

Recommendation Report for Planning Permission for Works or Extension to a Dwelling

REF NO: BR/237/20/HH

LOCATION: 11 Elmwood Avenue
Bognor Regis
PO22 8DE

PROPOSAL: Single storey outbuilding to rear.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION Erection of garden building measuring 7.6m by 5m, with a ridge height of 3.7m.

RELEVANT SITE HISTORY

BR/49/18/HH	Two storey side & single storey rear extensions.	ApproveConditionally 28-08-18
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REPRESENTATIONS

Bognor Regis Town Council - No objection

CONSULTATIONS**CONSULTATION RESPONSES RECEIVED:**

Network Rail. No objections to the outbuilding. Due to the close proximity of the works to Network Rail's land (within 3m) and the operational railway, the applicant / developer must contact Network Rail's Asset Protection and Optimisation (ASPRO) team prior to works commencing. Our Asset Protection will ensure the development can be completed without any risk to the operational railway. The applicant / developer may be required to enter into an Asset Protection Agreement to get the required resource and expertise on-board to enable approval of detailed works. More information can also be obtained from our website <https://www.networkrail.co.uk/running-the-railway/looking-after-the-railway/asset-protection-and-optimisation/>.

As well as contacting Network Rail's ASPRO Team, the applicant / developer must also follow the Asset Protection informatives (compliance with the informatives does not remove the need to contact ASPRO).

POLICY CONTEXT

Designation applicable to site:
2km buffer zone for SSSI's

Railway Buffer zone
Pagham Harbour zone.

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

CONCLUSIONS

PRINCIPLE

The key policies are D DM1 and D DM4 of the Arun Local Plan. Additionally,

Policy D DM1 sets out 13 design aspects of which applications should be assessed against. These include: Character, Appearance, Impact, Innovation, Adaptability, Crime Prevention, Trees, Public realm, Layout, Public Art, Density and Scale.

Policy D DM4 sets out criteria for which applications relating to extensions and alterations of existing buildings must be assessed against. They generally seek to minimise the impact of the proposal on the character of the host dwelling, its neighbours and the locality.

Bognor Regis does have a neighbourhood plan, no policies are relevant to this plan.

Key issues for consideration

- Appearance, high quality design
- Scale and Impact
- Overbearing and Overshadowing

Appearance

The site is characterised by a gap between two neighbouring properties owing to the extent of side garden afforded to each of them. The outbuilding will be situated in part of the side garden of the site and will be visible from the street. It will be located behind the principle elevation and not appear dominate on the area. The materials do differ from the general materials used in the area, however, there is a varied mix of styles present in the street and therefore this is not seen to be detrimental to the application and as such will accord with D DM1 and D DM4 of Arun's Local Plan.

Scale and Impact

The garden building will be located a suitable distance from the front boundary, behind the principle elevation of the property. The building will partially fill in the gap at ground floor level between the site and the property to the North West however a sense of space will still be present due to the neighbouring properties side garden and the space in front of the garden building and as such accord with D DM1 of Arun's Local Plan.

Overbearing and Overshadowing

The garden building will be located against the North and West boundaries adjacent to the railway line.

The garden building could largely be built under permitted development allowances except for the height. There will be an element of impact on the neighbouring property due to its height however this impact is thought not to be significant as it will be located approximately 23m away from the dwelling and as such accords with D DM1 and D DM4

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;
 - Location and Block Plans
 - Proposed Floor Plan
 - Proposed Elevations

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy DDM1 and DDM4 of the Arun Local Plan.

- 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 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.

- 4 **INFORMATIVE:** Due to the close proximity of the works to Network Rail's land (within 3m) and the operational railway, the applicant / developer must contact Network Rail's Asset Protection and Optimisation (ASPRO) team via AssetProtectionLondonSouthEast@networkrail.co.uk prior to works commencing.

Our Asset Protection will ensure that the development can be completed without any risk to the operational railway. The applicant / developer may be required to enter into an Asset Protection Agreement to get the required resource and expertise on-board to enable approval of detailed works. More information can be obtained from our website <https://www.networkrail.co.uk/running-the-railway/looking-after-the-railway/asset-protection-and-optimisation/>.

As well as contacting Network Rail's ASPRO Team, the applicant / developer must follow the details attached to the planning consultation on the Council's website.