

Recommendation Report for Planning Permission

REF NO: BR/13/26/PL

LOCATION: Flat 1  
4 Nelson Road  
Bognor Regis  
PO21 2RY

PROPOSAL: Conversion of 2 No. separate self contained flats into 1 No. two floor duplex apartment including the installation of a person elevator. This application is in CIL Zone 4 (Zero Rated) as other development.

**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION As above.

**RELEVANT SITE HISTORY**

|             |                                                                                                                            |                                  |
|-------------|----------------------------------------------------------------------------------------------------------------------------|----------------------------------|
| BR/67/24/PL | Proposed front extension (remodelling of existing built front extension to accord with approved application BR/158/19/PL). | ApproveConditionally<br>16-10-24 |
|-------------|----------------------------------------------------------------------------------------------------------------------------|----------------------------------|

|              |                          |                                  |
|--------------|--------------------------|----------------------------------|
| BR/158/19/PL | Proposed front extension | ApproveConditionally<br>23-07-19 |
|--------------|--------------------------|----------------------------------|

BR/158/19/PL - This application sought planning permission for the construction of a front extension and was approved. This extension was later built but not in accordance with the approval.

BR/67/24/PL - This application sought planning permission for the remodelling of the front extension to ensure it was in accordance with the approval under application BR/158/19/PL. It was approved and given 12 months to undertake the remodelling works. To date, these works have not been undertaken and the permission has now expired.

An Enforcement Notice was served requiring that the front extension be removed and all associated material and debris removed from the site. This was appealed and the appeal was allowed in part on 09/03/26 by the variation of the Notice to alternatively allow the front extension to be modified to be in accordance with that permitted by BR/158/19/PL and to allow 6 months for compliance.

**REPRESENTATIONS**

Bognor Regis Town Council state no objection.

**COMMENTS ON REPRESENTATIONS RECEIVED:**

Noted.

## CONSULTATIONS

### CONSULTATION RESPONSES RECEIVED:

Environmental Health - No objection.

### COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

## POLICY CONTEXT

Designation applicable to site:

Built-up Area Boundary

Pagham Harbour Special Protection Area Zone B

Article 4 Direction

2km Buffer for Site of Special Scientific Interest (Bognor Reef)

### DEVELOPMENT PLAN POLICIES

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

|        |                                                              |
|--------|--------------------------------------------------------------|
| SDSP2  | SD SP2 Built-up Area Boundary                                |
| DSP1   | D SP1 Design                                                 |
| DDM1   | D DM1 Aspects of form and design quality                     |
| QESP1  | QE SP1 Quality of the Environment                            |
| TSP1   | T SP1 Transport and Development                              |
| ENVSP1 | ENV SP1 Natural Environment                                  |
| ENVDM1 | ENV DM1 Designated Sites of Biodiversity or geographical imp |

### PLANNING POLICY GUIDANCE:

|      |                                     |
|------|-------------------------------------|
| NPPF | National Planning Policy Framework  |
| NPPG | National Planning Practice Guidance |

### SUPPLEMENTARY POLICY GUIDANCE:

|       |                                               |
|-------|-----------------------------------------------|
| SPD11 | Arun Parking Standards 2020                   |
| SPD13 | Arun District Design Guide (SPD) January 2021 |

## POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan 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. There are no relevant Bognor Regis Neighbourhood Plan policies.

## 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 complies with relevant Development Plan policies in that it would not compromise the visual or residential amenities of the area and benefits from its own sufficient on-site provisions and amenities.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

(2) in dealing with an application for planning permission the authority shall have regard to -

- (a) the provisions of the development plan, so far as material to the application,
- (aza) a post examination draft neighbourhood development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

## OTHER MATERIAL CONSIDERATIONS

### EXISTING FRONT EXTENSION

It is material that the single storey front kitchen/diner extension to the southeast of the building has been developed in conflict with the permission granted under BR/158/19/PL, and subsequently has not been remodelled as approved within 12 months of the approval granted under BR/67/24/PL. The extension has been the subject of an enforcement appeal which has recently been upheld with variations. As such, the single storey front extension remains unlawful at this time. Within the approval of both BR/158/19/PL and BR/67/24/PL, the footprint of the extension was not a concern, and the deviation of the development from the approvals pertains primarily to the external appearance of the extension.

The new application has been supported by floor plans which, partially, include the front extension in question. Both in the presence or absence of the extension, the proposals would remain acceptable. It has not been necessary to consider any external elevations as part of this decision. On this basis, the inclusion or absence of the extension on the floor plans within the approved plans condition attached to this decision, does not materially effect the outcome of this application.

### HOUSING LAND SUPPLY

The Council is currently unable to demonstrate a 5-year Housing Land Supply (HLS). The latest position shows a supply of 3.23 years, representing a significant shortfall and therefore a material consideration in decision making. Recent increases in the housing requirement, arising from the amended Standard Method, have contributed to a reduction in the HLS from 3.41 years last year. This reduction has occurred despite a record 1,265 dwellings being completed in 2024-2025.

