

Recommendation Report for Prior Notification

REF NO: BR/197/25/PD

LOCATION: Allestree Court
Walton Road
Bognor Regis
PO21 1NN

PROPOSAL: Application for prior approval under Schedule 2 Part 20 Class A for the construction of one additional storey creating 2 No. additional dwellings.

SITE AND SURROUNDINGS**DESCRIPTION OF APPLICATION**

This application seeks prior approval under Schedule 2 Part 20 Class A for the construction of one additional storey creating 2 No. additional dwellings.

SITE CHARACTERISTICS

This site is a three-storey flat roofed building comprising 5 flats with parking and garages to the rear. The building features a combination of brick and render with horizontal PVC banding and vertical brick banding.

CHARACTER OF LOCALITY

The area is residential in character, with a mix of two, two and a half or three storied buildings in the immediate street scene. There are some taller buildings such as Sabey Court on Albert Road which has 5 storeys and Esplanade Grande on the Seafront which has 5/6 storeys.

RELEVANT SITE HISTORY

BR/178/22/PD	Application for prior approval under Schedule 2 Part 20 Class A for the construction of one additional storey creating 2 No. additional dwellings.	No Object'n + Conds 25-10-22
--------------	--	---------------------------------

Planning history noted. Prior approval for this proposal was granted in October 2022 and has now expired.

REPRESENTATIONS

5 No. objections were received raising concerns that:

- The additional storey will block light to neighbouring properties.
- There is not enough parking in the area for existing number of flats/ properties.
- The additional flats would result in increased overlooking.
- Increase noise and disturbance will affect occupiers of second floor flats.
- The existing stairwell is dark and in need of improvement, to extend the stairs further will exacerbate logistical problems for moving furniture in and out of the building.

- The new flats will have a longer journey to exit the building in the event of a fire.
- The additional storey will look out of place.
- The proposals will not result in any improvements to the existing flats in terms of energy efficiency.
- The development may compromise the structural integrity of the existing building.
- The building is already high.
- Trees to the side of the building may be felled.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments are noted and will be discussed in the conclusions. The standard of the existing flats does not form a consideration under this consent. The General Permitted Development Order also does not allow for consideration of harm to trees or biodiversity.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

WEST SUSSEX COUNTY COUNCIL HIGHWAYS - No objection. The proposed additional storey is not anticipated to give rise to a material intensification of use of the existing junction. The WSCC Car Parking Demand Calculator indicates that a development of this size and location would require three car parking spaces. Parking has not been demonstrated on the proposed plans and there may be a need for parking on-street or within nearby paid-for provision. Secure and covered cycle storage is proposed for the two new flats.

NATURAL ENGLAND - Further information required. A contribution should be secured to off-set the harm arising from increased recreational pressure on the Pagham Harbour Special Protection Area.

WSCC FIRE & RESCUE - Evidence is required to show that all parts inside all dwellings are within 45 metres of the location of a fire appliance or the dry riser outlet in accordance with Approved Document B (AD-B) Volume 1 B5 section 13. Any areas not within the 45m distance will need to be mitigated by the installation of domestic sprinkler or water mist systems complying with BS 9251 or BS8458 Standard.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. As the building would be less than 18m in height following the works, fire safety is not one of the considerations for this application, as set out in A.2(i) and (j).

POLICY CONTEXT

Designation applicable to site:
 Within the Built-up Area Boundary
 Pagham Harbour Zone B
 2 km Buffer for SSSI
 Future Flood Zone 3a by 2111

DEVELOPMENT PLAN POLICIES

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, The South Inshore & South Offshore Marine Plan 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.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Class A of Part 20 allows new dwellinghouses on detached blocks of flats. The Order sets out that:

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:

- (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 and egress to 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.

