

Recommendation Report for Planning Permission

REF NO: BR/170/20/PL

LOCATION: 86 Annandale Avenue
Bognor Regis
PO21 2EX

PROPOSAL: Cladding of approved replacement external stair. This application is CIL Zone 4 (Zero Rated) as 'other development'.

SITE AND SURROUNDINGS	
DESCRIPTION OF APPLICATION	Permission is sought to clad the replacement external stair approved under BR/41/20/PL. Cladding the stair has been requested by building control due to its close proximity to the boundary. The cladding will provide occupants with a weather proof access to the building and provide added levels of privacy to the neighbouring property and also limit noise outbreak.
SITE AREA	898 square metres
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Northern and eastern boundaries comprise a combination of brick wall and timber board fencing with vegetation of approximately 4m in height. Low lying flint walling is present to the primary (western elevation). Established tree planting of c. 6m along the southern boundary with 1.8m high wall/close boarded fence to boundary of No. 84 Allendale Avenue.
SITE CHARACTERISTICS	Detached two storey corner double fronted building in a mix of light brown/orange brick and grey render/pebble dash with a tiled roof. Light blue/green rendered single storey extension to the rear. External staircase on the south western side. Space for one to two off-street parking spaces on the north eastern side. Large rear garden which in part wraps around the rear of 84. The most recent permission (BR/231/19/PL) for a first floor rear extension has been implemented.
CHARACTER OF LOCALITY	Annandale Avenue comprises mainly residential buildings featuring a mix of houses and flats. Screening along the northern boundary of the site contributes to a softened setting of this area in a contrast to the site of the junction of Chichester Road/Gordon Avenue.
RELEVANT SITE HISTORY	

BR/41/20/PL	Change of use from C3 Dwellinghouses to a House in Multiple Occupation (Sui generis) including internal & minor external alterations.	ApproveConditionally 15-05-20
BR/231/19/PL	Erection of first floor rear extension to provide 1 No. 2 bed flat (resubmission following BR/317/18/PL).	App Cond with S106 06-12-19

BR/41/20/PL a change of use from C3 Dwellinghouses to a House in Multiple Occupation (Sui generis) has been granted (subject to conditions).

REPRESENTATIONS

No objection.

COMMENTS ON REPRESENTATIONS RECEIVED:

N/A

CONSULTATION RESPONSES RECEIVED:

None.

COMMENTS ON CONSULTATION RESPONSES:

N/A

POLICY CONTEXT

Designation applicable to site:

Within the Built-Up Area Boundary;
Class A Road; and
Building of Character.

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design
ENVDM2	ENV DM2 Pagham Harbour
HERDM2	HER DM2 Locally Listed Buildings or Structures of Character
HSP4	H SP4 Houses in multiple occupation
QESP1	QE SP1 Quality of the Environment
SDSP2	SD SP2 Built-up Area Boundary

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 the Bognor Regis (2015-2030) Neighbourhood Development Plan August 2015.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

Bognor Regis has a made Neighbourhood Plan and there are no relevant policies to be considered.

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 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 be weighed in the balance with the Development Plan.

CONCLUSIONS**PRINCIPLE:**

The site lies in 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 and residential amenity.

Regard should be had to policy SD SP1 of the Arun Local Plan which states: "When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF)." It is considered that the site is in a sustainable location (town centre) in walking distance of a range of shops, facilities and services including bus stops, a large food store and a railway station.

PLANNING POLICY ON HMO's:

Arun Local Plan policy H SP4 states: "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."

The criterion a., relevant for this application, will be addressed in the following sections of this report.

DESIGN & CHARACTER

Policy D DM1 of the Arun Local Plan 2011-2031 requires that the Council have regard to certain aspects including:

- (1) Character - "Make the best possible use of the available land by reflecting or improving upon the character of the site and the surrounding area, in terms of its scale, massing, aspect, siting, layout, density, building materials (colour, texture), landscaping, and design features.";
- (13) Density - "The density of new housing will make efficient use of land while providing a mix of dwelling types and maintaining character and local distinctiveness. Higher densities will be more appropriate in the most accessible locations. Proposals should take into account the density of the site and its surroundings. The density of large sites should be varied to guard against uniformity"; and
- (14) Scale - "The scale of development should keep within the general confines of the overall character of a locality unless it can be demonstrated that the contrary would bring a substantial visual improvement."

Policy D SP1 "Design" states: "All development proposals should seek to make efficient use of land but reflect the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details. Development proposals should have been derived from: a thorough site analysis and context appraisal; adherence to objectives informing sustainable design (inclusivity, adaptability, security, attractiveness, usability, health and wellbeing, climate change mitigation and habitats); and the influence these objectives have on the form of the development. With major developments or allocated sites in the Development Plan, in addition to a Design and Access Statement, a context appraisal, context plan and analysis of the site will also be required."

