Recommendation Report for Planning Permission

REF NO: **BR/114/14/PL**

LOCATION: Holmwood
Town Cross Avenue
Bognor Regis

PROPOSAL: Demolition of flat roofed side extensions and erection of 1 No. 2 storey attached dwelling

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The new dwelling will have 2 bedrooms and a 3rd bedroom/study on the ground floor. It will be built onto the existing terrace and will retain the same height and design as the existing. The existing dwelling remains the same but loses its garage and an en-suite 3rd bedroom (located at the rear of the garage).
SITE AREA	158m2.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	63 dph.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	2.5/2.6m high wall along the south western side dropping to 1.9m at the front.
SITE CHARACTERISTICS	The site is a two storey end of terrace dwelling, with a pitched roof and mix of brick & rough rendered elevations, canopy detail to front. There is an attached single storey pitched roof building at the side comprising a garage and an en-suite bedroom to the rear. Holmlea has a rear doorway on the side closest to the site.
CHARACTER OF LOCALITY	The site is surrounded by residential houses of varying styles and ages but all two storeys in height. The rear elevations of those dwellings on Green Lane Terrace contain principle windows and they currently look out over the site.

RELEVANT SITE HISTORY

BR/362/90	Garage and covered walkway	ApproveConditionally 10-12-1990
BR/3/98	Garage	ApproveConditionally 20-02-1998
BR/175/09/	Increase height of existing brick wall to rear garden by 450mm including existing brick piers & low wall and raising existing infill timber fence panels between to suit	ApproveConditionally 14-09-2009
BR/297/70	New kitchen and bathroom	ApproveConditionally 26-06-1970
BR/122/79	Single storey extension to dining room	ApproveConditionally 21-03-1979

None.

REPRESENTATIONS

Representations received:

Bognor Regis Town Council

Bognor Regis Town Council - no objection.

Comments on Representations received:

Noted.

CONSULTATIONS

Environmental Health

Consultations responses received:

Arun DC Environmental Health - No EH comment.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designation applicable to site: Within Built Up Area Boundary.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	DEV17	Affordable Housing
	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
	GEN9	Foul and Surface Water Drainage
	GEN12	Parking in New Development
Publication Version of the Local Plan - Excluding the Spatial Portrait, Employment, Housing Allocations, Transport, Monitoring and Implementation sections (February 2014):		D DM1 Aspects of Form and Quality D DM2 Internal Space Standards D DM3 External Space Standards D SP1 Design ECC SP2 Energy & Climate Change Mitigation H DM1 Housing Mix

H SP2 Affordable Housing
SD SP2 Built -Up Area Boundary
W DM3 Sustainable Urban Drainage Systems

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 215 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 agreed the majority of the Arun Local Plan in February 2014 (Publication Version) and this is a material consideration in the determination of this planning application. The remaining chapters of the Local Plan namely: the Spatial Portrait, Employment & Enterprise, Housing Allocations, Transport, Monitoring and Implementation will be considered for publication at a later meeting of Full Council. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place. The chapters that have been published will undergo public consultation alongside the remaining chapters when they have been agreed. The weight given to the current published policies can be significant depending:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

The policies within this published version of the plan are at an advanced stage as they have been agreed by Full Council for regulation 19 consultation, they have been subject to independent audit and are considered to meet the NPPF and there are no known significant unresolved issues arising from regulation 18 consultation for the published policies.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will

take place once the remaining chapters / policies have been published.

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 whilst it would not have a materially adverse effect on the visual amenities of the locality or on the established character of the surrounding area, it would have an adverse impact on the residential amenities of the adjoining properties.

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 & PROPOSAL

The proposal is to erect a new end of terrace two storey dwelling on the side of Holmlea. The dwelling will be the same height as the existing, a similar width (plot width of 6m compared to 5.3m) and only 1.2m deeper. The site is within the built up area boundary where development is acceptable in principle subject to normal development control criteria being satisfied such as visual and residential amenity.

