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## **APPLICATION FOR PRIOR APPROVAL: ALLESTREE COURT, WALTON ROAD, BOGNOR REGIS, PO21 1NN**

This letter has been prepared by CSJ Planning Consultants on behalf of Decimus Investments Ltd., the freehold owner of the site and applicant. It supports a 'prior approval' application concerning the construction of an additional floor (2no. flats) on top of Allestree Court using Permitted Development (PD) Rights. The PD rights in question are set out under Schedule 2, Part 20, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) – the 'GPDO'.

This letter provides a description of the site, explores the relevant legislation and addresses the requirements of the prior approval process. The conclusion is that Allestree Court is eligible to rely on PD rights to deliver the additional flats, and that prior approval can be given accordingly.

The following documents & plans are submitted for consideration:

- Application Form
- Design Statement by Shu Architects
- Planning Statement by CSJ Planning Consultants (this letter)
- Drawings by Shu Architects:
  - 2067 01 P1 Location Plan
  - 2067 02 P1 Site & Ground Floor Plan
  - 2067 03 P1 Existing Upper Floors
  - 2067 04 P1 Existing Elevations S&E
  - 2067 05 P1 Existing Elevations N&W
  - 2067 06 P1 Existing Garage elevations
  - 2067 07 P1 Site & Ground Floor Plan
  - 2067 08 P1 Proposed Third Floor Plan
  - 2067 09 P1 Proposed Elevations S&E
  - 2067 10 P1 Proposed Elevations N&W
  - 2067 11 P1 Existing and Proposed Sections

- 2067 12 P1 Proposed Bin and Bike Store

## SITE DESCRIPTION

Allestree Court is located on the corner of Walton Road and Campbell Road, around 150m east of the centre of Bognor Regis.

The extent of the application site is shown edged in red on drawing ref. 2067 01 P1. It comprises a purpose-built, detached block of flats which fronts onto Walton Road, along with associated garages, hardstanding and planting.

It is understood that planning permission was granted for the current development some 52 years ago, and that it was 'built-out' in the early 1970s.

The existing block is 3 storeys in height with a rectangular floor plan and flat roof. It contains 5 apartments. The building is primarily finished with red brick, with white render and fascia boards also used on the principal and rear elevations. Windows and doors are white uPVC. The building is not considered to be of any particular architectural, aesthetic or historic value.

There are low brick and flint walls around the perimeter of the site, and a small lawn with planted borders wrapping around the south-eastern side of the building.

There are 5 garages demised to the existing flat leaseholders – one per flat. There is also additional space for informal parking on various areas of hardstanding around the site (owned by the freeholder).

The height of the existing building is 8.61m (measured from the lower ground level at the eastern façade) as shown on the existing elevations.

The main site access is via Walton Road. There is a void in the ground floor of the building which allows vehicles through to the rear of the property, and this is also where the front door to the block is located. There is a second 'side' access from Campbell Road which primarily serves the rear of the property, along with two garages.

The surrounding area is predominantly residential in nature, with building heights typically between 2 and 4 storeys in height, with some taller buildings further south, towards the sea front. Most of the buildings nearby appear to span from during the 20<sup>th</sup> century and they feature a range of architectural styles. Most have pitched roofs of tile or slate, with either render, brick or flint used as a facing material.

## PLANNING HISTORY

A search of Arun District Council's planning history website has been undertaken. Various planning applications were submitted during the 1970s, including what appears to be the original consent for Allestree Court - application ref. BR/318/70.

Application ref. BR/318/70 was approved and planning permission granted on 17<sup>th</sup> July 1970. It has the following description of development:

*Demolition of existing house and erection of a 3 storey building containing 5 self-contained flats.*

A subsequent application appears to have been approved for the "revised siting of garages" – application ref. BR/643/72, approved 30<sup>th</sup> October 1972.

## LEGISLATION AND APPLICATION REQUIREMENTS

Schedule 2, Part 20, Class A of the GPDO (as amended) is of relevance. The current drafting of Class A and its various requirements / conditions are replicated below. Commentary concerning the proposed development at Allestree Court is provided where relevant:

### *Permitted Development*

*A. Development consisting of works for the construction of up to two additional storeys of new dwellinghouses immediately above the existing topmost residential storey on a building which is a purpose-built, detached block of flats, together with any or all—*

Allestree Court is a purpose-built, detached block of flats and the proposed roof extension will sit immediately above the topmost storey.

