

Recommendation Report for Planning Permission

REF NO: BR/248/20/PL

LOCATION: The Gables, Flat 4
Norfolk Square
Bognor Regis
PO21 2JD

PROPOSAL: French doors with glass juliet balcony. Replacement of window and door with sliding patio door.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Replacement of existing window (1.2m x 1.1m) to bedroom with glazed doors (1.2m x 2.3m) and glazed juliet balcony.
SITE CHARACTERISTICS	The site is a purpose built block of flats located adjacent to the sea front in Bognor. The site is 3 storey with a flat roof brick and render finish.
CHARACTER OF LOCALITY	The site is located directly off the sea front at Bognor. Adjacent to the East is the Royal Norfolk Hotel a grade II listed building and to the North and West various other 2-6 storey buildings consisting of a mixture of private dwelling houses and flats.

There is no relevant planning history for the property.

REPRESENTATIONS

Bognor Parish Council - No objection

COMMENTS ON REPRESENTATIONS RECEIVED:

No comments.

CONSULTATIONS**CONSULTATION RESPONSES RECEIVED:**

None.

COMMENTS ON CONSULTATION RESPONSES:

None.

POLICY CONTEXT

Designation applicable to site:

Situated within the setting of a listed building.

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
HERDM1	HER DM1 Listed Buildings
HERDM3	HER DM3 Conservation Areas

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.

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 it is well integrated into the existing fabric of the building by the means of utilising similar materials and that it mimics the flat above in design and scale. Additionally, due to the nature of the application there are no overbearing overshadowing issues, and as there was a previous window in this position no overlooking issues are expected.

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:

In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The proposal is considered to comply with these criteria in that it is not considered to materially affect the character or the setting of the Grade II Listed Building or the character of the Conservation Area.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

PRINCIPLE

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

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.

Policies HER DM1 and HER DM3 relate to listed buildings and conservation areas and state that proposals must protect and if possible enhance the setting of each.

Policy 16 of the NPPF paragraphs 190, 192, 193 and 196 relates to identification and assessment of the significance of the heritage asset, the weight given to the conservation of the asset and the its weight against public benefits of the proposal.

Bognor Regis does have a neighbourhood plan , however none of the policies are relevant to this application.

Key issues for consideration

- Appearance, high quality design
- Visual integration and subservience to the existing dwelling
- Overbearing, Overshadowing and Overlooking
- Effect on the adjacent listed building/ conservation area

Appearance

The proposed doors and juliet balcony utilise materials of a similar nature to those existing; also it does not seek to increase the width of the existing opening, maintaining the liner balance in line with the fenestration above and below the proposal site. It is therefore felt that the proposal accords with policies DDM1, DDM4 and SDP1 of Arun's Local Plan

Visual Integration and Subservient

As the proposal is for a minor change in the external appearance it is not felt to be dominate on the appearance of the host building. Additionally, as the flat directly above the application site has already had similar alterations undertaken, it is felt that the proposal integrates well into the building in accordance with DDM1 and DDM4 of Arun's Local Plan.

Overbearing, Overshadowing and Overlooking

Due to the nature of the alteration the proposal will not be overbearing or overshadow any other site. The proposed doors will replace an existing window to the eastern elevation and overlook the car park for the Royal Norfolk Hotel. As there is already a window in situ, and this does not overlook any private amenity space, it is felt that this will not affect the any neighbouring properties by means of overlooking. The proosed extension is therefore thought to accord with policies SPD1, DDM1 and DDM4 of Arun's Local Plan.

Effect on Listed Building and Conservation Area

The application site sites adjacent to The Royal Norfolk Hotel, a Grade II Listed building and also directly

on the edge of The Steyne conservation area. The application site is already home to a 1960's 3 storey block of flats, modern in appearance. The proposal would be directly visible over the fence line of the Royal Norfolk Hotel. As the proposal is for a replacement set of patio style doors built in similar materials it is felt that this proposal will bring less than substantial harm to the setting of the listed building and allow the adaptation of the dwelling for the benefit occupants. In accordance with policies HER DM1 and HER DM3 of the Arun's Local Plan.

It is considered that the proposed door will result in less than substantial harm to the setting of the listed building. If there is less than substantial harm on the heritage asset, it is necessary under para 196 of the NPPF to weigh this against the public benefit of the proposal.

Public benefits may include heritage benefits such as:

- Sustaining or enhancing the significance of a heritage asset and the contribution of its setting

In this case, the less than substantial harm is at the very minor end of that scale being almost (but not quite) no harm. The very minor public benefit of the proposal would be to the local economy,

The application is not to the detriment of the listed building or its setting and therefore will sustain the significance of the asset.

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:- Proposed elevation.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM4 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.