

Recommendation Report for Planning Permission

REF NO: BR/178/19/PL

LOCATION: Delawarr House, Flat 1
144 Aldwick Road
Bognor Regis
PO21 2PA

PROPOSAL: Existing ground floor flat converted into 2 No. one bedroom apartments with single storey side extension & rear orangery

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
SITE AREA	323 square metres
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Walled boundaries to the gardens and is a semi detached dwelling.
SITE CHARACTERISTICS	Dwelling
CHARACTER OF LOCALITY	Residential

RELEVANT SITE HISTORY

BR/122/15/HH	Single storey rear extension.	ApproveConditionally 23-07-15
BR/66/13/	Single storey rear extension	ApproveConditionally 25-04-13
BR/67/13/CLP	Application for a Certificate of Lawfulness for a Proposed use or development - single storey side extension.	PP Not Required 23-04-13
PAA/136/12/	Pre-Application advice for single storey rear and side extensions	Refuse Pre App 19-12-12
BR/354/10/	Change of use from 4 no. flats to 1 no. single dwelling	ApproveConditionally 04-02-11 REPORT_804(ODB)

Relevant site history noted

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bognor Regis Town Council

Has no objection.

No representation from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

Natural England

Engineering Services Manager

Engineers (Drainage)

Southern Water Planning

CONSULTATION RESPONSES RECEIVED:

Engineers Comments Regarding Surface Water Drainage:

Due to the scale and location of development we have no conditions to request. Surface water drainage must be designed and constructed in accordance with building regulations.

Southern Water:

Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer. Southern Water request that should this application receive planning approval, the following informative is attached to the consent.

Natural England:

Since this application will result in a net increase in residential accommodation, impacts to the coastal Special Protection Area(s) and Ramsar Site(s) may result from increased recreational disturbance. Your authority has measures in place to manage these potential impacts through the agreed strategic solution which we consider to be ecologically sound.

Subject to the appropriate financial contribution being secured, Natural England is satisfied that the proposal will mitigate against the potential recreational impacts of the development on the site(s). However, our advice is that this proposed development, and the application of these measures to avoid or reduce the likely harmful effects from it, may need to be formally checked and confirmed by your Authority, as the competent authority, via an appropriate assessment in view of the European Site's conservation objectives and in accordance with the Conservation of Habitats & Species Regulations 2017.

This is because Natural England notes that the recent People Over Wind Ruling by the Court of Justice of the European Union concluded that, when interpreting article 6(3) of the Habitats Directive, it is not appropriate when determining whether or not a plan or project is likely to have a significant effect on a site and requires an appropriate assessment, to take account of measures intended to avoid or reduce the harmful effects of the plan or project on that site. The ruling also concluded that such measures can however be considered during an appropriate assessment to determine whether a plan or project will have an adverse effect on the integrity of the European site. Your Authority should have regard to this and may wish to seek its own legal advice to fully understand the implications of this ruling in this context.

Natural England advises that it is a matter for your Authority to decide whether an appropriate assessment of this proposal is necessary in light of this ruling. In accordance with the Conservation of Habitats & Species Regulations 2017, Natural England must be consulted on any appropriate assessment your Authority may decide to make.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Pagham Harbour Zone B
Within the Built Up Area Boundary

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design
SDSP2	SD SP2 Built-up Area Boundary
ENVDM2	ENV DM2 Pagham Harbour

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD3	Parking Standards
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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 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.

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.

There are no relevant Bognor Regis Neighbourhood Development 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 is considered to comply with the Arun Local Plan in that it would not cause demonstrable harm to the character of the area, to the amenities of neighbouring residents and it makes appropriate provision for the protection of the Pagham Harbour Special Protection 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.

CONCLUSIONS

PRINCIPLE

The proposed development is situated within the built up area boundary where the principle of development is acceptable subject to accordance with relevant development plan policies. As stated in SDSP2 the key policies considered are DDM1 and DDM4 of the Arun Local Plan.

