

Recommendation Report for Planning Permission

REF NO: BR/14/26/PL

LOCATION: Bottom Flat
9 Stocker Road
Bognor Regis
PO21 2QH

PROPOSAL: Proposed annexe to rear garden which is ancillary to the main dwelling. This application is in CIL Zone 4 and may be CIL liable.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Annexe in the rear garden which would be ancillary to the bottom floor flat at 9 Stocker Road as a dwelling.
SITE CHARACTERISTICS	Two storey semi-detached property with accommodation in the roof space. The property is split into two flats with a detached garage in the rear garden.
CHARACTER OF LOCALITY	The site is within a residential area.

REPRESENTATIONS

Bognor Regis Town Council - Objection.

- Overdevelopment of the plot.
- Erodes the established pattern of development.
- Potential for overlooking.
- Insufficient information regarding the detail of the design, position of windows and sight lines.

No representations were received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted. The plans are to scale and contain an acceptable level of detail as required by the validation requirements, including the position of openings. Clarification has been sought from the agent regarding proposed materials, and the level of information is sufficient to assess the proposals.

CONSULTATIONS**CONSULTATION RESPONSES RECEIVED:**

None.

POLICY CONTEXT

Designation applicable to site:
Built Up Area Boundary
Article 4

Pagham Harbour Zone B

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD13	Arun District Design Guide (SPD) January 2021
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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.

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 does not result in harm to the character of the area or the residential amenity of neighbouring occupiers.

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

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

CONCLUSIONS

PRINCIPLE

The annexe would be ancillary to the ground floor flat. The use of the annexe is described as an office/gym, with some residential use for visiting family members. Whilst an annexe associated with a flat is more unusual than an annexe associated with a dwelling, the addition of an annexe associated with a

flat does not create a planning policy conflict. As the proposal is for ancillary development in a residential garden, the principle of development is acceptable, subject to compliance with development plan policies.

If the host property was a single dwelling, it is likely that the proposed development would be Permitted Development (PD). However, as a flat, no such PD rights exist.

DESIGN AND VISUAL AMENITY

The annexe would replace a detached garage and sit alongside the western boundary of the rear garden. The annexe would be 4m wide and 13.3m long, where the existing detached garage is 3.3m wide and 6m long. The annexe would be substantial in size, however it remains visually subservient to the main building, and the size of the annexe is not so great that it would be comparable to the size of the host building, and therefore not ancillary. There are outbuildings in rear gardens along Stocker Road, including on the other side of the adjoining boundary. An outbuilding in this location would not be out of keeping with the character of the area.

Bognor Regis Town Council indicate concerns about overdevelopment. The annexe is described as ancillary to the ground floor flat, and would be used as an office/gym, with occasional overnight accommodation for visiting relatives. On this basis, the development would not increase the occupancy of the site most of the time. The development would not increase the intensity of the use of the site, although it would increase the proportion of the site occupied by built form. A condition would be attached to any approval requiring the use of the annexe to remain ancillary, preventing its use as a separate unit of accommodation.

The building would take up a proportion of the rear garden, reducing the external amenity space to the rear. The agent confirmed the ground floor flat has sole use of the garden, and sufficient rear amenity space for the flat would remain following the development.

The annexe has a pitched roof and would be 4m high. Existing elevations show the existing outbuilding having a height of 4m, however, following a site visit to the property, the actual height of the existing building is thought to be lower than shown. The ridge height of the annexe is likely to be higher than the ridge height of the garage. A height of 4m would not be excessive for an outbuilding with a dual pitched roof, given that Class E of the General Permitted Development Order permits outbuildings in the curtilage of dwellings to be a maximum of 4m high. As the host property is a flat this type of permitted development does not exist.

The annexe features a small dormer on the east elevation, which would be 2m wide. This feature is not typical of ancillary buildings in gardens, and would be somewhat at odds with the character of the building and the area. However, the dormer is modest in size, and would not be visible from the street.