- (a) engineering operations reasonably necessary to construct the additional storeys and new dwellinghouses;*
- (b) works for the replacement of existing plant or installation of additional plant on the roof of the extended building reasonably necessary to service the new dwellinghouses;*
- (c) works for the construction of appropriate and safe access to and egress from the new and existing dwellinghouses, including means of escape from fire, via additional external doors or external staircases;*
- (d) works for the construction of storage, waste or other ancillary facilities reasonably necessary to support the new dwellinghouses.*

The proposed development complies with the above criteria. In particular:

- A(a) – engineering operations will be limited to those reasonably necessary to construct the new flats.
- A(b) – there is no plant on the existing roof.
- A(c) – the existing communal access and stair core will be used by future residents of the new flats. The stair core will be extended upward to third floor level accordingly.
- A(d) – it is proposed to construct a new cycle shelter and refuse store at the rear of the building, adjacent to the garage block.

### Eligibility Criteria

Paragraph A.1 of the regulations lists the types of development that are ineligible for Permitted Development rights under Class A. These include development where:

- (a) the permission to use any building as a dwellinghouse has been granted only by virtue of Class M, N, O, P, PA or Q of Part 3 of this Schedule;*

Allestree Court is a purpose-built block of flats, having been granted planning permission and built-out as such in the 1970s. The existing residential use has not been established through the stated classes of the GPDO.

- (b) above ground level, the building is less than 3 storeys in height;*

The building is 3 storeys in height.

- (c) the building was constructed before 1st July 1948, or after 5th March 2018;*

It is understood that the existing building was constructed in the 1970s.

- (d) *the additional storeys are constructed other than on the principal part of the building;*

As shown on the proposed floor plans & elevations, the additional storey is constructed on the principal part of the building.

- (e) *the floor to ceiling height of any additional storey, measured internally, would exceed the lower of—*
  - (i) *3 metres; or*
  - (ii) *the floor to ceiling height, measured internally, of any storey of the principal part of the existing building;*

The floor-to-ceiling height for the new extension measures 2.45m, which is the same as the floor-to-ceiling height of the existing 1<sup>st</sup> and 2<sup>nd</sup> floors. This is annotated on the Proposed Section drawing ref 2067 11 P1.

- (f) *the new dwellinghouses are not flats;*

The new dwellings are all flats.

- (g) *the height of the highest part of the roof of the extended building would exceed the height of the highest part of the roof of the existing building by more than 7 metres (not including plant, in each case);*

The highest part of the extended building is 2.59m above the highest part of the existing building.

- (h) *the height of the highest part of the roof of the extended building (not including plant) would be greater than 30 metres;*

The extended building will measure approximately 11.84m in height, measured from the lower floor level on the eastern elevation.

- (i) *development under Class A.(a) would include the provision of visible support structures on or attached to the exterior of the building upon completion of the development;*

No visible support structures are proposed on the exterior of the building.

- (j) *development under Class A.(a) would consist of engineering operations other than works within the existing curtilage of the building to—*
  - (i) *strengthen existing walls;*
  - (ii) *strengthen existing foundations; or*
  - (iii) *install or replace water, drainage, electricity, gas or other services;*

The proposed engineering works will fall within the above categories.

- (k) *in the case of Class A.(b) development there is no existing plant on the building;*

There is no existing plant on the roof of the building and no plant is proposed on the roof of the extension.

- (l) *in the case of Class A.(b) development the height of any replaced or additional plant as measured from the lowest surface of the new roof on the principal part of the extended building would exceed the height of any existing plant as measured from the lowest surface of the existing roof on the principal part of the existing building;*

There is no existing plant on the roof of the building and no plant is proposed on the roof of the extension.

(m) *development under Class A.(c) would extend beyond the curtilage of the existing building;*

No works will extend beyond the curtilage of the existing building.

(n) *development under Class A.(d) would—*

(i) *extend beyond the curtilage of the existing building;*

(ii) *be situated on land forward of a wall forming the principal elevation of the existing building; or*

(iii) *be situated on land forward of a wall fronting a highway and forming a side elevation of the existing building;*

The proposed cycle store and bin store will be located at the rear of the building, adjacent to the garage block. As such, there is no conflict with (n)(i) – (iii) above.

