

Recommendation Report for Planning Permission

REF NO: BR/221/20/PL

LOCATION: 5 Richmond Avenue
Bognor Regis
PO21 2YE

PROPOSAL: Detached garage with 1 No. flat above. This application is in CIL Zone 4 (Zero Rated) as flats.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The building would measure 7.25m wide by 7m deep characterized by a half-hipped roof with a mixed eaves height of 4m on the flanks and to the rear (north) and 2.35m to the front (south). The total height would be 5.3m. The roof would have a flat crown where 4 solar panels would be sited (the height with solar panels would be 6m). Two gabled dormers would face to the south and three rooflights would be inserted to the northern roof plane.

It is considered that the building would be more than 1m lower in height and marginally less deep than the scheme refused in November 2016 under BR/202/16/PL.

The ground floor provides 3 covered parking spaces and a separate stairwell to the first floor studio flat. There would be space to the south of the car port for another 2 cars thus enabling the parking of a total of 5 cars in two rows. A 3.8m by 5.8m strip of land to the north would serve for a covered cycle store and to provide amenity space and access for the flat. Bin storage would be adjacent to the stair well.

SITE AREA

330 square metres ('rear garden' of No 5 Richmond Avenue)

RESIDENTIAL DEVELOPMENT DENSITY (NET)

182 dwellings per hectare

TOPOGRAPHY

Predominantly flat.

SITE CHARACTERISTICS

Existing two storey semi-detached property with additional accommodation in the roof. Red brick to front, lighter brown colour to rear. The land to the rear is part existing garden to the ground floor flat and the rest hardstanding available for the parking of residents vehicles.

CHARACTER OF LOCALITY

Predominantly residential with a three storey block of flats on the east side and the other half of the semi on the west side. The flank wall of the adjacent flattened building includes secondary windows of an existing flat at all three storeys. The rear wall of nos. 5 and 7 includes principal windows. There is a

two storey dwelling fronting the back street almost due south of the site opposite the site and which has a north facing first floor principal window overlooking the site.

RELEVANT SITE HISTORY

BR/43/19/PL	1 No. 1 bed flat over 3 bay carport (resubmission following BR/202/16/PL).	Withdrawn 22-05-19
BR/202/16/PL	1No. 1-bedroom flat over three-bay carport	Refused 08-11-16

BR/621/87 allowed for the conversion of 5 Richmond Avenue into 5 flats. It was conditional on retention of an area of land between the rear wall of the building and the rear access marked out for 6 parking spaces. No rear garden for the ground floor flat was shown on these plans. It does not appear as though this layout was ever implemented .

Application BR/202/16/PL for a similar development was refused on the grounds:

Having regard to the limited area of the site and its relationship to existing residential properties, the proposal would give rise to an unneighbourly form of development which would be prejudicial to the amenities of neighbouring properties & of the potential occupier and the environment of the locality in conflict with policy GEN7 of the Arun District Local Plan and the National Planning Policy Framework.

The proposal would constitute a cramped form of development which by virtue of its height and design would be out of character with the existing form of development along this back street and detrimental to the visual amenities of the area contrary to policy GEN7 of the Arun District Local Plan 2003, policy D DM3 of the Arun District Local Plan 2011-2031 (Publication Version) and the National Planning Policy Framework.

Application BR/43/19/PL for another similar development, slightly different design, was withdrawn.

REPRESENTATIONS

Bognor Regis:- No objection.

No letters of objection received.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS**CONSULTATION RESPONSES RECEIVED:**

Engineers Comments Regarding Surface Water Drainage:

Due to the scale, location and type of application we have no conditions to request. Any alterations to surface water drainage must be designed and constructed in accordance with building regulations.

NATURAL ENGLAND: No objection.

WSSC: notes that the garage bays have approximate dimensions of 2.3m x 4.8m, which does not meet the minimum specifications for single car garages of 3m x 6m as set out in Manual for Streets (MfS). There are no transport grounds to resist the proposal.

ENVIRONMENTAL HEALTH: No objection subject to suggested conditions.

ADC GREENSPACE: No objection to the proposals subject to submission of landscape details.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Within the Built-Up Area Boundary.

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCSP1	ECC SP1 Adapting to Climate Change
ENVDM2	ENV DM2 Pagham Harbour
ENVDM5	ENV DM5 Development and biodiversity
HDM1	H DM1 Housing mix
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality
WDM3	W DM3 Sustainable Urban Drainage Systems
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.

Bognor Regis has a "made" Neighbourhood Plan and there are no policies relevant to this application.

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 conflicts with the Local Plan in that it would affect adversely the residential amenities of nearby properties, it would result in a cramped development and subsequently would have a materially adverse effect upon the established character of the surrounding area therefore contrary to Policies D SP1 and D DM1 of the Arun Local Plan.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

KEY ISSUES

The key issues are principle, design and visual amenity, residential amenity and highways/traffic,

PRINCIPLE:

The site is in 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.

Policy SD SP1 of the ALP states: "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)."

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, para 123 states 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. Higher densities will be encouraged for city/town centres and other locations that are well served by public transport.

