

Recommendation Report for Planning Permission

REF NO: BR/215/18/PL

LOCATION: 75 Highfield Road
Bognor Regis
PO22 8PD

PROPOSAL: Conversion & extension of dwelling comprising two existing flats to form 6 No. flats (4 No. new) with associated ancillary services.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	It is proposed to demolish part of the existing rear single storey extension, part widen it to match the width of the front of the building and part extend above it with a new first floor and also accommodation in the roof of the house and extension. These extensions alongside the conversion will enable the creation of 4 new flats and result in a total of 6 within the building (2 x 2 bed and 4 x 1 bed). There will be one off-street parking space at the front which is sited parallel to the road. To the rear, flat 2 will have a private garden and there will be a separate communal garden at the rear of the plot. Bin and bike store also at the end of the plot. The new building will measure 9.1m wide (front) and 8.7m wide (rear) and 16.4m deep. This compares to a width of 9.1m (front) and 4.4m (width of rear single storey extension). The existing depth is a total of 20.05m at ground floor and 12.8m at first floor. There is no change to the total height of the house (8.5m) but the height of the existing highest part of the rear extension will increase from 6.95m to 8.05m.
SITE AREA	0.03607 hectares.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	166 dwellings per hectare (up from 55 dwellings per hectare).
TOPOGRAPHY	Predominantly flat.
TREES	Some small trees in rear garden but none of any significance affected by the proposed development.
BOUNDARY TREATMENT	- 1.9m high wall to side passage (south west); - 1.9m high close boarded fence to no. 77 (north east); - 1.7m high dilapidated close boarded fencing to the rear; and - a low wall to the front.
SITE CHARACTERISTICS	Two storey end terraced dwelling with attached garage to side and short driveway. Mix of materials - brick and flint detailing to front and side, yellow render to the rear and reddish concrete tiles to the roof. There is a single storey flat roofed grey rendered extension to the rear. The property was

CHARACTER OF LOCALITY

previously occupied as a single dwellinghouse.

High density residential street. Predominantly terraced dwellings but with some semi-detached houses and the occasional detached dwelling. There are other houses that have been converted into flats elsewhere in the street. Some houses in the street have roof level velux windows but no roof level dormers. On-street parking is considered to be at a premium particularly outside of work hours. Neighbouring properties as follows:

69 Highfield Road (to the south west) - detached dwelling albeit in the same design/form as other nearby terraced dwellings. No flank windows affected. Rear windows on the affected side consist of an obscure glazed window at ground floor (use not known but assumed also a bathroom) and a bathroom above. There is a 3.4m driveway gap between the application site and this dwelling.

75 Highfield road (to the north east) - mid terraced dwelling. Flat roofed rear extension with a bedroom above that could be affected by the proposed building works.

RELEVANT SITE HISTORY

BR/244/90	Change of use to 2 flats with new two storey extension to form two further flats	ApproveConditionally 20-08-90
BR/738/74	Extension	Approve 20-11-74
BR/749/70	Double Garage For Caravan And 2 Cars	ApproveConditionally 08-03-71
BR/205/60/A	Use Room As Employment Agency	ApproveConditionally 19-09-65
BR/205/60	Bath And Lav Basin In Back Room	ApproveConditionally 16-08-65

It is not known whether the permission for flats was ever implemented as there were no signs of multi-occupancy at the property and anecdotal evidence from local residents suggests that the property was occupied by a single family and their grandmother.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bognor Regis Town Council

Bognor Regis Town Council

"OBJECTION on the grounds of over-development of an ordinary three-bedroomed house, with total lack of parking for the proposed space."

19 letters of objection raising the following issues:

- (1) Insufficient off-street parking;
- (2) Already inadequate parking on Highfield Road meaning people have to park elsewhere;
- (3) People in the street regularly park across driveways;
- (4) Potential for blocked access to the cul-de-sac part of Highfield Road serving 33-69;
- (5) Due to parking on both sides, this is a one way road causing issues for drivers trying to pass in both directions;
- (6) Frequent damage to parked cars from other drivers;
- (7) No facilities for construction traffic parking;
- (8) Disruption from building works;
- (9) Noise disturbance from new residents;
- (10) Sustainability does not lead to a reduction in car ownership;
- (11) Increased surface water flooding;
- (12) Loss of light and privacy to 69 Highfield Road;
- (13) Harm to the character of this particular terrace;
- (14) Use of obscure glazing to protect privacy will result in unacceptable living accommodation;
- (15) No impact on Pagham Harbour yet an agreement already in place;
- (16) Loss of family housing;
- (17) Only one site notice posted;
- (18) The site notice should also be uploaded to the portal for the public to view; and
- (19) No site notice posted to alert residents to plan amendments.

