate more refuse which may become hazardous.
- An increase in noise and disturbance.

No representation from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATIONS

Engineers (Drainage)

CONSULTATION RESPONSES RECEIVED:

Environmental Health and Housing - The property has in 2019 been granted a House in Multiple Occupation Licence for 8 persons forming 4 households within the 4 bedrooms of the property, in line with The Licensing of Houses in Multiple Occupation (Prescribed Description) (England) Order 2018 which came into force on 1st October 2018 . As long as the number of persons occupying complies with the Licence; there is the continued presence of a shared lounge/dining room; the kitchen and bathroom/WC requirements remain fulfilled; and the property complies with Arun District Council's Standards for Houses in Multiple Occupation, Arun District Council Private Sector Housing and Public Health have no objections to the proposed change of use."

COMMENTS ON CONSULTATION RESPONSES:

Comments noted and addressed in conclusion.

POLICY CONTEXT

Designation applicable to site:

Built up area boundary

DEVELOPMENT PLAN POLICES

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

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
SDSP2	SD SP2 Built-up Area Boundary
HSP4	H SP4 Houses in multiple occupation

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 site lies within the built up area boundary where development is acceptable in principle in accordance with policy SD SP2 of the Arun Local Plan and provided it is in accordance with other policies of the Local Plan covering such issues as character, residential amenity, noise, highway safety & parking and space standards.

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

PLANNING POLICY ON HMO's

Arun Local Plan policy H SP4 states that:

"Where planning applications for houses in multiple occupation (HMOs) are not already covered by permitted development rights, they will be favourably considered where the proposals contribute to the creation of sustainable, inclusive and mixed communities and meet the following criteria:

- a. Do not adversely affect the character of the area including eroding the balance between different types of housing, including family housing;
- b. Do not contribute to the generation of excessive parking demands or traffic in an area;
- c. Provide adequate areas of open space."

CHARACTER OF THE AREA.

There are no proposed changes to the external appearance of the building and therefore it needs to be determined whether the proposal would impact upon the established character of the area.

The properties within the area consist of both single dwellings and flats with commercial properties to the south. The properties in the area appear mixed in character and resultantly it is not considered that a new multiple occupancy dwelling would be out of character in this mixed locality or erode the balance between of the housing available and accord with DDM1 of the Arun Local Plan.

NOISE AND RESIDENTIAL AMENITY

Policy QE DM1 seeks to protect against the impacts of new noise generating development. It states that: "Developers proposing new noise generating development must seek advice from an early stage to determine the level of noise assessment required."

It is not considered that a residential use, albeit an intensified one would be considered to be a noise generating form of new development. The use remains as residential and will therefore have similar characteristics to other residential properties within the locality. The use of the rooms will also remain as existing. As there are no external changes to the dwelling there will not be any impact by way of loss of privacy, or overlooking as a result of this application.

Full details of refuse have been allocated and provided in accordance with the HMO licence and there is no reason to suggest this would provide any adverse impacts upon amenity.

PARKING

Arun Local Plan policy T SP1 seeks to ensure that development: provides safe access on to the highway network; contributes to highway improvements & promotes sustainable transport, including the use of low emission fuels, public transport improvements and the cycle, pedestrian and bridleway network.

It is noted that this is a town centre location, where the provision of on street parking is an issue. The property provides only 1 off road car parking space however being in a town centre location there is provision of alternative forms of public transport within the area such as links by bus or train. There is also a public car park in close proximity at Queensway and controlled parking zone outside the property.

It is not considered lack of parking could be sustained on appeal and would point to the appeal decision APP/C3810/W/18/3193887 where a 7 bedroom HMO was permitted in a central location in Littlehampton with no parking provision.

The application is therefore in accordance with policy T SP1 of the Arun Local Plan.

SPACE STANDARDS

Arun Local Plan policy D DM2 states that: "The planning authority will require internal spaces to be of an appropriate size to meet the requirements of all occupants and their changing needs. Nationally Described Space Standards will provide guidance".

However, the Technical Housing Standards (Nationally Described Space Standard) does not provide any relevant standards for Houses in Multiple Occupation. Instead, it is considered that regard should be had to Arun's own Environmental Health Private Housing Standards.

There has been no objection raised and with a licence already obtained the proposal complies with space standards required.

ALP policy H SP4 requires that proposals provide adequate areas of open space. However, the council does not currently have any size guidance on external amenity space or gardens. The proposal benefits from a rear garden which will be shared amongst the residents in such that they will be able to sit outside. Whilst this space is small, the space available is not dissimilar to that of the adjoining neighbours and as it is small could be considered less suitable for a family home. The site is also located a short walk from the seafront and public gardens. Therefore it is considered that the proposal complies with policy HSP4 of the Arun Local Plan.

SUMMARY

The proposal is considered to be sustainable development and also complies with the relevant development plan policies. The recommendation to approve is therefore made subject to the following conditions.

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 permitted shall be begun before the expiration of 3 years from the date of this 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
 - Floor Plans as Existing - 201903.02
 - Cross Sections AA and BB as Existing - 201903.04

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy DDM1 of the Arun Local Plan.

- 3 Within three months of the first occupation of the building, plans and details of covered and secured cycle parking spaces must be submitted to, and approved by the Local Planning Authority.

Reason: To provide alternative travel options to the use of the car in accordance with policies T DM1 and T SP1 of the Arun Local Plan

- 4 **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.