The site lies in the settlement boundary of Bognor Regis and there are various local amenities and services in walking distance of the site along street lit footways. It is considered the proposal is

environmentally sustainable as residents will not need to rely on the private car to access services & facilities.

The proposal accords with SD SP1 and SD SP2 of the Arun Local Plan and with the guidance in the NPPF on the efficient use of land. However, this does not automatically imply that permission should be granted and it also necessary to consider whether there is any harm that will arise from this development.

Paragraph 11 of the Framework confirms the presumption in favour of sustainable development and advocates in section d) that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites) granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

The Council can demonstrate a 3.3 year supply of housing land and therefore, relevant policies for the supply of housing should not be considered up to date.

The proposal delivers one studio flat in a sustainable location. One flat would make a minimal contribution to the shortfall in housing supply. The associated social and economic benefits would be very limited.

The proposal would result in significant harm to the character of the area and residential amenities. The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. The failure of the proposal to do this is in direct contradiction of paragraph 124 of the NPPF and consequently the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits when considered against the policies in the Framework as a whole.

CHARACTER AND APPEARANCE AND THE PATTERN OF DEVELOPMENT

Policy D SP1 of the Arun Local Plan stresses that successful development should respond to local distinctive pattern of development. Paragraph 13.2.9 of the Local Plan (Design) stresses that new development should ensure that height and massing does not interrupt or debase the rhythm of existing building/roof line or detract from the local and wider area's character.

Paragraph 127 of NPPF stresses that planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.

The Arun Design Guide Supplementary Planning Document (SPD), a material consideration in the determination of applications, reached Post Regulation 12b Public Participation stage. Part P.O1 deals with infill development and requires development to respond positively to the character, appearance and layout of surrounding buildings to provide high quality development which enhances amenity for surrounding and new residents.

The Ministry of Housing, Communities and Local Government: National Design Guide comprises a material planning consideration for the purposes of decision taking. Criteria C1 requires developments to understand and relate well to the site, its local and wider context; including the existing built development, layout, form and scale. Criteria I1 requires development to respond to existing local

character and identity including the characteristics of existing built form and the elements of a place or local places that make it distinctive. Criteria B2 requires development to be of an appropriate building type and form, having regard to the height of buildings around them, the relationship with the street width, and the sense of enclosure that results.

It is acknowledged there are a number of ancillary buildings along both sides of the back street that lies in between Aldwick Road and Richmond Avenue. However, the majority of these are single storey with either a low pitched or flat roof. There are a couple of two storey dwellings fronting onto the south side of the back street including one almost opposite the site but these are exceptions to the rule and it is considered that the character of this back street location is not predominantly two storey. Furthermore, both of these front onto the back street rather than being set back from it.

The proposal seeks to subdivide the curtilage to the rear of 5 Richmond Avenue by siting a part residential building on part of the existing parking area. This will result in a new 1.5 storey building being present to the north side of the back street in contrast to the decidedly single storey nature of surrounding ancillary development.

The building would be within a distance of 10m from 2 storey rear elevation of Nos 5 and 7 Richmond Avenue and there would be only 4.1m between its eastern flank wall and the flank of the adjacent flats. The western flank wall would be located right up against the boundary of No 7 Richmond Avenue.

The proposal would result in a visual impression of a dwelling that had been squeezed onto its plot, with inadequate space forcing a variation in established design characteristics; would appear cramped and at odds with surrounding character and appearance of the area. It would, conflict with those aspects of Policies D DM1 and D SP1 of the Arun Local Plan, Arun and National Design Guide and paragraph 127 of the National Planning Policy Framework.

RESIDENTIAL AMENITY:

Arun Local Plan Policy D DM1 indicates planning permission will only be granted for schemes displaying high quality design and layout. It further indicates development will be permitted if it takes into account impact on adjoining occupiers, land, use or property by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance.

Policy QE SP1 states that the Council requires 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.

As stated above, the new building would be 10m from the existing rear wall of 5 Richmond Avenue and only 4.1m from the flank wall of Bickleys Court. It will also be sited right up to the boundary with 7 Richmond Avenue. In addition, the new building will be overlooked by the first floor principal window of the dwelling located fronting the opposite side of the back street.

Due to the height and the position of the new building, it is considered that it would affect the amount of sunlight reaching the rear garden and windows of the ground floor flat at 5 Richmond Avenue. It would also affect the amount of sunlight reaching the flank windows of Bickleys Court and would have impact on a 45 degree angle drawn from the rear ground floor window of no. 7 Richmond Avenue.

In respect of overlooking, although it is noted that the rear velux windows have a cill height of 1.7m, it is nonetheless considered that these windows would give rise to perceived overlooking to the occupants of the existing flats and that this impact is exacerbated by the close proximity of the two buildings. It is also noted that the interface distance between the proposed south facing dormer windows and the two storey

dwelling opposite is only approximately 10m and this may result in a loss of privacy to both dwellings. Arun Design Guide Supplementary Planning Document, Part H04 (Residential Amenity) requires the minimum separation distance of 16m between habitable rooms of properties facing each other.

