

REPORT UPDATE

Application No: BR/179/14/PL

Reason for the Update / Changes

Reason for Update/Changes:

The agent has responded to the Bognor Regis Town Council comments as follows:

"Regarding the Town Councils comments I confirm the following:

Overdevelopment - As a bungalow with some first floor accommodation on an established plot, it is very different (much reduced impression and bulk) to the house previously proposed and in relation to plot sizes and lines of building the proposal reflects what exists adjoining and in the neighbourhood.

Overlooking - One window to the rear related to a bedroom is not significant and in relation to normal expectations of street housing this is very normal regarding views to the garden/s.

Roof lights to the side next to no.29 have their eaves at eye height so that the view is toward the sky and not over no.29. Again the windows belong to secondary uses (bathroom and stairs) and to a limited use room i.e. a bedroom."

Members should also be aware that the recommendation on this application is incorrect. It should simply read "Approve Conditionally". The legal agreement concerning the affordable housing contribution has already been signed and completed.

Officers Comment:

The amended recommendation is shown in the attached updated section of the report.

Notes: Changes to recommendations, conditions and / or reasons for refusal will always be reflected in the recommendation section of the attached Officer's Report/Recommendation.

BR/179/14/PL

Recommendation Report for Planning Permission

REF NO: BR/179/14/PL

LOCATION: 33 Shelley Road
Bognor Regis

PROPOSAL: New 3/4 bed dwelling & minor alterations to no.33 Shelley Road. Resubmission of BR/306/13

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The proposal is to construct a 4 bedroom house in the side garden of no. 33 Shelley Road. The proposal includes a front driveway of 9.5m in length, front & rear gardens, a 1.83m high fence between the dwelling & 33, a front bin store and the obscure glazing of 33's first floor side bedroom window. One of the 4 bedrooms is shown as either a bedroom or a study.

The application has been amended since the withdrawal of the previous application (BR/306/13/). The changes comprise of the following:

- The ridge height (and so the overall height of the proposal) is greatly reduced and reflects the change from a two storey house to a bungalow with roof accommodation. The eaves height also now matches with the adjacent bungalow (29);
- A new 1.83m high close boarded fence will be erected between the proposed dwelling and existing no.33 existing;
- Although the bay window to the east side of no. 33 is retained, the clear glass to the first floor will be replaced with obscured glass and the windows to the first floor will be fixed;
- Ground floor bedrooms have been introduced in the new proposal with facilities provided to enable 'life time' occupation;
- The first floor area of the proposal has been reduced by about half over that of the original scheme; and
- The bay window to the rear of the proposed dwelling is no longer on two floors (just to the ground floor).

SITE AREA

0.027 hectares.

RESIDENTIAL DEVELOPMENT DENSITY

37 dwellings per hectare.

TOPOGRAPHY

Predominantly flat.

TREES

None of any significance affected by the proposed development.

BOUNDARY TREATMENT

Fencing to side and rear.

SITE CHARACTERISTICS

The site is side garden land laid to lawn and with shrub borders. The existing building is a

large rendered and painted building which is understood to be shared by tenants (since 1993). The western half of the building known as 35 is a self-contained flat with two garages on the ground floor. Permission was granted in 2012 for a conversion of this half of the building into a 4 bedroom semi-detached residential dwelling. As such, the original dwelling has been split into separate residential curtilages.

CHARACTER OF LOCALITY

Predominantly residential. Adjacent to the site is 29 Shelley Road, a bungalow with a ground floor flank window onto its front/side driveway.

RELEVANT SITE HISTORY

BR/341/89	Outline Application for the erection of a dwelling	ApproveConditionally 17-07-1989
BR/56/12/CLE	Application for a Certificate of Lawfulness for an existing use as a dwelling (Class C3).	Approve 20-04-2012
BR/107/12/	Demolition of conservatory, external stair & store. Conversion of 2no. garages, ancillary areas behind garages & living accommodation on first floor to form one 4 bedroom semi-detached unit	ApproveConditionally 22-08-2012
BR/306/13/	New 4 bed house	Withdrawn 02-05-2014
BR/167/59	Convert house to 2 flats	Approve 19-09-1959

Planning Application BR/306/13/ was previously on the agenda for the 8th of May 2014 Committee Meeting but following a change in the recommendation from Approve to Refuse, was withdrawn by the applicant on 02/05/14.

REPRESENTATIONS**Representations received:**

Bognor Regis Town Council

Bognor Regis Town Council - Objection on the grounds that this is overdevelopment of the site and will overlook the neighbouring property.

