

REPORT UPDATE

Application No: BR/208/14/PL

Reason for the Update / Changes

REASON FOR UPDATE/CHANGES:-

Additional Consultation Response:

We have now received a consultation comment from Southern Water. This makes no mention of the pumping station or the capacity of existing pipework. No objection is raised but informatives are requested in respect of development near the sewer and a new connection to the sewer.

Additional Letter of Support

The occupier of 65 has lived opposite the site for 8 years and that the proposal would be a positive step in tidying up a plot of land which has always looked unloved and uncared for. The neighbour considers that the new dwelling will be in keeping with the local area and that the work done to 65B has already had a positive effect on the streetscene.

Additional Submission by the Applicant

The applicant has asked that the Committee note that contrary to the officers' report, there is a further dormer in the locality - on the northern side of 73. There are also several Velux roof lights on the southern side of the same roof.

Other

An informative will also be added to clarify that the application red edge was enlarged through the submission of the amended site plan.

Members should also note that in accordance with the new rules set out in the Governments planning practice guidance, local planning authorities can now no longer require affordable housing contributions on schemes of up to 10 dwellings. The section within the report entitled Section 106 Details therefore no longer applies and the corresponding informative has been deleted.

OFFICERS COMMENT:-

The three additional informatives are shown in the amended officers' recommendation below. The new informatives are numbered 10, 15 and 16. In addition, the informative regarding the affordable housing payment (formerly number 12) has been deleted.

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/208/14/PL

Recommendation Report for Planning Permission

REF NO: BR/208/14/PL

LOCATION: Land adj to 65B Gravits Lane
Bognor Regis

PROPOSAL: Construction of 1No. 2 bedroom chalet bungalow

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

This is a full application for the erection of a single detached 2 bedroom dwelling on an infill plot in between 65B and 67 Gravits Lane. The dwelling would be a chalet-style building with accommodation being provided at first floor level within the roof void and care of a dormer on the south western side. The dormer windows are at high level and there are two velux windows provided on the opposite roof plane. One off-street parking space would be provided within the front garden.

SITE AREA

0.01962 hectares (196 square metres).

RESIDENTIAL DEVELOPMENT DENSITY

51 dwellings per hectare.

TOPOGRAPHY

Predominantly flat.

TREES

None of any significance affected by the proposed development.

BOUNDARY TREATMENT

1.8m high fencing to the boundaries with 67 Gravits Lane and 4 Ivydale Road. No current boundary to 65B.

SITE CHARACTERISTICS

Side garden area to existing residential property located in a prominent corner location at the junction of two roads. The site therefore constitutes previously-developed land. There is a small shed in the garden.

CHARACTER OF LOCALITY

High density residential area designated as a Home Zone. The area is characterised by bungalows some with accommodation in the roof. The nearest dormer bungalow is at the north western end of Ivydale Road. A dormer on the southwest side of 65B was recently refused planning permission under Ref BR/209/14/HH) and although currently still in situ, it is understood that the applicant may be

able to undertake certain works to it to enable it to be considered as permitted development. There are no windows in the flank wall of 65B but it is noted that 67 has a ground floor flank kitchen window and door and two high level velux windows within the roof plane.

RELEVANT SITE HISTORY

BR/74/94	Conversion of existing accommodation to form two flats retaining existing retail unit	ApproveConditionally 04-05-1994
BR/287/08/	1 No detached dwelling and associated works	ApproveConditionally 05-11-2008
BR/209/14/HH	Retention of roof dormer on west side/roof elevation	Refused 20-10-2014 <i>Appealed</i>

Application BR/287/08 was an application for a house on this plot. The footprint of the dwelling is the same as per the current proposal but the design did not previously include a dormer, nor velux rooflights and the rear garden area was smaller (it has been slightly increased in size this time around in order to comply with Policy D DM3). The application was determined by the Development Control Committee in October 2008 and approved subject to conditions.

BR/209/14/HH was refused permission on 20/10/14 for the following reason:

"The dormer by reason of its siting and size detracts from the symmetrical appearance of the host dwelling and appears as a dominant intrusion in the street scene, detrimental to the character and appearance of the surrounding residential area. It is therefore contrary to policies GEN7, DEV19 of the Arun District Local Plan and policies DDM1,DDM4,DSP1 of the Emerging Local Plan and Paragraphs 64 of the National Planning Policy Framework."

REPRESENTATIONS

Representations received:

Bognor Regis Town Council

Bognor Regis Town Council - "OBJECTION on the grounds that this is over development of the site"

The Town Council were re-consulted following the amendments concerning the rear garden but responded with the same objection.

There have also been 16 objections from local residents including from the occupiers of 67 Gravits Lane. The objections are as follows:

- * Already enough houses in the area;
- * Loss of light to side kitchen window of no. 67 & need to spend more on electricity;
- * Windows will overlook 67's garden and 67's own flank velux windows;
- * Loss of light to 96 & 96a Gravits Lane (opposite);
- * More noise from cars, more on-street parking;

- * House will be built in front of the local water pumping station and parked cars will hinder access by tankers;
- * Impact on existing local sewer pipework;
- * Additional house will exacerbate highway safety issues with respect to blind corner at Gravits Lane/Ivydale Road;
- * Damp caused by the closeness of properties;
- * Impact on house prices;
- * Understood that 65B is being redeveloped with 5 double bedrooms and 3 bathrooms but only 2 parking spaces; and
- * Land too small, house will be out of character with existing bungalows.