COMMENTS ON REPRESENTATIONS RECEIVED:

The Town Council comments are noted. Overdevelopment and parking issues will be considered in the report's conclusions. The following comments are offered in response to the resident objections:

- (1) - (2) This will be considered in the report's conclusions under "Highway Safety and Parking";
- (3) Noted;
- (4) - (5) This will be considered in the report's conclusions under "Highway Safety and Parking";
- (6) Noted;
- (7) If the application was to be approved then there would be a planning condition to require agreement of such details;
- (8) Any impacts during construction will be temporary in nature. Furthermore, there is other legislation (such as Environmental Law) in place to protect residents from undue noise or dust. The Councils Environmental Health Officer has also requested that a Construction Environmental Management Plan be submitted for approval prior to commencement;
- (9) This will be considered in the report's conclusions under "Residential Amenity";
- (10) Noted;
- (11) The Councils drainage engineers have been consulted and advise no objection subject to a

standard surface water drainage condition;

(12) This will be considered in the report's conclusions under "Residential Amenity";

(13) This will be considered in the report's conclusions under "Design & Character";

(14) Noted;

(15) All applications proposing new dwellings within a 5km radius of Pagham Harbour are required to make a contribution towards agreed mitigation measures to offset the impact to the Special Protection Area/Ramsar Site;

(16) The new two bedroom flats will also be suitable for families;

(17) The Council is required to ensure that all adjoining owners/occupiers are made aware of the application and does so by posting a site notice on each affected road (in this case, one on Highfield Road and one on Gordon Avenue) and by placing an advert in the West Sussex Gazette.

(18) The purpose of the site notice is to alert residents to the Council's online planning register. It would not serve a purpose to place a copy on the planning register; and

(19) The Council is only required to re-advertise applications where there has been a material change in the proposal and in this case it was not considered that the changes were material.

CONSULTATIONS

Environmental Health

Engineering Services Manager

Engineers (Drainage)

WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

WSCC HIGHWAYS - No objection subject to a condition to require details of the construction site setup. Comments as follows:

- Parking is currently at a premium along Highfield Road and on-street parking spaces are limited.
- However, parking is available in the surrounding residential streets and the site is located in a relatively sustainable location close to the town centre and local bus links.
- Cycle parking has also been provided.

ADC DRAINAGE ENGINEERS - No objection subject to a standard surface water drainage condition.

ADC ENVIRONMENTAL HEALTH - No objection subject to a planning condition to require the submission and approval of a Construction Environmental Management Plan prior to commencement of development.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. The WSCC Highways and Environmental Health conditions could be combined into one.

POLICY CONTEXT

Designations applicable to site:

Within the Built Up Area Boundary;

Pagham Harbour Zone B;

Within 2km buffer zone of Bognor Reef Site of Special Scientific Interest (SSSI);

Within 2km buffer zone of Felpham Site of Special Scientific Interest (SSSI); and WSCC Waste Consultation Area (Alderton's Yard, Town Cross Avenue site).

DEVELOPMENT PLAN POLICES

Arun Local Plan 2011 - 2031:

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design
ECCSP2	ECC SP2 Energy and climate change mitagation
ENVDM2	ENV DM2 Pagham Harbour
HDM1	H DM1 Housing mix
QESP1	QE SP1 Quality of the Environment
QEDM1	QE DM1 Noise Pollution
SDSP1	SD SP1 Sustainable Development
SDSP1A	SD SP1a Strategic Approach
SDSP2	SD SP2 Built-up Area Boundary
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality
WDM3	W DM3 Sustainable Urban Drainage Systems
WSP1	W SP1 Water
WMDM1	WM DM1 Waste Management

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 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.

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.

There are no relevant Bognor Regis Neighbourhood Plan policies.