Comments on Representations received:

It is noted that the Town Council's concerns as to the previous application were on the grounds that the proposal would result in a loss of valuable green space/trees and that the plans were not clear enough. In addition, although no. 29 previously raised an objection on

the grounds of: overdevelopment, impact on the street scene, loss of light & poor design; they have not made any objections to the new scheme.

The proposed building has been reduced in size since the first application. Also, the site is currently garden land for no. 33 but the garden retained to the rear is sufficient for the existing dwelling. No overlooking will occur as the windows on the side facing 29 are either obscured by boundary treatment or high level velux roof lights.

CONSULTATIONS

Economic Regeneration
WSCC Strategic Planning
Engineers (Fluvial Flooding)

Consultations responses received:

District Drainage Engineers - The applicant states that the surface water will be discharged to soakaway. Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with BRE 365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level in the 1 in 100 year event plus 30% on stored volumes, as an allowance for climate change. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location. Any SuDs or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers. The applicant states that surface water will be discharged to soakaway. Please apply standard conditions ENGD2A.

West Sussex County Highways - Shelley Road is 'D' classified, subject to a 30 mph speed restriction and served with footways. Two off street car parking spaces will be provided in tandem via a new vehicular dropped crossing. Whilst a turn on site is not provided, it is noted that the proposed access arrangement does seem to be consistent with many other vehicular access arrangements along Shelley Road. There are no personal injury accidents in the vicinity of the existing point of access. Therefore no concern would be raised to the formation of the new point of access. It would be advised that all front boundary treatment abutting Shelley Road remain below 0.6 metre in height, this is to ensure maximum available visibility for vehicles and pedestrians. As a minimum, would request that 2m x 2m pedestrian visibility splays, at each side of the proposed point of access, in as much as is under control of the applicant, be secured via a condition whereby no obstruction within these splays be above 0.6 metres in height. This may have an impact on the proposed front boundary treatments. The vehicle crossover must be constructed under licence to a specifications obtained from WSCC highways. Two vehicular car parking spaces would meet the anticipated demand. The applicant should provide 2 secure and covered cycle parking spaces in the interests of sustainability.

Comments on Consultation responses:

Comments noted. These were the same comments as received for the previous application.

POLICY CONTEXT

Designations applicable to site:

Within the Built up Area Boundary; and
TPO BR2/58.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
	GEN12	Parking in New Development
	DEV17	Affordable Housing
Publication Version of the Local Plan (October 2014):	D DM1 Aspects of Form and Design Quality	
	D DM2 Internal Space Standards	
	D DM3 External Space Standards	
	D SP1 Design	
	ECC SP2 Energy and Climate Change Mitigation	
	H SP2 Affordable Housing	
	SD SP1 Sustainable Development	
	SD SP2 Built-Up Area Boundary	
	W DM3 Sustainable Urban Drainage Systems	

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

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.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place on 30th October 2014 for six weeks.

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 and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. 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: Arundel; Barnham & Eastergate; Felpham.

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.

CONCLUSIONS

PLANNING HISTORY, PRINCIPLE & PROPOSAL

The previous application was eventually withdrawn but had previously been recommended for refusal for the following reasons:

(1) The site by virtue of its narrow width is considered unsuitable to accommodate a dwelling without damaging the character of this established residential area. The proposal would therefore result in an unduly cramped and un-neighbourly form overdevelopment of the site which would be detrimental to the established character and amenities of the surrounding residential area and as such is contrary to policy GEN7 of the Arun District Local Plan, Policy D DM1 of the Publication Version of the Emerging Arun District Local Plan (February 2014) and the National Planning Policy Framework";

(2) "The proposed dwelling would be detrimental to the amenities of the existing & any future occupiers of 33 Shelley Road by virtue of its proximity to the eastern flank wall of the adjacent dwelling which contains a lounge bay window at ground floor and a master bedroom bay window at first floor. The proposal will result in a sense of overbearing and a loss of light to these windows to the detriment of the current and any future occupiers and as such is contrary to policy GEN7 of the Arun District Local Plan, Policy D DM1 of the Publication Version of the Emerging Arun District Local Plan (February 2014) and the National Planning Policy Framework"; and

(3) "The proposed dwelling would be detrimental to the amenities of the occupiers of 29 Shelley Road by virtue of a loss of light to the front and western side of this bungalow during the second half of the day. This will be detrimental to the current living conditions of the occupiers of the bungalow and as such is contrary to policy GEN7 of the Arun District Local Plan, Policy D DM1 of the Publication Version of the Emerging Arun District Local Plan (February 2014) and the National Planning Policy Framework.