Comments on Representations received:

Comments as follows:

- * This is an existing residential area within the built up area boundary;
- * It is noted that the previous decision (Ref BR/287/08) stated that:

"Although the development would inevitably result in some loss of natural daylight to the side windows in the property lying to the north-east (67 Gravits Lane), it is not considered that the level of harm caused would be so material as to warrant refusal of this application, particularly in view of the fact that these windows are either secondary openings, or serve non-habitable rooms (such as the kitchen)."

It remains the case that secondary windows to non-habitable rooms are not afforded the same level of protection as principal windows. Furthermore, the previous decision is a significant material consideration in the determination of the current application.

- * It is noted that the previous scheme did not include velux windows and that there is potential for these to look into 67's existing first floor accommodation. However, both of the velux windows are secondary to proposed gable end windows at front and rear. Therefore, they can be obscure glazed and of a non-opening type and this will protect the amenity of the neighbour. A condition will be imposed to secure this. There was no issue raised as regards overlooking by gable end windows in the determination of the 2008 application.

- * These properties are on the opposite side of the road. No issues of this nature were deemed to be important in the determination of the 2008 application.

- * It is considered that 1 car parking space is sufficient for a development of this size. It is noted that West Sussex Highways raised no objections on the previous application to the access or parking arrangements.

- * No issues relating to the pumping station or pipework were deemed to be significant in the determination of the 2008 application.

- * Issues relating to damp are not material planning considerations. Building Control would ensure that the new house is built to minimise damp issues on the site.

- * The impact on house prices is not a material planning consideration.

- * The plans submitted with BR/209/14/HH in respect of 65B show only 3 bedrooms of different sizes (thought to be two doubles and one single) with 1 enlarged bathroom and 1 new shared en-suite shower room.

* The 2008 permission suggests that the land is not too small to accommodate a new dwelling whilst still maintaining the character of the streetscene.

CONSULTATIONS

Economic Regeneration
Engineering Services Manager
Engineers (Fluvial Flooding)
Southern Water Planning

Consultations responses received:

Arun DC Drainage Engineers - The applicant states that surface water will be discharged to soakaway. Please apply standard conditions ENGD2A. A sewer is within the site, Southern Water should be consulted regarding this and potential issues with the sewer system.

Comments on Consultation responses:

Comments noted. Southern Water have been asked to comment.

POLICY CONTEXT

Designation applicable to site: Within Built Up Area Boundary.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: [DEV17](#)
[GEN2](#)
[GEN7](#)
[GEN9](#)
[GEN12](#)

[Publication Version of the Local Plan \(October 2014\):](#)

Affordable Housing
Built-up Area Boundary
The Form of New Development
Foul and Surface Water Drainage
Parking in New Development
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 SP2 Built-Up Area Boundary
T SP1 Transport and Development
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; Bersted; Felpham; Littlehampton; and Yapton.

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

PROPOSAL AND PLANNING HISTORY

The proposal is described elsewhere in the report. However, it is considered important to note

report

that the footprint and height of the dwelling is the same as per the 2008 approved scheme. The only differences between the two schemes are as follows:

- * The new scheme includes a side dormer facing 65B with 2 high level windows;
- * The new scheme includes two velux rooflights on the north eastern roof plane;
- * The new scheme adds a bathroom to the first floor; and
- * The new scheme increases the size of the rear garden by approximately 21m².

PRINCIPLE

The site comprises previously-developed land in a sustainable location within the Built-up Area Boundary. In such locations, the principle of new development is considered to be acceptable subject to other policies in the development plan. Indeed, paragraph 49 of the National Planning Policy Framework (NPPF) states with regard to housing that: "Housing applications should be considered in the context of the presumption in favour of sustainable development".

VISUAL AMENITY

The design of the proposed chalet-style dwelling is considered satisfactory and aside from the side dormer is similar in overall height and design to neighbouring properties. Although it is accepted that the overall site area is narrower than the adjacent plots, it is considered that the plot could easily accommodate a further dwelling without having a materially detrimental impact on the character or appearance of the area and the new dwelling would be provided with adequate private amenity space and off-street parking for one vehicle. The density of development is considered commensurate and not out of keeping with that of the surrounding residential area.

The proposed dormer is an addition to the previously approved scheme. However, the site is not a prominent corner plot and therefore the dormer will not stand out significantly. It is not considered that this is an area of any particularly renowned character and it is noted that there are similar dormers elsewhere in the local area. The dormer is set in from the sides and from the top & bottom of the roof plan and as such will be subservient in size to the proposed dwelling.

