

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

REF NO: BR/208/25/S73

LOCATION: 1A Normanton Avenue
Bognor Regis
PO21 2TX

PROPOSAL: Variation of condition 2 imposed under BR/49/25/HH relating to approved plans.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application seeks to vary condition 2 imposed under BR/49/25/HH. The condition relates to the approved plans, and the application seeks to make amendments to the parking arrangements.
SITE CHARACTERISTICS	The site is a detached bungalow, which is currently being extend and redeveloped, as permitted under BR/49/25/HH.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

BR/49/25/HH	Removal of existing roof and building an extension to the front and a new first floor extension within the pitched roof including 1 No. front and 1 No. rear dormer. Alterations to fenestration. Demolition of conservatory. New highway access and vehicle crossover.	ApproveConditionally 23-05-25
BR/63/24/HH	Removal of existing roof and building an extension to the front and a new first floor extension within the pitched roof including 1 No. front and 1 No. rear dormer. Alterations to fenestration. Demolition of conservatory. New highway access and vehicle crossover.	ApproveConditionally 24-06-24

Planning history noted.

REPRESENTATIONS

Bognor Regis Town Council - No response received.

One objection was received from a nearby occupier stating that:

- It does not seem feasible for a standard sized saloon car to fit onto the space being designated, at the angle shown, without overhanging the public pathway.

- The owner's two vans are considerably longer than a car and already overlap the path when parked in front of what was the original garage.
- The existing dropped kerb will not be sufficiently wide enough for a car/van to access the new space without bumping up the kerb if a car is already parked on the drive.
- Increasing the amount of hardstanding will impact biodiversity

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

WEST SUSSEX COUNTY COUNCIL HIGHWAYS - No objection.

- The extended crossing point should be no wider than 6.4m. The application should liaise with the Local Highways Authority's engineer on this matter.
- Request for informative regarding consents for off-site highways works.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

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)
TSP1	T SP1 Transport and Development

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
SPD13	Arun District Design Guide (SPD) January 2021

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

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 the proposals will not have an unacceptable impact on parking, or harm the visual amenity of the site.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

(2) in dealing with an application for planning permission the authority shall have regard to -

(a) the provisions of the development plan, so far as material to the application,

(aza) a post examination draft neighbourhood development plan, so far as material to the application,

(b) any local finance considerations, so far as material to the application, and

(c) any other material considerations.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

PRINCIPLE

BR/49/25/HH was approved on 26 May 2025 and granted permission for front and first floor extensions including a front and rear dormer. This application also granted permission for alterations to fenestration, a new highway access and vehicle crossover.

This application seeks to amend the plans condition on the original permission, in order to amend the location of the vehicle crossover and proposed parking arrangements.

SUMMARY

The proposed amendments seek to widen the existing access in front of the garage, rather than relocating the access as proposed in the original application. This alteration will not significantly impact the appearance of the property, and will not impact neighbouring residential amenity, in accordance with Arun Local Plan (ALP) policies D DM1 and D DM4. Comments from WSCC highways indicate that the crossover should be no wider than 6.4m and should be completed to a specification to be agreed with the highways engineer. All appropriate consents should be sought from the Highways Authority before completing these works.

The proposed parking arrangement seeks to move the two car parking spaces from in front of the proposed living room to in front of the converted garage and adjacent bedroom. This part of the house projects further forward, and as a result both parking spaces will be smaller than those originally proposed. Both spaces fall short of the standard recommended size of parking spaces in the Arun Parking Standards SPD. The amendment therefore results in a loss of parking spaces, although it is acknowledge that smaller cars could park within these spaces. In this arrangement, the parking situation on the site would be very similar to the existing, where there is a single parking space located to the front of the existing garage, which may be too small to be used. There is good availability of on-street parking in the surrounding area. Whilst the proposals no longer improve parking provision to serve the extended dwelling, the proposed parking arrangements reflect the existing parking situation on the site. The proposed parking arrangements are therefore acceptable in accordance with ALP policies T SP1 and D DM1.

The relocation of the parking spaces would not have a significant impact on the appearance of the

property, and would not harm the visual amenity of the area in accordance with ALP D DM1. The proposals would not necessarily result in an increase in hardstanding, and, given the scale of the development, the proposed landscaping has not been secured via condition as part of this, or the previous consent. The proposals would not significantly impact biodiversity.

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 The development hereby permitted shall be begun on or before the 23.05.2028 (being three years from the date of the original planning 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:

- Location and Site Plans REVE
- Proposed Ground Floor Plan REVG

- Proposed Street Elevation REVE
- Proposed Elevations
- Proposed First Floor Plan

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 The windows within the dormer within the rear (northern) roof slope of the building and the first floor level windows within the eastern flank elevation shall at all times be glazed with obscured glass to a level equivalent to Pilkington Level 3 or nearest equivalent standard and be non-openable below 1.7m above finished floor level.

Reason: In the interests of the amenities of the occupants of nearby properties in accordance with Arun Local Plan policies D DM1 and D DM4.

- 4 The materials and finishes of the external walls and roofs of the extension hereby permitted shall match in colour and texture those of the existing building.

Reason: In the interests of amenity in accordance with Arun Local Plan policies D DM1 and D DM4.

- 5 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 an application under s73 of the Town and Country Planning Act (1990) to amend an existing planning consent. This permission was granted via 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).

- 6 **INFORMATIVE:** The applicant is required to obtain all appropriate consents from West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact the Area Highway Manager (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.