Development not permitted

A.1. Development is not permitted by Class A if:

- (a) the permission to use any building as a dwellinghouse has been granted only by virtue of Class M, MA, N, O, P, PA, or Q of Part 3 of this Schedule.
- (b) above ground level, the building is less than 3 storeys in height.
- (c) the building was constructed before 1st July 1948, or after 5th March 2018.
- (d) the additional storeys are constructed other than on the principal part of the building.
- (e) the floor to ceiling height of any additional storey is:
 - (i) more than 3 metres in height; or
 - (ii) more than the floor to ceiling height of any of the existing storeys, whichever is the lesser, where such heights are measured internally.
- (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.
- (f) the new dwellinghouses are not flats.
- (g) the overall height of the roof of the extended building would be greater than 7 metres higher than the highest part of the existing roof (not including existing plant).
- (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).
- (h) the extended building (not including plant) would be greater than 30 metres in height.
- (h) the height of the highest part of the roof of the extended building (not including plant) would be greater than 30 metres.

- (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.
- (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.
- (k) in the case of Class A.(b) development there is no existing plant on the building.
- (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 new building 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.
- (m) development under Class A.(c) would 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.
- (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.

Conditions

A.2.

- (1) Where any development under Class A is proposed, development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for prior approval of the authority as to:
 - (a) transport and highways impacts of the development.
 - (b) air traffic and defence asset impacts of the development.
 - (c) contamination risks in relation to the building.
 - (d) flooding risks in relation to the building.
 - (e) the external appearance of the building.
 - (f) the provision of adequate natural light in all habitable rooms of the new dwellinghouses.
 - (g) impact on the amenity of the existing building and neighbouring premises including overlooking, privacy, and the loss of light; and
 - (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, and
 - (i) where the existing building is 18 metres or more in height, the fire safety of the external wall construction of the existing building; and
 - (j) where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building, and the provisions of paragraph B (prior approval) of this Part apply in relation to that application.
- (2) Any development under Class A is permitted subject to the condition that it must be completed within a period of 3 years starting with the date prior approval is granted.
- (3) Any development under Class A is permitted subject to the condition that before beginning the

development, the developer must provide the local planning authority with a report for the management of the construction of the development, which sets out the proposed development hours of operation and how any adverse impact of noise, dust, vibration and traffic on occupiers of the building and adjoining owners or occupiers will be mitigated.

(4) The developer must notify the local planning authority of the completion of the development as soon as reasonably practicable after completion.

(5) The notification referred to in sub-paragraph (4) must be in writing and must include:

- (a) the name of the developer.
- (b) the address or location of the development; and
- (c) the date of completion.

(6) Any new dwellinghouse created under Class A is to remain in use as a dwellinghouse within the meaning of Class C3 of the Schedule to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the primary use as a dwellinghouse.

It is also noted that Part B of Part 20 states:

(15) The local planning authority must, when determining an application:

- (a) take into account any representations made to them as a result of any consultation under sub-paragraph (5), (6), (7) or (10) and any notice given under sub-paragraph (12) (of Part B).
- (b) have regard to the National Planning Policy Framework issued by the Ministry of Housing, Communities and Local Government in July 2021, so far as relevant to the subject matter of the prior approval, as if the application were a planning application.

Therefore, the impacts referred to above in (1) are to be determined solely on the basis of consultation advice and the NPPF and not with regard to any part of the development plan for the district.

OTHER MATERIAL CONSIDERATIONS

There are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

The proposals has been reviewed, and complies with the criteria (a) to (o) in Schedule 2 Part 20 Class A, section A.1 (development not permitted).

Section A.2 states that prior to the commencement of the development, the prior approval of the Local Planning Authority is required as the the consideration (a) to (j) set out in this part.

(a) transport and highways impacts of the development

WSCC Highways have reviewed the proposal and raise no objection. The proposal will not result in an increase over the potential traffic generated through the current use. The Order does not specifically state that the parking provision can be assessed and does not allow for the proposal to be assessed against existing local parking policies or standards. Nevertheless, it is noted that there is space within the site to park a car and that the site is within only a short walk of the town centre, seafront, and railway station such that a future occupier would not need to keep a car to access basic facilities and services.

(b) air traffic and defence asset impacts of the development

The site is within the Gatwick Extent of Instrument Flight Procedure safeguarding area, however, the proposed building does not exceed 300m in height.

(c) contamination risks in relation to the building

The council's Environmental Health Officers were consulted on the application, but did not respond. The proposal seeks to add an additional floor to an existing residential building in an established residential area. Contamination risks in relation to the building are unlikely.