RESIDENTIAL AMENITY

The proposed dwelling has been carefully designed to ensure that the impact of the development on the amenities of neighbouring properties will be minimised. The height of the building is similar to the dwellings to either side and the eaves height on the side of 67 is only 0.5m higher than the existing 1.8m fence (which itself could be increased to 2m in height without permission). There will be a gap of 0.6m from the new dwelling to the shared boundary and the neighbour's gap is around 1.5m. The roof will also slope away from the neighbouring property. On the basis of these factors, it is not considered that the proposed dwelling will result in any significant loss of light to the neighbours kitchen window, which itself is classified as a secondary window. The buildings footprint has also been designed to ensure that the rear building line is set back from the rear building line of 67.

There are no proposed ground floor flank windows which might invade the privacy of 67's existing ground floor windows. There are first floor velux windows in the north eastern roof slope but these are secondary windows and it is therefore acceptable to require them to be obscure glazed and non opening. This will protect the privacy of the neighbouring property. There would

potentially be an increased propensity for overlooking from the first floor bedroom window to the rear of the new dwelling in a north-westerly direction (towards 4 Ivydale Road) but in view of the distances maintained and the fact that the new dwelling would not project any further back than the neighbouring properties at 65b and 67 Gravits Lane, it is not considered that this would, in itself, comprise a reason for refusal that could be sustained at an appeal.

HIGHWAYS AND PARKING

Although concerns have been raised by neighbours on highway safety grounds, the comments of West Sussex County Highways in 2008 were that: "The number of parking spaces proposed is within the WSCC Parking Standard. No highway objections subject to the imposition of appropriate conditions and informatives." These conditions and informatives have been included within the current recommendation.

INTERNAL AND EXTERNAL SPACE STANDARDS POLICIES

All of the policies of the emerging Local Plan have now been approved for development management purposes and these include two policies (D DM2 & D DM3) which seek to ensure that future residential occupants are provided with a satisfactory amount of indoor living and outdoor garden space. Following a thorough analysis of the proposal versus the internal and external space standards policies, it is considered that:

* The requirements in respect of a two storey, 2 bedroom, 3 person dwelling is 77m² and the proposed dwelling includes an internal area of 77.4m². It therefore complies with Policy D DM2; and

* The original block plan was some 18m² short of the required 85m² standard but an amended plan has been received which takes a small area of land from 65B and increases the private amenity space to just over 85m². The garden is only 8.4m deep but this is the depth of the existing garden and given that the area standard is met, it is considered that the proposal is compliant with Policy D DM3. It is considered that this change also maintains an appropriate amount of private amenity space to 65B.

SUMMARY

It is considered that the proposal is acceptable in policy terms in that there will be no loss of residential amenity, no harm to the character of the area and no significant impact on the local highway. It is considered that the previous 2008 approval only enhances the arguments in favour of approving this application and it is recommended that permission be granted subject to the following conditions.

Any consultation comments from Southern Water will be reported as an update to the meeting.

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.

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:

Plan No. 1 - Block/Location Plan;
Plan No. 2 - Proposed Site and Roof Plan (Second Revision ~ 20/10/14);
Plan No. 2a - Landscaping Plan;
Plan No. 3 - Location Plan;
Plan No. 4 - Proposed (Floor) Plans and Elevations;
Plan No. 5 - Proposed Street View; and
Photomontage of Street Scene.

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

- 3 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 retained in perpetuity thereafter.

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

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

Reason: 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 with policy GEN7 of the Arun District Local Plan.

- 5 The high level first floor bathroom window on the southwest elevation of the building shall at all times be glazed with obscured glass.

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

- 6 The two rooflights/velux windows in the north eastern roof plane of the building shall at all times be glazed with obscured glass and permanently fixed to be non-opening.

Reason: To protect the amenities and privacy of the neighbouring property in accordance with policy GEN7 of the Arun District Local Plan.the two velux windows in the north east roof plane

- 7 No windows (other than those shown on the plans hereby approved) shall be constructed in the south-west or north-east facing walls or in the roof slopes of the dwelling hereby permitted without the prior permission of the Local Planning Authority on an application in that behalf.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policies GEN7, DEV19 of the Arun District Local Plan.

- 8 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.

- 9 The dwelling hereby permitted shall not be occupied until the parking space shown on the submitted plans has been provided and constructed. The area of land so provided shall not thereafter be used for any purpose other than the parking and turning of vehicles.

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

- 10 INFORMATIVE: For the avoidance of doubt, Plan no. 2 "Proposed Site and Roof Plan (Second Revision ~ 20/10/14)" shows the site area (applicant red edge) as opposed to the Plan No. 1 - Block/Location Plan which was originally submitted.
- 11 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.
- 12 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 Local Planning Authority. 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.
- 13 INFORMATIVE: 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 highway for these purposes may not be acceptable under the terms of the Highways Act.
- 14 INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.
- 15 INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development. Please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel 033 0303 0119) or www.southernwater.co.uk.
- 16 INFORMATIVE: Please note that: (a) no development or new tree planting should be located within 3 metres either side of the centreline of a public sewer; (b) No new soakaways should be located within 5m of a public sewer; and (c) All existing infrastructure should be protected during the course of the construction works.