One of the NPPF's core principles (para. 17) is the need to support sustainable economic development in order to deliver the homes that the country needs. Another of the stated principles requires that Local Planning Authorities seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Paragraph 50 states that a wide choice of high quality homes to create sustainable, mixed communities should be encouraged. It is considered that the proposal is in conflict with paragraph 17 on the grounds that the proposed dwelling will be detrimental to the existing occupants of neighbouring dwellings.

SITING, RESIDENTIAL AMENITY, DESIGN AND CHARACTER

The site is existing side garden to Holmlea which is part occupied by a side garage/bedroom extension. The site is overlooked by the rear elevations of four houses on Green Lane Terrace. These houses have relatively short gardens and are only 6.5m from the site boundary. It is considered that the act of placing a new two storey dwelling on this site at a distance of only 7.5m from the neighbouring dwellings would be detrimental to the amenities of those dwellings. The proposal would result in a loss of light during the early morning to some of the houses (3 & 4); and a loss of outlook and an overbearing impact to nos. 1 and 2.

The proposed first floor flank bathroom window would also result in either direct overlooking or if non-opening & obscure glazed, then perceived overlooking. At a distance of only 7.5m, this is

considered to be unacceptable. The slight rear projection is considered to be acceptable with regard to Holmlea as it will only result on a slight loss of light in the evening to a kitchen doorway (and not to the actual kitchen window).

With regard to design & character, whilst the plot is only narrow, it is actually slightly wider than Holmlea and of a similar width to the other houses in the terrace as well as those on Green Lane Terrace. Furthermore, the design and height of the dwelling would match with the existing terrace. The rear projection would be out of character but it is only 1.2m deep and is at the rear of the dwelling. As will be seen below, it does not result in an inadequate amount of rear garden area.

INTERNAL & EXTERNAL SPACE STANDARDS (Policies D DM2 & D DM3)

Certain policies within the emerging local plan have been approved for development management purposes. These include policies which seek to ensure that future residential occupants are provided with a satisfactory amount of indoor living and outdoor garden space. Following a thorough analysis of the proposal versus the internal and external space standards policies, it is considered that:

* The proposed dwelling complies with Policy D DM2 in that the standard for a 2bed/4person two storey dwelling is 83m2 and the dwelling is 92m2. It should be noted that the study/3rd bedroom has not been counted as a bedroom due to its small size (3.9m2).

* The proposed dwelling complies with Policy D DM3 in that the standard for a 2bedroom terraced dwelling is 50m2 and the rear garden is approximately 61m2 and also 10.1m deep.

There is therefore no objection under these two policies.

AFFORDABLE HOUSING CONTRIBUTION

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 the National policy and for developments of 1-14 units an affordable housing provision of 15% will be sought district wide for off-site provision. In this case, a contribution of £1,876 is required and a S.106 Agreement has been signed and submitted with the application.

SUMMARY

Whilst the proposed dwelling is not considered to be out of character and does meet the Council's policies on internal & external space it is otherwise unacceptable by reason of its impact on the residential occupiers of Green Lane Terrace. It is therefore recommended that permission be refused for the following two reasons.

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.

SECTION 106 DETAILS

A Section 106 Agreement relating to this development has been signed and is considered to be complete. It includes a contribution in respect of affordable housing of £1,876 payable at the start of development.

RECOMMENDATION

REFUSE

1 The proposed two storey dwelling would, by virtue of its size and siting, result in an unacceptable loss of light and outlook to the adjoining residential properties and would have an overbearing impact on those properties to the detriment of the amenities of the occupiers. It is therefore contrary to policy GEN7 of the Arun District Local Plan and the National Planning Policy Framework (para. 17(4)).

2 The proposed first floor flank bathroom window on the south west elevation is likely to give rise to direct overlooking of adjacent properties (and even if obscure glazed & non-opening a sense of perceived overlooking) to the detriment of the amenities of the occupants of these properties in conflict with policy GEN7 of the Arun District Local Plan and the National Planning Policy Framework (para. 17(4)).

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 discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.