Finally, it is considered that with parking within the car port open to any of the residents of the existing 5 flats and the potential for conflict between those parking in the car port and those parking in the outside row of spaces, that there is potential for noise disturbance to the occupier of the first floor flat.

The development would have an impact on occupiers of nearby properties considered to result in adverse harm upon amenity by way of overshadowing and overlooking. It is also considered that it would have an adverse impact on the future occupants. Therefore it would not accord with policies D DM1 and QE SP1 of the Arun Local Plan.

INTERNAL FLOOR SPACE STANDARDS 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 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.

A studio flat with a bathroom is proposed. The Governments Technical Housing Standards does not recognize this category, however Self-contained bedsitting rooms and studio flats should be of an adequate size, at least 30 sq. m. in total, and the sleeping area should be capable of separation from the living area. The proposed studio flat would have a floor area of 32 square metres and so complies with this general requirement.

Policy D DM1 refers to the need for compliance with the Arun Design Guide. This replaces policy D DM3 "External Space Standards" which was deleted at the request of the Local Plan Inspector. The Arun Design Guide stresses the design of new homes should provide clear delineation of public and private spaces; incorporating a 'public front' and private 'back' to the rear of the site, providing private gardens. Section H.04 deals with Residential Outdoor Amenity: 'Amenity spaces should be of an appropriate size and shape to be usable and enjoyable. Private rear gardens should have a minimum depth of 10.5 metres. Regard should be had to para 127 of the NPPF which requires development has a high standard of amenity for existing and future users.

The proposal provides a rear amenity space of a depth of 3.8m which is far from satisfactory of the requirement of Arun Design Guide and policies D DM1 & D DM2, the guidance in the NPPF (para. 127). Although the proposed amenity space located down the side of the existing garden area does meet the standard in terms of area and it can't be considered as a private space. Notwithstanding, studio flat is proposed and the site is within a short walk of the West Park Amenity Area and the seafront. Therefore, residents will have easy access to outdoor spaces for recreation etc.

The proposal is therefore in a general compliance with policies D DM1 & D DM2 and with the guidance within the NPPF on amenity (para. 127).

HIGHWAYS, TRAFFIC AND PARKING

Arun Local Plan policy T SP1 seeks to ensure that 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. Policy T

DM1 requires that new development be located within easy access of established non-car transport modes/routes.

Arun District Council's Parking Standards Supplementary Planning Document (January 2020) outlines the approach to parking at new developments. A dwelling of this size in this location is required to provide one car parking space.

It is proposed to take access off an existing un-adopted access track. Consequently, as the Highways commented, WSCC in its role as Local Highway Authority (LHA) raises no highway safety concerns.

The site is situated on an existing informal parking area. It was previously subject to a parking layout that allowed for 6 cars to park off road without the need for tandem parking. However, this layout has been affected by the existing rear garden to the ground floor flat and it is not considered possible, with the passage of time, to now require a reversion back to that approved scheme.

The applicant proposes five car parking, however the parking arrangement as proposed would create a tandem situation where cars can block others in, it is an existing situation which existing residents will be used to.

The LHA does not consider this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network. As such development would comply with policy T SP1 of the Arun Local Plan,

IMPACT ON PAGHAM HARBOUR

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 subsequently approved a reduction in the tariff from £1,275 to £871 as of the 10th April 2017.

The application site lies within the designated Zone B and accordingly it was necessary to apply this requirement. The net increase in 1 dwelling resulted in a contribution of £871 at the current rate.

The applicant has agreed to this requirement and has provided a signed Section 106 legal agreement to this effect. Although this has not yet been checked by the Councils solicitor, given that a signed document has been provided which is based on the Councils own legal template, it is not considered that the application should be refused on this basis.

SUMMARY:

The proposal would result in significant harm to the character of the area and to residential amenities of nearby properties therefore the adverse impact of the proposal would significantly and demonstrably outweigh the benefits when considered against the policies in the Framework as a whole.

The development is considered to conflict with the development plan, particularly policies D SP1, D DM1, and QE SP1 of the Arun Local Plan and relevant paragraphs of NPPF. The application is therefore recommended for refusal.

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

A Section 106 agreement towards providing a financial contribution of £871.00 towards offsetting recreational impacts upon the Pagham Harbour SPA has been provided by the applicant.

CIL DETAILS

This application is not CIL liable as it falls within in Zone 4 and the 'Flats' element is Zero rated.

RECOMMENDATION

REFUSE

- 1 Having regard to the limited area of the site and its relationship to existing residential properties it is considered that proposal site is unsuitable to accommodate a dwelling and private amenity space satisfactorily without damaging the character of this established residential area, the residential amenities of adjoining properties and of the potential occupier contrary to policies D SP1, D DM1 and QE SP1 of the Arun Local Plan.
- 2 The proposal would constitute a cramped form of development which by virtue of its height and design would be out of character with the existing form of development along this back street and detrimental to the visual amenities of the area contrary to policies D SP1 and D DM1 of the Arun District Local Plan and the National Planning Policy Framework.

- 3 **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 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. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.