The site is located within the built-up area boundary where the principle of new development is acceptable subject to other policies in the plan. Paragraph 17 of the National Planning Policy Framework (core planning principles) states that planning should always seek to ensure high quality design and take account of the different roles and character of different areas. Paragraph 56 places design at the heart of planning and paragraph 58 adds that development should respond to local character. Paragraph 64 recommends that planning permission be refused for development of poor design.

Paragraph 53 advises that: "Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area." Following the changes made to the proposal, it is no longer considered that the proposed dwelling will be harmful to the prevailing character of the area.

As stated above, the proposed scheme has been amended since the withdrawn application. It has been reduced in height and now resembles a bungalow with accommodation in the roof rather than a two storey dwelling. Furthermore, the emphasis is now on the horizontal rather than the vertical bulk. The eaves height will match the adjacent bungalow (29) but the roof pitch is the same angle as 33. Furthermore, a 1.83m high fence is proposed between the dwelling and 33. In addition, the first floor side window in no. 33 will now be fixed shut and obscure glazed. The area of first floor accommodation has been reduced and there is no rear first floor bay window.

It is considered that the changes overcome the previous objections and the scheme will be discussed in more detail below.

CHARACTER & DESIGN

Policy GEN7 (ii) states that: "(Development will be permitted provided it) demonstrates that it responds positively to the identified characteristics and resources of the site and the area to create attractive places and spaces with the needs of people in mind and respects and enhances local distinctiveness;"

The proposed house has been designed with a pitched roof & pitched front gable which is considered to be in keeping with the Edwardian character of the street. The design provides a visual blending between the properties either side by using the same roof pitch and front gable as 33 but also copying the eaves height of the bungalow at 29.

Although the size of the plot is narrower than other plots in the streetscene, it is considered that the new dwelling has been designed to minimise the impact of the dwelling on the streetscene and as such it is not considered sustainable to refuse the application solely on the grounds of plot width. The proposed gaps between the dwelling and the boundary are greater than the gaps to other properties on this side of Shelley Road (noting that most dwellings have a gap only on one side). It is therefore now considered that the proposal complies with Policy GEN7 (ii).

RESIDENTIAL AMENITY

It is not considered that the proposed dwelling will create any adverse overlooking or result in a loss of privacy to either of the neighbouring dwellings. In this regard, it is noted that the ground floor flank windows will be screened by the boundary treatments and that the first floor velux roof

lights on the eastern roof plane are high level and serve to provide light not to allow for people to look out of them.

With regard to light, whilst the previous proposal was considered to impact on the amount of sunlight available to the neighbouring bungalow (29), it is considered that due to the changes and in particular the lowering of the ridge and eaves levels, that the new dwelling will not have such an impact. It is considered that this is reflected by the lack of any objection this time around from no. 29. Light was also considered previously to be an issue with regard to no. 33 but again the impact has been reduced due to the change in the building height. Furthermore, the first floor flank bedroom window in no. 33 is only secondary and therefore the bedroom will still receive light from the south facing window.

There were no previous concerns with regards to the neighbouring properties to the rear. However, for completeness, it is noted that there is a distance of 23.5m between the rear of the proposed dwelling and the rear of 40 Richmond Avenue.

It is therefore considered that the proposal now complies with Policy GEN7 part (iv) "(Development will be permitted provided it) does not have an unacceptable adverse impact on adjoining occupiers, land, uses or property and, where relevant, facilitates the development of adjoining sites".

INTERNAL & EXTERNAL SPACE

In terms of external space, the minimum rear garden depth for a detached house is 10m and the majority of the proposed rear garden is 10m in depth (the only exception being the area between the bay window and the rear fence which is 9m). Furthermore, the entire rear garden space measures approximately 93m² and this exceeds the standard for a small detached dwelling by 8m². Therefore, the external standard is considered to be met.

Regarding internal space, Policy D DM2 states that a 2 storey, 4 bedroom/6 person dwelling should have a total general internal floor area of 107m² whilst the standard for a 2 storey, 3 bedroom/6 person dwelling is 103m². The two standards are quoted because the proposal includes a small 4th bedroom/study. The average of the two amounts is 105m². The general internal area of the dwelling is 92.8m² and therefore falls slightly short of the standards. However, having regard to the additional external space and the fact that the reduction in space is due to the positive changes made since the first application, it is considered that no objection should be raised.

AFFORDABLE HOUSING

Emerging Local Plan Policy H SP2 "Affordable Housing" was approved for Development Management purposes by Full Council on 10/09/14. The policy states that: "For schemes of 7 units or less, the Council will require the payment of a commuted sum." The applicant has submitted a signed S106 Agreement for £2,208.00 being the amount for a four bedroom house.

