

Recommendation Report for Planning Permission

REF NO: BR/134/18/PL

LOCATION: The Galleon
8-10 York Road
Bognor Regis
PO21 1LW

PROPOSAL: Single storey rear extension to form enlarged commercial kitchen, with roof terrace above serving existing residential apartment.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Area to rear of site fairly open.
SITE CHARACTERISTICS	The ground floor of the existing premises is a part of the Galleon Restaurant, which occupies the ground floors of both nos. 8 and 10. Prior Approval was previously granted for a change of use under Part J from Class B1(a)(offices) on First and Second floors to 2 No.flats Class C3 (Dwellinghouses). As such, it is assumed that these floors have been converted to habitable accommodation (flats).
CHARACTER OF LOCALITY	The site is within Bognor Regis Town Centre and is surrounded by similar three storey buildings with shops and restaurants located at ground floor level with residential/office above.

RELEVANT SITE HISTORY

BR/324/10/	Change of use from Solicitors Office (A2) back to residential to form 2 No maisonettes	App Cond with S106 10-02-11
BR/294/14/PD	Notification of proposed change of use under Part J from Class B1(a)(offices) on First and Second floors to 2 No.flats Class C3 (Dwellinghouses).	No Objection 05-01-15

N/A

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bognor Regis Town Council

Bognor Regis Town Council: No Objection

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATIONS

Environmental Health

CONSULTATION RESPONSES RECEIVED:

None

COMMENTS ON CONSULTATION RESPONSES:

N/A

POLICY CONTEXT

Designation applicable to site:

DEVELOPMENT PLAN POLICES

[Arun District Local Plan \(2003\):](#)

GEN2	Built-up Area Boundary
GEN7	The Form of New Development
GEN12	Parking in New Development
GEN22	Buildings or Structures of Character
GEN32	Noise Pollution

[Publication Version of the Local Plan \(October 2014\):](#)

D DM1	Aspects of Form and Design Quality
D DM4	Extensions & Alterations to Existing Buildings
D SP1	Design
SD SP2	Built -Up Area Boundary
QE DM1	Noise Pollution
ENV DM2	Pagham Harbour
HER DM2	Locally Listed Buildings or Structures of Character

[Bognor Regis Neighbourhood Plan 2015 Policy 1](#)

Bognor Regis Neighbourhood Plan 2015 Policy 2 Delivery of the Vision
Promoting the Seaside Identity

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD9	Buildings or Structures of Character
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POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

A new local plan is in preparation and is a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taking place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification. The examination was completed in September 2017.

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. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation (Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton.

The relevant Neighbourhood Plan is the Bognor Regis 2015 - 2030 Neighbourhood Plan. The following Policies apply:

Policy 1 - Delivery of the Vision

Policy 2 Promoting the Seaside Identity.

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 have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an 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.

CONSIDERATION OF ALTERNATIVE SITES

N/A

CONCLUSIONS

PROPOSAL:

This application seeks permission for the erection of a single storey rear extension to form an enlarged kitchen with roof terrace above serving the existing residential apartment. The proposed rear extension would measure approximately 1.8 metres in depth, 2.7 metres in depth, 3.6 metres in height to top of flat roof and 4.4 metres in height to the top of the proposed roof terrace railings.

PRINCIPLE:

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 amenity, highway safety and residential amenity.

It is considered that the proposal is acceptable in principle given its location in a highly sustainable town centre location.

DESIGN AND VISUAL AMENITY:

The NPPF attaches great importance to the design of the built environment as a key part of sustainable development. Although planning policies and decisions should not attempt to impose architectural styles or particular tastes, they should seek to promote or reinforce local distinctiveness. Policies GEN 7 and DEV 19 of the Arun Local Plan 2003 accord with the NPPF in requiring the development to have a high quality design and to be well related in size, scale and character to its surroundings.

The proposal is for a modest size and scale, single storey rear extension. The proposal would be sited to the rear of number 8 and would also attach to the side elevation of number 10 a building of special character. From an assessment of the plans and Officer's site visit the proposed single storey rear extension, would be acceptable in design terms as it would be of a size and scale that harmonises with the original building. Therefore the proposals would not be unduly prominent or out of keeping with the design and external appearance of the application property. Additionally , it is considered that the

proposal would not have a detrimental impact on number 10 a building of special character.