(o) *the land or site on which the building is located, is or forms part of—*

(i) *article 2(3) land;*

(ii) *a site of special scientific interest;*

(iii) *a listed building or land within its curtilage;*

(iv) *a scheduled monument or land within its curtilage;*

(v) *a safety hazard area;*

(vi) *a military explosives storage area; or*

(vii) *land within 3 kilometres of the perimeter of an aerodrome*

A review of the Council's website and various mapping resources indicates that the site is not subject to any of the above designations.

#### Prior Approval Requirements

Paragraph A.2 states that an application for prior approval must be submitted prior to the commencement of works. Paragraph B sets out a number of application requirements, each of which is addressed below:

(a) *a written description of the proposed development, which, in relation to development proposed under any of Classes A to AD, must include details of any dwellinghouse and other works proposed under paragraph A(a) to (d), AA(1)(a) to (d), AB(3)(a) to (d), AC(2)(a) to (c), or AD(2)(a) to (c) (as the case may be);*

The proposed development involves the construction of a single storey roof extension to deliver 2no. flats, along with new cycle and bin storage facilities.

(b) *a plan which is drawn to an identified scale and shows the direction of North indicating the site and showing the proposed development;*

Plans showing the site and proposed development are provided, as listed on p1 of this letter.

(c) *floor plans which are drawn to an identified scale and show the direction of North indicating the dimensions and proposed use of each room, the position and dimensions of windows, doors and walls, and the existing and proposed elevations of the building;*

Existing and proposed floor plans and elevations are provided – as listed on p1 of this letter. The use of all proposed rooms is annotated on the proposed third floor plan and dimensions can be taken using the identified scale. The GIA of each proposed flat is marked on the proposed plans.

(d) *a written statement specifying the number of new dwellinghouses proposed by the development (that is, additional to any dwellinghouses in the existing building);*

The number of new dwellinghouses will be 2, as shown on the proposed floor plans.

(e) *a list of all addresses of any flats and any other premises in the existing building;*

The addresses within the existing block of flats are as follows:

- Flats 1 to 5 (inclusive), Allestree Court, Walton Road, PO21 1NN

(f) *the developer's contact address;*

Decimus Investments Ltd., 339 Reigate Road,, Epsom, Surrey, KT17 3LT

(g) *the developer's email address if the developer is content to receive communications electronically; and*

[sales@groundrentsforsale.com](mailto:sales@groundrentsforsale.com)

(h) *where sub-paragraph (6) requires the Environment Agency(2) to be consulted, a site-specific flood risk assessment,*

The site is located entirely within Flood Zone 1 (see Figure 1). As such, a site-specific Flood Risk Assessment is not required.

*together with any fee required to be paid*

The correct application fee will be paid in a timely fashion.

## PRIOR APPROVAL ASSESSMENT

Paragraph A.2(1) sets out the matters that must be considered under an application for prior approval. Each is discussed in turn below:

### **(a) Transport and highways impacts of the development**

Allestree Court is located close to the centre of Bognor Regis in a sustainable location. The following key amenities are in short walking distance:

- Town Hall bus stops – approx. 2 minutes' walk
- High Street shops, cafes and amenities – approx. 4 minutes' walk
- Local Grocery shop – approx. 4 minutes' walk
- Bognor Regis train station – approx. 9 minutes' walk
- Bognor Medical Practice – approx. 10 minutes' walk

The application site is located within Parking Behaviour Zone 4 and the proposed development involves the delivery of 2 x 2 bed 3 person flats, each with 3 habitable rooms. On this basis, the Council's Parking Standards SPD (2020) sets an expected level of car parking provision at 2 spaces – one per flat.

There is space for 2 cars to park onsite using the existing areas of hardstanding. The applicant owns these areas, so spaces could be demarcated if required, and this could be secured by condition.

A new timber shelter is proposed behind the property that will provide cycle parking for 2no. bikes, along with additional waste & recycling storage facilities.

As the proposed extension only comprises 2 flats, it is unlikely to result in a level of trip generation that will cause stress to the existing highway network or public transport services.

Overall, the proposed extension is considered to be acceptable in terms of highways impact, therefore satisfying criterion A.2(1)(a).