Bognor has a 'made' Neighbourhood Plan however none of the policies are relevant to the application.

DESIGN AND VISUAL AMENITY

The extension and orangery will not be visible from the street scene as a result of its siting to the side and rear of the building. It will sit behind the western elevation of the dwelling retaining 0.85m to the boundary of the property with the orangery retaining 18.35m from the rear boundary. The proposed side extension has a lean to roof and the proposed rear orangery is single storey and pitched roofed as a result they do not appear unduly dominant and is considered to be subservient to the host dwelling. The development appears well integrated with the host dwelling as a result of its size, design and the use of matching materials.

The garden to the rear will be for the use of the rear ground floor flat only. This means the other flats on the site do not have any direct open space. However, the local amenities such as West Park and the beach allow for the occupiers to have sufficient access to local green spaces with access being easily available with good connections via bus and road.

The development proposed is not considered to adversely impact the spatial pattern or character of the area and accord with DDM1 and DDM4 of the Arun Local Plan.

RESIDENTIAL AMENITY

The proposed rear orangery will have a depth of 4m, a width of 4.5m and will be built to a proposed height of 3.2m with an eaves height of 2.4m. The proposed side extension will measure 4.5m in length, 2m in width and to be built to a height of 4m with an eaves height of 2.6m.

The proposed side extension has two windows on the western elevations with two sky lights in the roof. There is also an additional window in to the existing western elevation that will be obscure glazed. The proposed orangery has views all round due to the nature of the development. There are also French doors to the rear to allow access to the rear. The proposal will impact on the views from the rear of 142 Aldwick road, however the impact is not considered to be one that is detrimental and as such is not a reason for refusal.

Although the proposal does not allow extra spaces for parking the location is considered sustainable due to the siting and the local amenities. There are multiple spaces for parking on the road both in the direct vicinity and on roads off Aldwick Road itself.

As a result of the modest scale and design the proposed development is not considered to harm neighbouring amenity by way of overbearing, overshadowing or overlooking and accord with DDM1 and DDM4 of the Arun Local Plan.

IMPACT ON PAGHAM HARBOUR

Policy ENV DM2 requires that new residential developments within a 400m to 5km distance ('Zone B') of Pagham Harbour make a financial contribution towards the provision of accessible natural open green spaces to serve the area. A contribution of £1,275 per new residential unit was agreed by the Councils Cabinet on 20 July 2015. The Councils Cabinet subsequently approved a reduction in the tariff from £1,275 to £871 as of the 10th April 2017.

The application site lies within the designated Zone B and accordingly it was necessary to apply this requirement. The net increase in 1 dwelling resulted in a contribution of £871 at the current rate and it is this that is secured by the signed legal agreement.

SUMMARY

The proposed extension and alterations to the of the existing dwelling would not result in visual harm to the character of the host building and the locality, it would not have a substantial impact to the future users and occupiers of nearby properties. As such the proposed development would comply with policies D DM1, D DM2, D DM4, and ENV DM2 of the Arun Local Plan.

Therefore, it is recommended that planning permission is approved subject to following conditions and the signed S.106 legal agreement covering a financial contribution in respect of Pagham Harbour.

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

Policy ENV DM2 requires that new residential developments within a 400m to 5km distance ('Zone B') of Pagham Harbour make a financial contribution towards the provision of accessible natural open green spaces to serve the area. A contribution of £1,275 per new residential unit was agreed by the Councils Cabinet on 20 July 2015. The Councils Cabinet subsequently approved a reduction in the tariff from £1,275 to £871 as of the 10th April 2017.

RECOMMENDATION

- 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:
1412/P01 (B)
1412/P02 (B)

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 A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read our New Connections Services Charging Arrangements documents which is available to read on our website via the following link <https://beta.southernwater.co.uk/infrastructurecharges>.
- 4 INFORMATIVE: Please note that related to this permission there is an agreement under Section 106 of the Town & Country Planning Act 1990.
- 5 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to Pagham Harbour Zone.