The proposed external materials are as follows:

Roof - proposed: GRP/single Ply membrane

Walls - existing : Brickwork - proposed: brickwork to match

Windows - existing: uPVC double glazing- proposed: uPVC double glazing

Rainwater goods - existing: PVC - proposed: PVC to match

It is noted that a GRP/single Ply membrane is proposed to be used for the roof. While part of the building forming the application property (The Galleon) is a building of special character it is noted that previous extensions were granted to the rear of number 8 featuring a flat roof. As such, from an assessment of the plans and the Officer's site visit it is considered that the proposal would tie in with this extension and the proposal would not adversely affect the appearance or setting of a building of character. As such it is considered that the proposed external materials, including those to be used in the roof would be appropriate.

Views of the rear of the site are available from Belmont Street. To the rear of 8-10 York street is a 'yard' area serving not only the application site but also various other building such as adjoining property numbers 10, 4, 2 York Street and 21 High Street, amongst others. The rear of the application site is an area that is not considered to be of particular visual merit. Therefore, given the modest size and scale of the proposal it is considered that the proposed rear extension would not have a materially harmful effect upon the street scene.

As such, the proposed extension is considered to accord with Policies GEN 7 criteria (i), (ii), (v), (vi), DEV 19 Criteria (i) and (v) and GEN 22 of the Arun District Local Plan and Policy 2 of the Bognor Regis 2015-2030 Neighbourhood Development Plan.

RESIDENTIAL AMENITY:

Officers note that the proposal would lead to the creation of a larger roof terrace area which would serve the flat above. The proposed roof terrace area would afford the occupiers of the flat above number 8 room to sit outside. It is noted that any person sitting outside on the proposed roof terrace are would be afforded views out over the 'yard' area to the rear. From the Officer's site visit it was noted that the 'yard' area is already significantly overlooked from the windows of neighbouring properties York Road Chambers, 10, 8 6, 4, 2, York Road and 19a, 21a and 21and 23 High Street. While views would be available out toward 1 and 2 The Grocers, views would be out toward the blank side elevation. Therefore, it is considered that use of the proposed roof terrace would not lead to any detrimental overlooking above that already available. Additionally, given the arrangement to the rear it is considered unlikely that use of the proposed terrace would lead detrimental levels of noise. However, should the Council receive noise complaints, separate legislation is in place to deal with this.

With regard to the single storey rear extension, which would provide further space for the kitchen serving The Galleon it should be noted that no additional extraction would be provided. Therefore, Officers consider that no detrimental noise would occur as a result of the proposal. Additionally, it is considered that no detrimental overlooking would occur as a result of the rear window in the single storey rear extension.

As such, Officers consider that the proposed rear extension would not have a detrimental impact on the occupiers and users of neighbouring properties with regard to overlooking, overshadowing, overbearing effect or loss of light/sunlight.

The proposed extension is considered to accord with policies GEN7 criterion (iv) and DEV 19 of the Arun District Local Plan 2003.

FLOODING AND FLOOD RISK:

From an assessment of the Council's flood risk mapping part of the application site falls within flood zones 2 and 3. However, where the proposal is to be sited is outside both flood zones 2 and 3. The proposal is to be used as a kitchen extension to the existing kitchen use at the Galleon. As such, Officers consider that the proposal would not have a detrimental impact on flooding and flood risk.

As such, it is considered that the proposal would comply with the NPPF.

PARKING AND HIGHWAY SAFETY:

The NPPF supports the adoption of local parking standards for both residential and non-residential development. The Council has adopted a Parking Guidelines Document. Development proposals should comply with the appropriate guidance as set out within these documents.

The existing levels of parking would not be altered as a result of the proposed extension. Therefore, as the proposal is simply for a single storey rear extension to allow a larger kitchen at The Galleon, it is considered that no detrimental loss of parking or highway safety issues would occur.

As such, it is considered that the proposal would comply with Policies GEN7 criteria (vii) (viii) DEV12 of the Arun District Local Plan 2003.

OTHER:

The submitted proposed plans also show the addition of 1.8 metre high fencing and timber gates to the bin storage area. From an assessment of the submitted plans and the Officer's site visit it is considered that the proposed bin store element would not have a detrimental impact on either the street scene or residential amenity.

SUMMARY:

It is recommended that the planning application is granted.

HUMAN RIGHTS ACT

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:

767/01, 767/02, 767/03 Rev B, 767/04 and 767/05

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN 7 of the Arun District Local Plan.

- 3 The materials and finishes of the external walls and rainwater goods of the building hereby permitted shall match in colour and texture those of the existing building(s).

Reason: In the interests of amenity in accordance with policies GEN7 and DEV19 of the Arun District 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.