

Recommendation Report for Planning Permission

REF NO: BR/256/19/PL

LOCATION: 2 Cavendish Road
Bognor Regis
PO21 2JW

PROPOSAL: Conversion of existing store to 2 bed dwelling to the rear of 2 Cavendish Road, fronting Sutherland Close.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application proposes the conversion of existing store to 2 bed dwelling to the rear of 2 Cavendish Road, fronting Sutherland Road. (N.B. the description of development was amended on 21 November 2019 from 'conversion of existing store to 3 bed dwelling to the rear of 2 Cavendish Road, fronting Sutherland Close' following discussions between the Local Planning Authority and agent. The application has been re-notified following this amended description of development).
SITE AREA	77sq/m
RESIDENTIAL DEVELOPMENT DENSITY (NET)	56 dph (proposed)
TOPOGRAPHY	Predominantly flat.
TREES	No trees of any significance affected by the proposed development.
BOUNDARY TREATMENT	Northern boundary opens directly onto Sutherland Road. Fencing to all other boundaries.
SITE CHARACTERISTICS	Site comprises a single storey garage with steep dual pitched roof. The building comprises a large triple sized garage finished in red brick with a concrete tiled roof. Double garage doors and a pedestrian door front Sutherland Close. A private footpath is present to the eastern elevation which run through to the rear of the site. To the rear of the building is a fenced off grassed area with fencing.
CHARACTER OF LOCALITY	To the south of the site is the rear garden of 2 Cavendish Road. To the east of the site is a neighbouring residential property with a 2 storey extension that extends to the rear garden. The rear elevation of this extension is c. 9.5m from the eastern elevation of the application building. To the north west is a two storey detached dwelling that fronts Sutherland Close. To the north of the site is a large three storey development comprising flats. On-street parking characterises the area. This parking is restricted by a combination of time

limit and permit allocation.

RELEVANT SITE HISTORY

BR/62/11/	Conversion of existing detached garage to form a one-bedroom unit.	Refused 21-04-11
BR/213/05/	Detached garage.	ApproveConditionally 05-08-05
BR/382/03/	New detached house & garage	Refused 29-01-04 Appeal: Dismissed 13-09-04

Planning application BR/382/03 proposed the erection of a new house and garage and was subsequently dismissed at appeal.

Planning application BR/62/11 proposed the conversion of the existing detached garage to form a one-bedroom unit. This application was refused on the basis of the following:

1. The proposal represents an over-development of the site which would cause serious harm to the character and appearance of the area and the living conditions of existing and future residents. It is also out of character with the existing pattern of development, forming a cramped appearance within the street scene. It therefore conflicts with policy GEN7 of the Arun District Local Plan.
2. The proposal by reducing the existing car parking provision for 2 Cavendish Road would increase the pressure for on-street parking in the area where the Local Planning Authority considers that insufficient space is available for parking on-street in conflict with policy GEN7 of the Arun District Local Plan.
3. The proposed development fails to make an adequate contribution towards affordable housing provision and is thereby contrary to the aims and objectives of PPS3 and the Council's interim affordable housing policy adopted on 18th August 2010.

Whilst the form of development is similar to that previously assessed, Arun District Council have since adopted their new Local Plan which was assessed for soundness against the new National Planning Policy Framework. The Government has undertaken a step change in the approach towards boosting housing delivery which is reflected in the contents of the 2019 iteration of the National Planning Policy Framework. Furthermore, the Government has issued new guidance within the NPPG regarding provision of affordable housing which no longer seeks contributions towards affordable housing for up developments of up to 11 dwellings. The Council is also unable to demonstrate a 5 year Housing Land Supply at the time of this assessment and therefore paragraph 11(d) of the National Planning Policy Framework is engaged.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bognor Regis Town Council

No objection

One letter of objection has been received throughout the original consultation period from a third party. This detailed:

- Third attempt to gain planning permission to change this garage into a residential unit, and this time much larger than previous efforts
- Formerly it was refused due to it being an "over development of the site, which would cause serious harm to the character and area and the living conditions of existing and future residents. It is also out of character with the existing pattern of development, forming a cramped appearance within the street scene."
- There is great pressure for on street parking and it is likely that any cars associated with the property will not be garaged on a regular basis. It was turned down twice before because of the lack of parking.
- This is an unneighbourly and unattractive proposal completely out of keeping with the surroundings.
- As this is for an even bigger alteration to the property than before, I cannot see why it should now be acceptable.
- This is a prime example of 'garden grabbing', since the existing garage/shed storage lies within the back garden of a house in Cavendish Road which runs parallel with Sutherland Close.

COMMENTS ON REPRESENTATIONS RECEIVED:

The proposed development has been amended on 21 November 2019 following receipt of these comments. No further letters of objection were received throughout the re-consultation of the application. These comments have been addressed in the subsequent sections of this assessment.