(d) flooding risks in relation to the building

The site is not in a current high-risk flood area. The site is at risk from future flooding due to climate change and as per the requirements of the NPPF and supporting NPPG, this would normally necessitate the submission of a sequential assessment to determine whether there were any safer sites for further residential development than this one. However, the proposal is to upwardly extend an existing residential building in an established residential area and the proposed flats will be well above any ground level flooding. As there was no current flood risk to consider, the Environment Agency were not consulted on the application.

(e) the external appearance of the building

The proposal seeks to add a additional storey to the existing building, which will take the form of a mansard roof. The existing building is one of two three-storey buildings on Walton Road, with the rest being two- storey. Whilst it is noted that mansard roofs are not a feature of the area or the street scene, the existing building is also currently the only flat roofed building on the street. There are a variety of roof forms and building heights in the wider area and the proposed alteration would not harm the character or appearance of the vicinity.

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

The submitted plans demonstrate that all rooms will have a window. Furthermore, a roof level skylight will be placed above the internal stairway, and this represents a betterment on the existing situation.

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

The extension is above the existing building and will not result in any new footprint protruding towards adjacent residential buildings. Therefore, the new windows will only be as close to existing windows as those in the existing building. Whilst they will be higher up and may then look down on existing windows in practice most views will be taken in a straight horizontal line and so will look over the roofs of the existing properties.

Several objections have been received from residents of the flats on the opposite side of Campbell Road, raising concerns that the extension would result in a loss of light to their properties. The existing block of flats is set back from the road, and leaves sufficient separation distance between all neighbouring properties. Although it is not possible to refer to the council's Design Guide in determining this prior approval application it is useful to note that the interface between the front of the building and those dwellings on the opposite side of Walton Road is 18m and exceeds the 16m standard. Furthermore, the distance from the side of the building to the front of Sovereign Court to the east is 18m compared to the 14m standard. The distance from the rear to the side of the property to the rear is only 10m compared to the 14m requirement but the only windows affected serve circulation space. Although the additional storey may affect light reaching neighbouring buildings, these impacts will not be so severe as to result in significant harm to the amenity of neighbouring residents. Similarly, although the additional storey will be visible in views from neighbouring buildings, the building does not form a significant proportion of the view from these windows, and the proposal will not result in a significant loss of outlook.

The proposals would not harm the amenity of the existing building or neighbouring premises in terms of overlooking, privacy or loss of light.

(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

This section does not apply as there are no protected vistas nearby.

(i) where the existing building is 18 metres or more in height, the fire safety of the external wall construction of the existing building; and (j) where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building.

These sections do not apply as the extended building would only be 16.14m high.

In summary, the proposal is compliant with the requirements of Class A, and it is recommended, having considered the contents of the NPPF and the resident letters that no objection should be raised to the details submitted in respect of prior approval as set out above subject to the following conditions, some of which are required to be imposed by the Order.

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

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 is accompanied by a completed legal agreement securing a financial contribution of £1,924 towards off-setting recreational impacts on the Pagham Harbour Special Protection Area.

RECOMMENDATION

REPORT_1011(ODB)

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 No development shall commence until a Construction Management Plan has been submitted to the Local Planning Authority and placed on its files. This shall set out the proposed development hours of operation and how any adverse impact of noise, dust, vibration and traffic on occupiers of the building and adjoining owners or occupiers will be mitigated. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. It is recommended that the construction hours be set as 08:00 hours until 18:00 hours (Monday to Friday) and from 08:00 hours until 13:00 hours (Saturday) with no work involving power tools or machinery on Sunday or Bank/Public Holidays.

Reason: In the interests of highway safety & the amenities of the area and in accordance with paragraph A2 (3) of Part 20, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

3 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. The spaces so provided shall be retained in perpetuity.

Reason: To provide alternative travel options to the use of the car in accordance with NPPF Paragraphs 115 and 117.

4 For the avoidance of doubt the approved details are the following details:

- Location Plan 01 REVP1
- Proposed Site and Ground Floor Plan 07 REVP1
- Proposed Third Floor and Roof Plan 08 REVP03
- Proposed South and East Elevations 09 REVP1
- Proposed North and West Elevations 10 REVP2
- Proposed Elevations Bin and Bike Store 12 REVP1

5 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to a financial contribution of £1,924 towards off-setting recreational impacts on the Pagham Harbour Special Protection Area.