#### **(b) Air traffic and defence asset impacts of the development**

The application site is not located in an area where harm will be caused to any (known) air traffic or defence assets.

#### **(c) Contamination risks in relation to the building**

The site has been in residential use since at least the 1970s, when it is understood that the existing development was approved and constructed. The relevant planning permission (ref. BR/318/70) references the demolition of an existing house, so it appears that the residential use stretches back further. This would be consistent with the site's location and surrounding context.

With the exception of small areas of lawn and planting, the site is covered with hard surfacing. In addition, there are no operational uses nearby that are identified as posing a significant threat of land contamination.

This proposed development concerns the construction of new flats on top of an existing building, and the construction of new cycle and bin stores on existing areas of hardstanding. As such, any ground disturbance will be limited.

Taking the above into account, a Land Contamination Assessment is not considered necessary.

#### **(d) Flooding risks in relation to the building**

The site is located entirely within Flood Zone 1 (low risk) as indicated on the Environment Agency Flood Map – see Figure 1.



Figure 1: Extract from the EA Flood Map showing the site in Flood Zone 1 (no blue shading)

The proposals involve constructing a new floor on an existing building, along with a cycle store and bin store on existing areas of hardstanding. Car parking will also be accommodated on existing areas of hardstanding. Overall, the proposed development is not considered to be vulnerable to flooding or likely to increase the risk of flooding elsewhere.

Taking the above into account, there are unlikely to be any flooding issues arising and a site-specific Flood Risk Assessment (FRA) is not considered necessary.

### **(e) The external appearance of the building**

#### Interpretation of the GPDO

The following points should be taken into consideration when assessing the external appearance of the building:

- The principle of a single storey roof extension, with the additional bulk and massing it would reasonably involve, is enshrined in the legislation. It is permitted development.
- The GPDO includes specific restrictions relating to the height of a proposed extension (A.1.(g)), the overall height of an extended building (A.1.(h)), the location of a proposed extension (A.1.(d)) and proposed floor to ceiling heights (A.1.(e)). These restrictions control the height, scale, bulk and massing of the proposed extension.
- Part A.2.(1)(e) requires that a developer must apply to the LPA for prior approval of the authority as to '*the external appearance of the building*'.

#### Assessing the Proposed Development

The proposed roof extension has been designed to read as an inhabited roof, rather than a full additional floor. As a result, the extended block as a whole can be perceived as 3.5 storeys.

The decision to provide the new flats in this manner has been influenced by the character of other buildings nearby, many of which have accommodation in the roofspace and feature dormer windows.

The following design features help minimise the bulk and prominence of the extension:

- The existing parapet wall is extended upwards and the walls of the extension (front and side) slope inward in a mansard-style arrangement.
- The use of grey metal cladding, a finish used regularly on modern roof extensions, helps reduce prominence when viewed against the sky.
- The use of dormer-style windows helps create the language of a more subservient rooftop development, and responds to development nearby with inhabited roofs and dormers.

This approach will help reduce the prominence of the extension and help it appear subservient to the host building.

It is notable that buildings nearby often feature roof materials (usually tiles) that differ from the elevation treatments (brick, render or even flint). This has influenced the decision to clad the roof extension in metal, which provides a modern interpretation of this established arrangement. Some examples of this are provided in the accompanying Design Statement.

The design also seeks to respond to the character of the existing lower floors, to ensure a suitable synergy between the two elements. The proposed fenestration arrangement respects the window placement on the floors below to provide continuity. On the rear elevation, the brick finish has been continued in the centre up to top floor level, which helps connect the old and new parts of the building.

Overall, the proposed roof extension meets the relevant height, scale and locational criteria set out under part A.1. It is also considered to be suitable in terms of its *external appearance*, which respects the existing lower floors and the character of development in the nearby area. Criterion A.2.(1)(e) is therefore considered to be satisfied.

#### **(f) The provision of adequate natural light in all habitable rooms of the new dwellinghouses**

As shown on the proposed floor plans, all habitable rooms will be served by suitably sized windows. The proposed flats are both dual aspect and have south facing living areas.

Taking into account the height, massing and proximity of nearby development, it is considered that the new flats will not be overshadowed by any existing buildings.

Overall, it is clear from the floor plans and elevations that all habitable rooms in the new flats will receive suitable levels of natural light. As such, the proposal accords with criterion A.2.(1)(f).

#### **(g) impact on the amenity of the existing building and neighbouring premises including overlooking, privacy and the loss of light**

##### Existing Building

The new residents will utilise the existing communal access and stair core. Any activity will be related to comings and goings typically associated with residential use. Given that only 2 apartments are proposed, and that these involve a 'complementary' residential use, this is not considered to pose an amenity problem.

Additional cycle and bin stores are proposed in line with current standards to serve the new residents. This will prevent amenity harm through the overuse of existing facilities.

There will unfortunately be some disturbance during the construction process, though this will be mitigated as far as possible through a Construction Management Plan, as required by paragraph A.2.(3) of Part 20, Class A of the GPDO.

### Neighbouring Premises

The proposed extension will sit directly on top of Allestree Court with most windows in almost identical positions. As such, the relationship between the proposed flats and development in the surrounding area will be very similar to existing. The following applies:

- South facing windows are arranged to match the lower floors and will overlook Walton Road. There is a suitable and established separation distance to the houses opposite, with the road in between.
- North facing windows will overlook the flank elevation of Villa Maria student accommodation. This elevation of Villa Maria has two small windows only.
- One window is proposed on the east elevation, overlooking Campbell Road, to match the line of windows below. There are various trees in the garden of Allestree Court, along with a sizeable street tree, which offer screening to these windows.
- No windows are proposed on the west elevation.

It should be noted that dormer windows on the side and front elevations will be slightly 'set back' from the facade behind the extended parapet wall. Although the set back is minimal, the use of dormers in this manner is considered to reduce the perception of overlooking, and is found to be beneficial in this regard.

Taking the above into account, it is considered that the proposed extension will not result in any harmful amenity impacts through overlooking or loss of privacy. The relationship between Allestree Court and nearby development will remain much-the-same as existing.

On this basis, the proposed development is found to be acceptable in terms of its amenity impact on flats in the existing building and on neighbouring premises. As such, it is considered to accord with criterion A.2.(1)(g).

**(h) whether because of the siting of the building, the development will impact on a protected view identified in the Directions Relating to Protected Vistas dated 15 March 2012 issued by the Secretary of State**

It is understood that there are no protected views identified in the Directions Relating to Protected Vistas dated 15 March 2012 that apply to this area of London. As such, the proposed development will not cause harm in this respect.

**(i) where the existing building is 18 metres or more in height, the fire safety of the external wall construction of the existing building;**

The existing building is 8.61m in height (measured from the lower ground level at the eastern façade). As such, this criterion is not applicable.

**(j) where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building,**

Paragraph C(3) of the GPDO clarifies what is meant by the fire risk condition. It states:

*(3) In Part 20, development meets the fire risk condition if the development relates to a building which will—*

*(a) contain two or more dwellinghouses; and*

*(b) satisfy the height condition in paragraph (3), read with paragraph (7), of article 9A (fire statements) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.*

Article 9A(3) of the of the Town and Country Planning (Development Management Procedure) (England) Order 2015 states:

*(3) The height condition is that—*

*(a) the building is 18 metres or more in height; or*

*(b) the building contains 7 or more storeys.*

Allestree Court, as extended, would be 4 storeys and 11.84m in height (measured from the lower floor level on the eastern elevation). As such, the proposed development does not meet the fire risk condition and this criterion does not apply.

## SUMMARY

This prior approval application has been submitted by CSJ Planning on behalf of **Decimus Investments Ltd**, the freehold owner and applicant. It seeks confirmation that the proposed construction of 2no. flats on top of Allestree Court can be undertaken using permitted development rights set out under Schedule 2, Part 20, Class A of the General Permitted Development Order 2015 (as amended).

Information has been provided in this letter and the wider submission pack which demonstrates that:

- The application site and proposed development satisfies the eligibility criteria set out under paragraphs A, A1, B & C of Class A.
- The prior approval application contains all information required by paragraph B.
- The proposal satisfies the 10 x assessment criteria set out at paragraph A.2.(1) of Class A.

Taking the above into account, it is considered that prior approval can be given for the proposed development.

I trust the information provided is sufficient for you to determine the application, though feel free to contact me if you have any queries.

Yours sincerely,



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Principal Planner