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 conflict with the relevant Development Plan policies in that it proposes to increase the number of flats in the building from 2 to 6 but only provides 1 parking space which is considered to be inadequate to meet the requirements of the West Sussex Parking Demand Calculator and will result in harm to the amenity of local residents through increased competition for on-street spaces.

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

PRINCIPLE:

The site lies within the built up area boundary where development is acceptable in principle in accordance with policy SD SP2 of the Arun Local Plan (ALP) and provided it is in accordance with other policies of the Local Plan covering such issues as character/design, residential amenity, space standards and highway safety/parking.

Regard should also be had to policy SD SP1 of the ALP which states that: "When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF)." The site is in a sustainable location within walking and cycling distance of a range of shops, facilities and services including bus stops, a large food store, schools, medical services and a railway station. Furthermore the proposed flats could contribute to the economic and social needs of the Bognor Regis area.

NPPF para 118(d) states "Planning policies and decisions should: promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing".

Furthermore, paragraph 123 states that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site. In particular, higher densities will be encouraged for city/town centres and other locations that are well served by public transport.

The proposal is considered to accord with policies SD SP1 and SD SP2 of the Arun Local Plan.

CHARACTER & DESIGN:

Local residents object on the grounds that there will be harm to the character of this particular terrace.

Policy D DM1 of the Arun Local Plan requires that the Council seek to make the best possible use of the available land by reflecting or improving upon the character of the site and the surrounding area. It also requires the Council to consider scale, massing, aspect, siting, layout, density, building materials, landscaping, and design features. It is also necessary that development demonstrates a high standard of

architectural principles, use of building materials and hard and soft landscaping to reflect the local area. In terms of density, D DM1 requires that new housing makes efficient use of land while providing a mix of dwelling types and maintaining character and local distinctiveness. However, higher densities will be more appropriate in the most accessible locations. The policy also requires that the scale of development keep within the general confines of the overall character of a locality.

Policy D DM4 requires that extensions/alterations: sympathetically relate to and are visually integrated with the existing building in siting, massing, design, form, scale & materials; are visually subservient to the main building & provide a high standard of amenity; do not create a terracing effect where no terrace exists; and do not compromise the established spatial character & pattern of the place.

ALP policy D SP1 "Design" requires development to make an efficient use of land and also reflect local character. In addition, para 127 of the NPPF requires developments to be visually attractive and sympathetic to local character and history.

The proposed extensions are to the rear and side of the building and although those to the rear will not be visible from the front, those to the side will be visible in the streetscene albeit less so when viewing the property from the north east. However, the extension to the side is considered to be in character with the existing building being of the same height, design and materials as the existing. Although not subservient, this is acceptable as it means that the terraced form is maintained. Meanwhile the rear extensions, although significant in size, will be lower in height than the existing house and therefore subservient in scale. Following amendment the rear extension is now only marginally deeper (2.4m) than the adjoining neighbour's first floor and is also shorter than the neighbour's ground floor rear projection. It is also noted that there is an abundance of existing flat conversions and/or HMO's in the local area and therefore there can be no in principle objection to the flat use.

The proposal therefore complies with policies D DM1, D DM4 & D SP1 and with the guidance on design within the NPPF (para. 127).

RESIDENTIAL AMENITY:

Local residents object on the grounds that there will be noise disturbance from new residents and a loss of light and privacy to 69 Highfield Road.

Policy D DM1 requires the Council have regard to certain aspects when considering development including having minimal impact to users and occupiers of nearby property and land. Policy D DM4 requires that extensions/alterations: sympathetically do not have an adverse overshadowing, overlooking or overbearing effect on neighbouring properties. Regard should be had to para 127 of the NPPF which states that developments should provide a high standard of residential amenity for existing and future users.

Policy QE SP1 states: "The Council requires that all development contributes positively to the quality of the environment and will ensure that development does not have a significantly negative impact upon residential amenity". Policy QE DM1 provides guidance in respect of new noise generating development and states that applications should be accompanied by a noise assessment. However it is not considered relevant to require a noise assessment for new residential development located in a residential area.