As a result of the narrow width of the dormer, the proposed first floor would be very small. This space is labelled as a bedroom on the plans, and internal dimensions of this room would fall short of the minimum space for a single bedroom recommended in the Nationally Described Space Standards. Much of the room would not have sufficient headroom to be considered as internal floorspace under these standards. Given the annexe is not to be used as permanent accommodation, this is considered acceptable. If the annexe were to be for use as permanent accommodation, the space provided by this room would not be considered sufficient, and would be in conflict with Arun Local Plan (ALP) policy D DM2, which requires proposals for residential development to provide sufficient internal floorspace. As the space is not proposed as permanent residential accommodation, and a condition has been recommended preventing this, there is no conflict with ALP policy D DM2.

Materials are brick and tiles, which match those on the main building, and would not harm the character

of the area in accordance with ALP policy D DM1.

The development would not harm the character or visual amenity of the property or the surrounding area, and is in accordance with ALP policy D DM1.

NEIGHBOURING RESIDENTIAL AMENITY

The annexe would be adjacent to the western boundary, and be positioned directly adjacent to the rear garden of 11 Stocker Road. The annexe may result in some increased overbearing impact on the neighbouring garden (a care home). The annexe partially replaces a structure, and there are existing outbuildings belonging to the neighbouring property adjacent to the fence towards the front and rear of the property. These outbuildings would mitigate some adverse impacts arising from the annexe, such that most negative impacts would only be apparent in the area between these two buildings. The ridge height of the annexe would likely be higher than the existing building, at 4m, however, the eaves height of the annexe, which would be the part of the building closest to the boundary would be 2m high. Although there may be some impact on the neighbouring occupier in a small portion of their garden, these impacts would not be unacceptably harmful as to warrant the refusal of planning permission.

The annexe would have windows on the east and north elevations. Most of the windows would be at ground floor level and would not adversely impact neighbouring occupiers by way of overlooking. Rooflights would similarly not impact neighbouring residents due to the lack of a first floor in the parts of the buildings served by the rooflights. The window in the dormer would look directly towards the garden to the east, and would give rise to views of that garden. As this space would not be used as permanent accommodation, this window can be conditioned to remain obscurely glazed and fixed shut, in order to mitigate these harmful impacts. A condition to this effect has been added to the recommendation.

The proposal is in accordance with ALP policy D DM1, in that it does not result in unacceptable impacts on the residential amenity of neighbouring occupiers.

SUMMARY

The proposal is in accordance with the relevant development plan policies and 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

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 CIL liable, therefore, developer contributions towards infrastructure will be required (dependent on any exemptions or relief that may apply).

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 and documents:
 - Location Plan
 - Block Plan
 - Proposed Ground Floor Plan
 - Proposed First Floor Plan, Elevations and Sections
 - Email titled "Agent response to queries 18/03/2026"
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 The accommodation hereby permitted shall be occupied solely for purposes ancillary to the occupation and enjoyment of the ground floor flat at 9 Stocker Road as a dwelling and shall not be used as a separate unit of accommodation.

Reason: To accord with Arun Local Plan policy D DM1 and to prevent the establishment of an additional independent unit of accommodation which would give rise to an over-intensive use of the site and lead to an unsatisfactory relationship between independent dwellings.
- 4 The first floor dormer window on the east elevation of the building shall at all times be glazed with obscured glass to a level equivalent to Pilkington Level 3 or nearest equivalent standard and non-openable below 1.7m above finished floor level. This arrangement shall be permanently retained thereafter.

Reason: To protect the amenities and privacy of the adjoining property in accordance with Arun Local Plan policies D DM1 and QE SP1.
- 5 The first floor of the building shall be maintained in accordance with the Proposed First Floor Plan, Elevations and Sections, and no further areas of mezzanine/first floor shall be installed within the building.

Reason: To protect the amenities and privacy of the adjoining property in accordance with Arun Local Plan policies D DM1 and QE SP1, as further first floor accommodation may enable overlooking of neighbouring properties from the proposed rooflights.
- 6 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).

- 7 **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.