The proposal would result in the loss of one residential unit through the amalgamation of the two existing units and the reduction of one bedroom. There are no National, Local, or Neighbourhood Plan policies that specifically resist the loss of units through amalgamation. Although the loss of a unit would marginally affect overall housing supply, the Local Planning Authority is not aware of any increasing trend in amalgamation proposals or is of the mind that amalgamations are having a significant cumulative

impact on housing provision within the District. In practice, subdivision proposals, or similar, are much more common and offset such losses to an equal or likely greater extent. Therefore, the loss of a single unit in this case would not result in any significant planning consequence and does not amount to a justified reason for refusal.

There are no other material considerations to be weighed in the balance with the Development Plan.

## **CONCLUSIONS**

### **PRINCIPLE**

The site comprises two existing residential flats within the Built-up Area Boundary. The principle of development is accepted subject to the consideration of relevant Development Plan policies in accordance with Arun Local Plan (ALP) policy SD SP2.

The proposal does result in the loss of one residential unit, which is counter to the fundamental objective of ALP policy H SP1 which seeks to increase housing within the district, however, neither this policy, nor any other policy, specifically resists the loss of residential units within the District. Thus, the proposal is not in conflict with ALP policy H SP1.

### **CHARACTER**

The proposal would involve the merging of two existing residential flats, and would therefore, retain the residential use and would not materially alter the character of the area by virtue of its use. Furthermore, the proposal does not involve any external alterations and so there would be no impact on the visual amenities of the area.

The proposal is in accordance with ALP policies D SP1 and D DM1.

### **NEIGHBOURING RESIDENTIAL AMENITY**

The proposal does not involve any change in the scale, form, or massing of the existing building, nor would it introduce any new openings or change non-habitable rooms to habitable rooms whereby additional overlooking impacts could arise. As such, there are no additional overlooking impacts on neighbouring properties.

By virtue of having no additional overbearing, overshadowing, or overlooking impacts on neighbouring properties, the proposal is in accordance with ALP policies QE SP1, D SP1, and D DM1.

### **QUALITY OF ACCOMMODATION**

The proposed unit would result in the loss of one bedroom and would now span across two floors. The proposed unit would remain well in excess of the minimum internal space requirements set out within the Nationally Described Space Standards (NDSS) for a property of this nature both in the absence, or retention, of the single-storey front extension serving as a kitchen/diner to the southeast of the building.

There is no change to the dimensions of the existing bedrooms and the new bedroom at first-floor (replacing a lounge/dining area) is compliant with the relevant dimensions of the NDSS. Each bedroom is also served by an opening, providing natural light accessibility and outlook.

The proposal is in accordance with ALP policies D DM2 and QE SP1.

### **TRANSPORT AND PARKING**

The site lies within Parking Zone 4, where a 4+ bedroom property would require two parking spaces. The site benefits from an in-and-out driveway and ample space to accommodate the required number of cars.

As existing residential dwellings, it would not be reasonable to require the provision of electric vehicle charging points as part of this determination.

There is no alteration of the site's access arrangements and the proposal is in accordance with ALP policy T SP1 and the Arun Parking Standards.

#### **BIODIVERSITY AND ECOLOGY**

The proposal is exempt from the requirements of Statutory Biodiversity Net Gain under the de-minimis exemption and it would be unreasonable to expect a development that involves no external development to achieve a Biodiversity Net Gain on site as typically required by ALP policy ENV DM5.

The site is located within a 2km Buffer Zone from two Site of Special Scientific Interest (SSSI), these being Bognor Reef and Pagham Harbour, and is also within Pagham Harbour Zone B, a buffer zone for the Pagham Harbour Special Preservation Area (SPA). The proposal relates to existing built form and would have no impact either directly or indirectly on the SSSIs or SPAs.

The proposal is in accordance with ALP policies ENV SP1 and ENV DM1.

#### **SUMMARY**

The proposal is in accordance with relevant Development Plan policies and as such, it 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.

#### **CIL DETAILS**

This application is not CIL liable.

|                |
|----------------|
| 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:

- Location Plan (PP-12993581v1).
- Block Plan (b36f/uk/1367112/1832172).
- Proposed Ground Floor (TP/BR/02).
- Proposed First Floor (TP/BR/04).

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Arun Local Plan policy D DM1.

- 3 Based on the information available, this permission is exempt from the requirement to provide a biodiversity gain plan under Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990. The following exemption applies:

This planning permission is de-minimis as the development does not impact an onsite priority habitat and the development impacts less than 25 square metres of onsite habitat that has a biodiversity value greater than zero and less than then 5 metres in length of onsite linear habitat.

Reason: In accordance with Schedule 7A of the Town and Country Planning Act 1990 (as amended).

- 4 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). 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 NPPF.