The plans were amended during the course of the determination to reduce the depth and thus ensure that the amenity of no. 77's rear first floor bedroom window is preserved. This is demonstrated by the 45 degree angle drawn on the plans. Furthermore, there are no windows proposed in this flank wall and due to the angle of the roof, those velux windows within the roof will not allow any views of this

neighbouring property.

The local resident objections concern the relationship to no. 69 which is separated from the site by a single width driveway which results in a 5.2m gap between the two houses. The new side extensions are considered to be significant in bulk and scale. However, the length is only marginally deeper than the extent of 69's rear two storey projection (by approx. 1.6m). As a result, there is no impact on a 45 degree splay drawn from 69's rear windows and as noted above, no. 69 does not have any flank windows which could be adversely affected.

The only proposed first floor windows in the flank wall facing 69 are secondary in nature and therefore could be conditioned to be obscure glazed and either fixed shut or top vent opening only. Again the velux windows in the roof are at such an angle that they will not allow views out. The combination of similar depth and the gap between the properties is considered to mitigate any sense of the new extensions being overbearing.

There will be views out from the new rear first floor windows but any views of neighbouring land will be at an oblique angle and this is typical of every house with rear facing windows. The distance from the new rear windows and the rear windows of those houses on Gordon Avenue is at least 20m and this is considered to be sufficient to protect the amenity of these existing residents. It is also noted that no. 69 is concerned about light, however, as the extension is to the north/northeast of the neighbour and also has a similar rear depth, it is not considered that there will be any adverse impact on the amount of light reaching no. 69. The impact on 77 would be greater but is also mitigated due to the similar depth of the extensions. Light will still reach 77's rear bedroom window when the sun is in the west but there will be no affect on the amount of light reaching their rear ground floor windows or garden.

The proposal therefore complies with policies D DM1, D DM4 and QE SP1 as well as the guidance on amenity within the NPPF (para. 127).

INTERNAL & EXTERNAL SPACE STANDARDS:

Policy D DM2 states: "The planning authority will require internal spaces to be of an appropriate size to meet the requirements of all occupants and their changing needs. Nationally Described Space Standards will provide guidance". It is therefore necessary to assess the proposal against internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard) to determine if the building is suitable for residential use. The following is a breakdown of the proposals versus the space standards:

Flat - Storeys/Beds/Persons - Requirement - Proposed - Compliance (Y/N)

1 - 1S/1B/2P - 50m ² - 52m ² - Y
2 - 1S/2B/3P - 61m ² - 68m ² - Y
3 - 1S/1B/2P - 50m ² - 55m ² - Y
4 - 1S/2B/2P - 61m ² - 65m ² - Y
5 - 1S/1B/1P - 39m ² - 50m ² - Y
6 - 1S/1B/1P - 39m ² - 39m ² - Y

Therefore, all of the flats comply with the standards in respect of internal space. It is noted that two of the flats (1 & 3) have study spaces forming part of the open plan living area. These were formerly shown as bedrooms but the applicant changed the layout by removing the internal partition walls after it was reported that these being two bedroom flats would be in conflict with the space standards.

D DM1 refers to the need for compliance with the Arun Design Guide. This is to part replace D DM3

"External Space Standards" which was deleted at the request of the Local Plan Inspector. Until this Design Guide is published, there is no policy within the ALP regarding private gardens sizes. Para 127 of the NPPF states that planning decisions should ensure that developments have a high standard of amenity for existing and future users. The scheme includes a rear garden to flat 2 which will be private other than in respect of views from above. There is also a less private communal space to the rear also accommodating the bin and cycle stores.

The proposal complies with policies D DM1 & D DM2 and with the guidance within the NPPF (para. 127).

HIGHWAYS & PARKING:

Local residents object on the grounds that there is insufficient off-street parking, that there is already inadequate parking on Highfield Road meaning people have to park elsewhere, that the increase in cars may lead to access being blocked to 33-69 Highfield Road and that Highfield Road is already unsafe for car drivers.

Policy T SP1 seeks to ensure development: provides safe access on to the highway network; contributes to highway improvements & promotes sustainable transport, including the use of low emission fuels, public transport improvements and the cycle, pedestrian and bridleway network. In respect of parking, it states:

"The Council will support transport and development which: incorporates appropriate levels of parking in line with West Sussex County Council guidance on parking provision and the forthcoming Arun Design Guide taking into consideration the impact of development upon on-street parking"

Policy T DM1 requires that new development be located within easy access of established non-car transport modes/routes and also seek to contribute to the improvement of such routes & facilities.