Paragraph 127 of the NPPF states: "Planning policies and decisions should ensure that developments: (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)."

This application for a cladding of the external stair approved under BR/41/20/PL which has been requested by building control to provide a weather proof access to the building and provide added level of privacy to the occupiers of neighbouring property limiting noise outbreak. The stairs would be clad with 2.3m high Eternit Weatherboard of a grey colour. Two fire resistant obscure glazed windows would be inserted at the landing positions.

The stair would be situated on the south-western elevation within a space between Nos 86 and 84 Annandale Avenue as such it would be hidden from the street view, only partially visible from certain points of view. In addition, its north-western elevation facing to Annandale Avenue is in a majority screened by a canopy of trees and bushes along Annandale Avenue. Therefore it is considered that the

impact of the proposed on the street scene would be minimal.

It is therefore considered that the proposal complies with Arun Local Plan policies D DM1, D SP1 and & H SP4 with the guidance on character within the NPPF.

HERITAGE:

Policy HER DM2 states that proposals for the alteration or extension of buildings of character on the Local List will be expected to relate sensitively to the building or structure and its setting and respect its architectural, landscape or historic interest. The Local Planning Authority will seek to preserve features of such buildings which contribute to that interest.

NPPF part 16 reminds that heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so they can be enjoyed for their contribution to the quality of life of existing and future generations. In para 190 the local planning authority is required to consider the significance of heritage assets (including the setting) that may be affected by the proposal.

NPPF para 193 states that considering the impact of a development on the significance of a designated heritage asset, the great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to significance; and where a development proposal (paragraph 196) will lead to less than substantial harm to the significance of designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. In this case the works are considered to cause no harm to the heritage asset.

The development involve marginal external changes only and it is considered the application would not cause harm to the significance of this building of character.

Taking the above factors into account, the development would accord with the contents of Policy HER DM2 of the Arun Local Plan and paragraph 197 of the NPPF.

RESIDENTIAL AMENITY:

Arun Local Plan 2011-2031 policy D DM1 requires that the Council have regard to certain aspects when considering new development including: (3) Impact - "Have minimal impact to users and occupiers of nearby property and land. For example, by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance."

Furthermore, policy QE SP1 states that: "The Council requires that all development contributes positively to the quality of the environment and will ensure that development does not have a significantly negative impact upon residential amenity, the natural environment or upon leisure and recreational activities enjoyed by residents and visitors to the District."

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."

The cladding is for a mitigation of potential impact of proposed and already approved external stair on the users and occupiers of nearby property. The proposal would not result in overlooking or a lack of privacy for these neighbours. It would serve for a prevention of it. No other neighbour would be significantly affected by the proposal. As such it is considered that the proposal complies with Arun Local Plan policies D DM1 and QE SP1.

INTERNATIONALLY DESIGNATED SITE OF IMPORTANCE

The application site falls within 2km of the Bognor Reef and Felpham SSSIs. Policy ENV DM1 of the Arun Local Plan requires proposed development likely to have an adverse effect on land with the designated features of any Site of Biodiversity or Geological Importance will not normally be permitted.

The development relates to a cladding of already approved external stair within a previously developed built-up area. On this basis, the development is unlikely to have an adverse effect on the designated SSSI's. Therefore, the development accords with Policy ENV DM1 of the Arun Local Plan.

NATIONALLY DESIGNATED SITES OF IMPORTANCE

The site falls in the 5km buffer of the Pagham Harbour Special Protection Area. Within Zone B Policy ENV DM2 of the Arun Local Plan all new residential development which is likely to have an impact on Pagham Harbour will be required to make developer contributions towards the agreed strategic approach to access management at Pagham Harbour.

The development would not result in an additional residential unit, therefore the provision of financial contribution is not required.

SUMMARY

The development is considered to accord with the policies contained within the Development Plan as a whole having had regard to the principle of development, design and visual amenity, residential amenity, heritage assets. There has been no material considerations raised within the application period that are of such significance that outweigh the compliance with the Development Plan.

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.

SECTION 106 DETAILS

A Pagham Harbour contribution would not be appropriate; there is no increase in residential units.

CIL DETAILS

This application is CIL Zone 4 (Zero Rated) as 'other development'.

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:

Dwg No 1100 Rev B, Site Plan, Location Plan and Roof Plan
Dwg No 1210 Rev A, Proposed Floor Plans
Dwg No 1300 Rev A, Proposed South and East Elevation
Dwg No 1301 Rev A, Proposed West and North Elevation

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.
- 3 **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.