Recommendation Report for Planning Permission

REF NO: **BR/21/13/**

LOCATION: Land adj to 6 Seafield Terrace
Stocker Road
Bognor Regis

PROPOSAL: Erection of a 3 bedroom house

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application is to create a new dwelling at the end of an existing terrace. This application follows previous refusals the last being BR/299/08 which was dismissed on appeal. The application is for a two storey dwelling to the side of the end of a terrace of 3 storey town houses.
SITE AREA	0.03 hectares
RESIDENTIAL DEVELOPMENT DENSITY(NET)	33 dwellings per hectare
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	1.8m brick wall to side.
SITE CHARACTERISTICS	End of terrace 1960s 3 storey house with garage at ground floor. First and second floor levels are tiled. Detached garage to side.
CHARACTER OF LOCALITY	Mix of houses and flats in Stoker Road and at the rear in Marine Drive West. Two storey properties directly to the rear. Adjacent to the site are flats with only one first floor window at the side.

RELEVANT SITE HISTORY

BR/124/02/	One new 3 bedroom detached house	Refused 01-07-2002	
BR/142/08/	New dwelling.	Refused 02-07-2008	
BR/299/08/	Re-submission of previous application BR/142/08 for new dwelling	Refused 05-12-2008	*Appealed*

Appeal: Dismissed
27 05 2009

REPRESENTATIONS

Representations received:

Bognor Regis Town Council

Objection:
No objection

2 letters of objection - the proposed house is too large for the plot and it is not in keeping with the existing town houses. The proposal is to project significantly beyond the existing building out of symmetry of the terrace. There is insufficient car parking as the garage will be lost. Will result in loss of privacy for 3 Stocker Road. The proposed Juliette balcony at the second floor will be particularly intrusive. Will result in loss of light for the adjacent flat. Previous applications have been refused. Will devalue property.

Comments on Representations received:

Noted. Property values are not a material planning consideration.

CONSULTATIONS

Engineering Services Manager
Economic Regeneration
WSCC Strategic Planning

Consultations responses received:

County Highways:

The proposed will be acessed from the existing access point. No road traffic accidents have been recorded at the existing point of access. The new dwelling is to be situated in a sustainable location as the site within walking distance of public car parks and has close links with the public transport network. The proposal would also not be anticipated to generate an increase in vehicle movements, and the peak usage times would not be expected to coincide with peak traffic levels in this area. A condition securing cycle parking should be included.

District Engineers:

A Suds system must be investigated for surface water disposal, ie. soakage structures. Please apply a drainage conditon.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Within the Built Up Area Boundary.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development

GEN12	Parking in New Development
DEV17	Affordable Housing

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

The Development Plan consists of the Arun District Local Plan 2003.

Paragraph 214 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight but, because it predates 2004, a reduced 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 NPPF. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

The emerging local plan has recently been approved by the Council and is therefore a material consideration in the determination of this planning application. Whilst it has not been formally adopted due weight has been given to its policies in terms of the decision making process at this stage.

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 relevant Development Plan policies in that it would have an overbearing effect on the neighbouring ground floor flat. The design would be out of character with the existing terrace.

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 is within the built up area boundary where development is acceptable in principle subject to normal development control criteria such as residential and visual amenity. The site has been the subject to 3 previous refusals and the last application BR/299/08 was dismissed at appeal for being overbearing and because it would introduce a sense of enclosure which would adversely affect the outlook from the neighbouring flat window. This is proposed at two storey and set

forward of the existing dwelling.

NATIONAL PLANNING POLICY FRAMEWORK:

The core principle of this policy is that of sustainable economic development and to always seek to secure high quailty design and a good standard of amenity for all existing and future occupants of land and buildings. Paragraph 58 states that design should respond to local character and reflects the identity of local surroundings and materials. In this case it is considered that the proposal is out of character with the surrounding pattern of development in the terrace and is therefore contrary to this policy.

VISUAL AMENITY:

The proposed new dwelling is stepped down from a 3 storey town house with a roof line slightly lower than the the existing terrace and this steps down further to two storey adjacent to the flats. This is considered to be out of character with the existing terrace and this is further exacerbated by the front of the two storey element being stepped forward of the existing terrace by 1.3m approximately.

It is noted that an application to extend the terrace adjacent to 1 Seafield Terrace was approved under reference BR/215/07, however, the design matched the existing terrace and there were no immediate neighbouring properties therefore the proposal did not result in any harm either visually or to any neighboring amenity.

RESIDENTIAL AMENITY:

The previous application BR/299/08 was refused and dismissed at appeal because the proposed dwelling would be overbearing on the neighbouring flat at 3 Stocker Road and therefore unneighbourly. Additionally this would introduce a sense of enclosure which would adversely affect the outlook from the window of the only window in a habitable room. It is considered that this proposal has attempted to overcome the situation by presenting a two storey element along the boundary however, for the ground floor flat this does not really overcome the overbearing element or the closed in feeling because the proposed building is closer to the boundary and therefore closer to the side windows of the ground floor flat. The Juliette balconies at first and second floor levels further creates the feeling of being overlooked and being oppressive. It is considered that the proposal therefore has not overcome the previous reasons for refusal or the Inspector's objections. The proposal is considered to be contrary to policy as it results in a form of development which would result in a loss of residential amenity.

Highways:

County Highways have no objection to the proposal and state that the area is low risk with regards to highway safety.

Conclusion:

This proposal does not overcome the un-neighbourly effect that a dwelling one metre off the boundary would have on the ground floor flat at 3 Stocker Road. The design is out of character with the existing pattern of development and therefore it is recommended that the application is

refused for the following reason.

HUMAN RIGHTS ACT

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 (8), 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 none of the following impacts (negative, Neutral or positive) 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).

RECOMMENDATION

REFUSE

1 The proposal is unacceptable in that the design and layout of the proposed building are unsatisfactory and would be prejudicial to the amenities of the residents in the adjacent ground floor flat by nature of being overbearing and resulting in a poor outlook for the existing residents.

It therefore conflicts with policy GEN7 of the Arun District Local Plan and the National Planning Policy Framework paragraph 58.

2 The proposal is unacceptable in that it does not relate sympathetically in design, form and scale with the existing terrace.

It therefore conflicts with policy GEN7 of the Arun District Local Plan and National Planning Policy Framework paragraph 58.

3 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 identifying matters of concern with the proposal and determining the

application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal.