

**Recommendation Report for Application under Section 73 for the Removal or Variation of Conditions
Under a Previously Approved Permission**

REF NO: BR/205/25/S73

LOCATION: 10 Nelson Road
Bognor Regis
PO21 2RY

PROPOSAL: Variation of conditions 2 and 3 imposed under BR/46/25/HH relating to approved plans and materiality.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application seeks the variation of conditions 2 and 3 which were imposed under BR/46/25/HH. Condition 2 related to the approved plans and condition 3 related to materials.
-----------------------------------	--

RELEVANT SITE HISTORY

BR/46/25/HH	Single storey rear extension, new car port, side boundary wall, front gates and vehicular access, following the demolition of existing integral garage and conservatory.	ApproveConditionally 14-05-25
-------------	--	----------------------------------

REPRESENTATIONS

Bognor Regis Town Council - No response.

No representations received from nearby occupiers.

CONSULTATION RESPONSES RECEIVED:

None.

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions and alter to exist builds (res and non-res)

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

CONCLUSIONS

PRINCIPLE

Application reference BR/46/25/HH was approved on the 14 May 2025 and granted permission for a single storey rear extension, new car port, side boundary wall, front gates, and vehicular access. This application seeks to amend the approved plan numbers condition (Condition 2) and materials (Condition 3), attached to the original permission, in order to make minor alterations.

DESIGN AND VISUAL AMENITY

The approved brick boundary wall between the existing dwelling and the proposed new bungalow would be replaced by a 1.8m high close board fence. There are several examples of varying boundary treatments, including fences, along Nelson Road. The carport will be supported by timber posts, as opposed to the previously approved brick wall boundary. The use of timber would be in keeping with surrounding wood materiality. As such, this element of the proposal would not appear out of character with the host dwelling and surrounding area.

The approved utility would retain its footprint, with one additional external door proposed within the south elevation and an amendment to the proposed west side window. The door would provide access through the carport and would be sited in a similar location to the original conservatory door. The alteration to fenestration is small in scale and would not result in harm to the character or appearance of the host dwelling or street scene.

The utility room is to be reclad with Cedar boarding. There is no dominant material along the street scene, and an example of cladding is present opposite at 17 Nelson Road. As such, cladding would not appear at odds within the street scene and would not result in harm to the character or appearance of the host dwelling.

The proposed alterations would be minor and would not result in harm to the character or appearance of the host dwelling, street scene, or wider area. The proposed development is therefore in accordance with policies D DM1 and D DM4 of the Arun Local Plan (ALP) and the Arun Design Guide.

RESIDENTIAL AMENITY

The alterations to the external appearance of the property through change in materials would not result in any change to the harm as previously approved. There will be no changes in regard to overbearing, overshadowing, or overlooking than that approved.

The addition of one external door within the south elevation of the utility would be sited 14.5m from the boundary with the highway, nor would views be significantly different to those previously achieved as such, it would not result in additional overlooking.

The proposal is in accordance with policies D DM1 and D DM4 of the ALP in that it does not result in adverse overshadowing, overlooking or overbearing effects on neighbouring properties.

SUMMARY

The proposed development is in accordance with relevant development plan policies and is recommended for approval subject to the following conditions and informatives.

OTHER MATTERS

As this is a Section 73 application any new permission sits alongside the original permission, which remains intact and unamended. Government guidance states that for the purpose of clarity to reinstate

the conditions imposed on earlier permissions that continue to have effect.

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.

CIL DETAILS

This application is not CIL liable.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 Those parts of the development hereby permitted not yet commenced shall be begun before the expiration of 3 years from 14/05/25.

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:

- Proposed Block Plan DLS-147-MA-0
- Proposed Site Plan DLS-147-MA-02
- Proposed Floor Plans DLS-147-MA-03
- Proposed Elevations DLS-147-MA-04

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Arun Local Plan policy D DM1.

- 3 Based on the information available, this permission is exempt from the requirement to provide a biodiversity gain plan under Paragraph 13 of Schedule 7A to the Town and Country

Planning Act 1990. The following exemption applies:

This planning permission is for development which is a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Reason: In accordance with Schedule 7A of the Town and Country Planning Act 1990 (as amended).

- 4 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). 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 NPPF.