

Recommendation Report for Planning Permission for Works or Extension to a Dwelling

REF NO: BR/189/21/HH

LOCATION: 2A Merchant Street
Bognor Regis
PO21 1QH

PROPOSAL: Installation of 1 x rear dormer

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION As above. The dormer would be located on the rear roof slope and be 3m wide, maximum 3.4m deep, and have a flat roof with a height of 2.2m. The proposed materials would be grey slate tile clad elevations and white UPVC framed window.

RELEVANT SITE HISTORY

BR/63/21/HH	First floor rear extension	Refused 25-06-21
BR/264/04/	Dormer window to rear roof pitch, velux to front.	ApproveConditionally 23-09-04

REPRESENTATIONS

Bognor Regis Town Council -
No objection.

No other representations were received.

CONSULTATION RESPONSES RECEIVED:

N/A as no consultees were consulted.

POLICY CONTEXT

Designation applicable to site:
Built-Up Area Boundary
Pagham Harbour Ramsar/SINC Zone B
Bognor Reef and Felpham SSSI

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
QESP1	QE SP1 Quality of the Environment

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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CONCLUSIONS**KEY ISSUES:**

The key issues in the determination of this application are as follows:

- Visual impact
- Residential amenity impact

SITE & CONTEXT:

The application property consists of a first floor flat (2A) within a sub-divided two storey Victorian terrace property. The property has white render, painted brick and fascia board elevations and white UPVC framed doors and windows. Merchant Street consists of a residential street of Victorian/Edwardian terrace and semi-detached properties with on-street parking within Bognor Town Centre.

RELEVANT PLANNING HISTORY:

A previous application (ref. BR/63/21/HH) for a rear first floor extension to the flat was refused, on the basis that it would result in significant overbearing to the neighbouring property, no. 2 Merchant Street.

VISUAL AMENITY:

Policy D SP1 of the Arun Local Plan (ALP) states development should reflect the characteristics of the site and local area. ALP policy D DM1 looks at aspects of form and design quality, including; character, attractiveness, residential amenity impact and scale. ALP policy D DM4 sets out requirements for extensions and alterations to existing buildings, including that they should; sympathetically relate to and visually integrate with the building, be visually subservient to the main building, if the area is characterised by gaps between buildings at first floor then any first floor extensions maintain a 1m gap to the side boundary, and that extensions and alterations do not compromise the established spatial character or pattern of the place.

Section M of the adopted ADC Design SPD (Jan 2021) provides detailed advice regarding extensions including; "Extensions should respond to and complement the existing character and appearance of the building and wider townscape in terms of scale, massing, materials, openings and roof form. This is best achieved through simple and unobtrusive design. In addition it states, "The scale, massing and positioning of extensions should be visually subservient to the existing property in order to ensure that the latter remains the dominant form". Regarding roof extensions and dormers specifically, the ADC

Design SPD "Favours small scale dormer windows with pitched roofs over large, flat box-shaped designs" requires that dormers "are a minor incident in the roof plane and made of sympathetic to the existing or original building materials", "are located symmetrically and centrally on a roof, without being overly dominant or out of proportion and/or style to the original structure" and "Does not... damage the character and appearance of the original building and its surroundings."

Para 130 of the National Planning Policy Framework (NPPF, 2021) requires that applications for developments (b) are visually attractive as a result of good architecture and (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting. Para 134 of the NPPF states "Development that is not well designed should be refused".

The proposed materials for the new rear dormer of grey slate tile clad elevations and a white UPVC framed window would match that of the existing property and would ensure the dormer would sympathetically relate to and visually integrate with the building in this respect.

All of the properties along this terrace (with the exception of the application property) have existing rear roof dormers and these are all of a similar small scale and positioning (set in from sides, up from eaves and down from ridge) to each other within the roof scape. These other dormers appear visually subservient within their roof forms. The consistency in scale, siting and design of these rear dormers forms part of the established character of this terrace.