ACCESS & PARKING

A new dropped kerb access is proposed for the dwelling and there will be two car parking spaces. The proposal is not considered to result in any detrimental impacts on highway safety and County

Highways have not raised any objections.

SUMMARY

It is considered that the amendments to the proposal from that scheme submitted with application BR/306/13/ are positive and have resolved the previous concerns. Although the changes have resulted in less first floor space, it is not considered that the shortfall in the amount of internal floor area is significant and it is recommended that permission be granted in accordance with the following conditions.

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

The application includes a completed S.106 legal agreement relating to an affordable housing contribution of £2,208.

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:

Drawing Number 2858A/3/4 REV A;
Drawing Number 2858A/3/7;
Drawing Number 2858A/3/5; and
Drawing Number 2858A/3/6.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with GEN7 of the Arun District Local Plan.

- 3 No development shall be carried out unless and until a schedule of materials and finishes and samples of such materials and finishes to be used for external walls and roof of the proposed dwelling have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the dwelling.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with policy GEN7 of the Arun District Local Plan.

- 4 Development shall not commence until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority.

The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, the recommendations of the SUDS Manual produced by CIRIA.

Winter groundwater monitoring to establish highest annual ground water levels and Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage.

No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and maintained in perpetuity.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan.

- 5 The building hereby permitted shall not be occupied until provision for car parking has been made within the site in accordance with the details on the block plan and such provision shall thereafter be used only for the parking of cars.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles clear of adjacent highways in accordance with policy GEN7 of the Arun District Local Plan.

- 6 The building hereby permitted shall not be occupied until provision for secure cycle storage (minimum of 2 cycles) has been made within the site in accordance with details to be submitted to and approved by the Local Planning Authority and such provision shall

thereafter be used only for secure cycle storage.

Reason: To ensure a satisfactory standard of development in accordance with policy GEN7 of the Arun District Local Plan.

- 7 No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. hereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters;

- * the loading and unloading of plant, materials and waste; and
- * the storage of plant and materials used in construction of the development.

Reason: In the interests of highway safety and the amenities of the area in accordance with Policy GEN7 of the Arun District Local Plan.

- 8 The access to the proposed dwelling shall be laid out to provide pedestrian visibility splays on each side of the access in accordance with plans and details to be submitted to and approved by the Local Planning Authority. These splays shall be:-

(1) 2 metres by 2 metres on each side of the proposed access based on the existing highway boundary, together with sight lines.

No other work shall be carried out on the site until the above-mentioned sight lines and splay lines have been provided and thereafter the said sight lines and splay areas shall be kept free from any obstruction to visibility in excess of 0.6 metres above the level of the adjoining carriageway.

Reason: In the interests of road safety in accordance with policy GEN7 of the Arun District Local Plan.

- 9 The bedroom window on the side east elevation of no. 33 Shelley Road shall at all times be glazed with obscured glass and fixed to be permanently non-opening.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policy GEN7 of the Arun District Local Plan.

- 10 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking or re-enacting this Order) no extensions (including porches or dormer windows) to the dwelling houses shall be constructed or buildings shall be erected within the curtilage unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To safeguard the privacy and amenity of adjoining occupiers, maintain adequate amenity space and safeguard the cohesive appearance of the development in accordance with policy GEN7 of the Arun District Local Plan.

- 11 INFORMATIVE: The building shall not be occupied until the crossing between the boundary of the site and the adjoining carriageway has been laid out and constructed to a specification to be agreed with the West Sussex County Council. Details of the specification may be obtained from the Area Engineer, West Sussex County Council,

Area 1, Drayton Depot, Drayton Lane, Chichester. Telephone: 01243-836900 or from West Sussex County Council, County Surveyors Department, County Hall, Chichester. Telephone: 01243-777921.

- 12 **INFORMATIVE:** The West Sussex County Council as Highway Authority would remind applicants that they may have to provide on the application site, areas for the parking and unloading of vehicles, temporary contractor buildings, plant and stacks of materials as the use of the adjacent public highway for these purposes may not be acceptable under the terms of the Highways Act.
- 13 **INFORMATIVE:** Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests and design must be carried out in accordance with BRE 365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 30% on stored volumes, as an allowance for climate change. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers. Supplementary guidance notes are available from the Council's Engineers.
- 14 **INFORMATIVE:** This decision has been granted in conjunction with a Section 106 legal agreement relating to an affordable housing contribution of £2,208.
- 15 **INFORMATIVE:** Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. 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.