Para 108 of the NPPF states: "In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that: (b) safe and suitable access to the site can be achieved for all users". Regard should be had to para 109 which states: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

WSCC Highways have assessed the application and raise no objections in respect of vehicle or pedestrian safety and therefore, it would not be possible to sustain a refusal on these grounds. In respect of parking, WSCC consider that although there is a shortage of parking spaces on Highfield Road, parking is available in the surrounding residential streets and the site is located in a relatively sustainable location close to the town centre and local bus links. They therefore raise no objection.

The West Sussex Revised County Parking Standards Supplementary Planning Guidance (November 2003) requires that a maximum of 1 space be provided for 1 bedroom dwellings and a maximum of 2 spaces for 2 and 3 bed dwellings. This would equate to a maximum requirement of 8. However, the Council currently uses the West Sussex Parking Demand Calculator which calculates the likely parking demand based on the location of the site, the number of spaces proposed and the size & tenure of the accommodation. This calculator suggests a demand of 4 spaces and therefore, there would be a shortfall of 3 spaces.

However, this assumes that it would be possible to park one car in the proposed off-street space which could be blocked by another road user (there is anecdotal evidence from residents that off-street spaces are often blocked) and would also require a careful reverse park manoeuvre to access. It is also noted though that the current site has the benefit of a garage and a short driveway (small hatchback length)

and therefore, the proposal reduces the existing provision by 1 whilst increasing the number of dwellings from 1 to 6.

There is no highway safety objection to the low parking provision and it is clearly acknowledged that this is a sustainable edge of town centre location and that therefore, residents can walk, cycle or take a bus to access shops, services, employment sources etc. However, there is clear evidence from local residents that the parking spaces within the street and surrounding roads are already over subscribed and that this creates conflict with other road users and adversely affects the amenities of local residents living in the area.

It is therefore considered that any intensification of the number of dwellings on this road will exacerbate these existing conflicts and cause further stress and inconvenience to the local residents. This will affect their amenity and as such there is considered to be conflict with policies D DM1 and QE SP1 of the Arun Local Plan. This impact will principally be to those on Highfield Road but also those on adjoining streets due to the need for residents to park elsewhere.

IMPACT ON THE PAGHAM HARBOUR SPECIAL PROTECTION AREA:

Policy ENV DM2 requires that new residential developments within a 400m to 5km distance ('Zone B') of Pagham Harbour make a financial contribution towards the provision of accessible natural open green spaces to serve the area. A contribution of £1,275 per new residential unit was agreed by the Councils Cabinet on 20 July 2015. The Councils Cabinet approved a reduction in the tariff from £1,275 to £871 as of the 10th April 2017.

The site is within the designated Zone B and it was therefore necessary to apply this requirement. The net increase in dwellings results in a contribution of £3,484 and this is secured by the signed legal agreement.

SUMMARY:

There is no in principle objection to further residential development on this site within the built up area and it is considered that the proposal complies with development control criteria concerning highway safety, internal space standards, character and overlooking/light loss. However there will be adverse harm to local residents as a result of the intensification of the residential use of the site and the lack of off-street parking. Whilst there is no highway objection to this, it is considered that the related amenity impacts are such that an approval for the proposed number of flats in combination with the reduction in off-street spaces cannot be justified. It is therefore recommended that the application be refused for the following reason.

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), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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.

SECTION 106 DETAILS

The application is accompanied by a signed S106 legal agreement relating to a contribution of £3,484 towards the provision of accessible natural open green spaces to offset the impact of the development on the Pagham Harbour Special Protection Area.

RECOMMENDATION

REFUSE

- 1 The proposed development does not include sufficient parking provision to meet the needs of future occupiers in accordance with the residential parking standards in use at the time and this will result in an increase in pressure for on-street parking spaces which will be harmful to the amenity of local residents by way of increased conflict/competition for existing spaces and the need for residents to park further away from their dwelling. It is therefore contrary to policies T SP1 and QE SP1 of the Arun Local Plan.
- 2 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason for the refusal, approval has not been possible.