The current proposed dormer would be of a much larger scale, extending almost full-width across the rear roof and only set up from the eaves line around 100mm (albeit it would be set down from the main ridge by around 300mm) and its height would extend over 50% of the height of the main roof. It would appear as a bulky, out of proportion and box-like addition and would fail to appear visually subservient to the main host building. This would fail to accord with policies D DM1 and D DM4 and the ADC Design SPD in respect of scale and visual subservience of additions to buildings. It would also fail to complement the existing character of the surrounding townscape in terms of other dormers along this terrace, again in conflict with the ADC Design SPD.

Whilst it is recognised that the proposed dormer would be sited at the rear of the property, and thus would be less visible in public views from within the immediate street scene, with its elevated position it would still be visible from a large number of private views from neighbouring properties/gardens and residential car park to the sides and rear of the application site. Its overly large scale and poor form and design would unacceptably harm the visual amenity of the area, and the proposals would be in conflict with the NPPF, ALP policies D SP1, D DM1, D DM4 and the ADC Design SPD. There is no 'fall-back' Permitted Development Rights (PDR) position of a similar sized dormer being built here under PDR, since flats do not benefit from PD rights.

RESIDENTIAL AMENITY:

Policy QE SP1 of the Arun Local Plan requires development contributes positively to the quality of the environment and ensures development does not have a significantly negative impact upon residential amenity. Policy D DM1(3) of the Arun Local Plan requires development has a minimal impact to users and occupiers of nearby property/land e.g. by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance.

NPPF para 127(f) requires decisions to create places with a high standard of amenity for existing and future users.

The ADC Design SPD sets out amenity requirements, including the 25 and 45 degree tests for daylight loss and minimum separation distances to avoid overlooking etc. In respect of roof extensions and

dormers specifically, it states that "The roofs of extensions must preserve neighbouring amenity by avoiding designs which result in excessive visual intrusion and/or the blocking of light into surrounding properties" and require a dormer scheme "Does not negatively impact on neighbouring amenity and privacy".

The proposed dormer would project forward of the dormer windows either side at nos. 2 and 3 Merchant Street. However, due to the set in of these dormers from the sides of each roof and the orientation of the windows themselves, the proposed dormer would not result in excessive visual intrusion or loss of light to these neighbouring windows. The proposed dormer would be positioned with a separation distance of around 15m from the nearest neighbouring garden directly at the rear and over 25m from the nearest window at a neighbouring property directly at the rear (Crescent Road) and so would not result in any material overlooking or loss of privacy to these neighbouring properties or gardens at the rear. The proposed dormer window would sit above the line of the side openings to nos. 2 and 3 Merchant St below and would not provide any direct angles of views, only oblique angles of view, towards these neighbouring openings. In addition, the new dormer window would not provide any additional (harmful) angles of view than cannot already be achieved from the first floor rear window below it to the application property. As such, the new dormer window would not result in significant or harmful increase to overlooking to neighbouring properties.

The proposals would have an acceptable impact on neighbour amenity, in accordance with the NPPF, policies QE SP1 and D DM1 of the Arun Local Plan and the objectives of ADC Design Guide.

SUMMARY:

The proposed new dormer would be of a siting, scale and form/design which would mean it would fail to appear visually subservient to the main host building and would also fail to reflect the existing character of this terrace, in conflict with the NPPF, ALP policies D SP1, D DM1, D DM4 and the ADC Design Guide SPD. The proposed dormer would be readily visible in a wide range of views from neighbouring properties, gardens and a communal car park to the sides and rear of the site. Its overly large scale and poor form and design would therefore unacceptably harm the visual amenity of the area, and the proposals would be in conflict with the NPPF, ALP policies D SP1, D DM1, D DM4 and the ADC Design SPD.

The application is therefore recommended for refusal for the following reason;

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), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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 as for minor householder application for less than 100sqm.

RECOMMENDATION

REFUSE

- 1 The proposed new rear dormer, by reason of its siting, overly large scale, bulk and poor form/design would fail to appear visually subservient to the main host building and would fail to reflect the existing character of the other dormers of this terrace. It would therefore unacceptably harm the visual amenity of the area, in conflict with the National Planning Policy Framework, policies D SP1, D DM1 and D DM4 of the Arun Local Plan and the Arun District Council Design SPD.
- 2 **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 identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.