CONSULTATIONS

Engineering Services Manager

Engineers (Drainage)

WSCC Strategic Planning

Environmental Health

CONSULTATION RESPONSES RECEIVED:

WEST SUSSEX COUNTY COUNCIL HIGHWAYS

The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal.

If the LPA are minded to approve the application, recommended conditions and informative should be applied (please see full response for details of conditions).

ARUN DISTRICT COUNCIL 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.

ENVIRONMENTAL HEALTH

No comment.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted and responses detailed in full in the following sections of this assessment.

POLICY CONTEXT

Designations applicable to the site:

- 2km Buffer of Bognor Reef SSSI
- 2km Buffer of Felpham SSSI
- Built-Up Area Boundary
- Pagham Harbour Access Management Zone B

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

AHSP2	AH SP2 Affordable Housing
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
ECCDM1	ECC DM1 Renewable Energy
ECCSP1	ECC SP1 Adapting to Climate Change
ENVDM1	ENV DM1 Designated Sites of Biodiversity or geographical imp
ENVDM2	ENV DM2 Pagham Harbour
ENVSP1	ENV SP1 Natural Environment
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP1A	SD SP1a Strategic Approach
SDSP2	SD SP2 Built-up Area Boundary
TSP1	T SP1 Transport and Development
WSP1	W SP1 Water

[Bognor Regis Neighbourhood Plan 2015 Policy 8A](#) Design Excellence**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 Plan and the Bognor Regis (2015-2030) Neighbourhood Development Plan August 2015.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

There are no policies within the Bognor Regis Neighbourhood Plan that are relevant to this proposal.

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 complies with the policies contained within the Development Plan when taken as a whole and the material considerations identified are not of sufficient weight to outweigh compliance with Development Plan policies.

OTHER MATERIAL CONSIDERATIONS

There are no other material considerations that have been identified that warrant a decision being taken other than in accordance with the Development Plan.

CONCLUSIONS

PRINCIPLE

Arun District Council are unable to demonstrate a 5 year Housing Land Supply at the time of this assessment which therefore triggers the presumption in favour of sustainable development under footnote 7 and paragraph 11(d) of the National Planning Policy Framework (2019). Applying the presumption in favour of sustainable development for decision taking means granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole.

Paragraph 8 of the National Planning Policy Framework outlines the three overarching objectives to achieve sustainable development in the planning system; comprising economic, social and environmental objectives. The development would provide housing in a sustainable location that would provide access to jobs which would support the local economy (economic). The development would provide a range of homes that could meet the needs of present and future generations (social). The development would make an effective use of the land on a previously developed site (environmental).

However, paragraph 11(d)(ii) makes clear that decisions should be taken in accordance with the policies in the Framework unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. A full assessment of all matters and their significance are outlined in the below assessment.

DESIGN AND VISUAL AMENITY

Paragraph 127 of the National Planning Policy Framework requires planning decisions to ensure developments 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. Developments should be visually attractive as a result of good architecture and sympathetic to local character and history, including the surrounding built environment and landscaping setting and 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.

Paragraph 130 of the National Planning Policy Framework makes clear that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Policy D SP1 of the Arun Local Plan requires that development proposals should make efficient use of land but reflect the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details. Policy D DM1 of the Arun Local Plan sets out a 15 point against which the design of new development should accord with. Policy D DM4 of the Arun Local Plan provides a 5 point criteria against which development for extensions to existing buildings shall be assessed.

The proposed dwelling would sit within a context of 2 and 3 storey developments which front Sutherland Close. However, the use of dormer windows, combined with the low eaves, would result in 1.5 storey massing which would not result in demonstrable harm to the character of the streetscape.

The introduction and use of dormer windows proposed on the northern elevation would uplift the design quality of the area by adding character to a building that has an otherwise neutral impact upon the streetscape.

The rear of the development preserves the existing silhouette of the building which would ensure no harmful impacts upon the character of the area result.

Whilst indicative materials have been indicated on the plans, a materials condition will be imposed requiring samples and a schedule to be submitted prior to their application.

Subject to the above condition, the development will make an efficient use of land but reflect the characteristics of the site and local area, in accordance with paragraphs 127 and 130 of the National Planning Policy Framework and Policy D SP1, D DM1 and D DM4 of the Arun Local Plan.

INTERNAL SPACE STANDARDS

Policy D DM2 of the Arun Local Plan requires internal spaces to be an appropriate size to meet the requirements of all occupants and their changing needs. Paragraph 13.3.4 which supports the application of Policy D DM2 of the Local Plan acknowledges there might be occasions where development schemes cannot comply with all the space standards required (such as the conversion of an existing building) and allows Arun District Council to consider these on a case-by-case basis.

The proposed dwelling comprises 1 no. 2 bedroom dwelling providing 4 no. bedspaces. The GIA of the apartment comprises 102 sq/m which exceeds the 81 sq/m minimum requirement (including storage).

Taking into account the above proposed GIA, the development would accord with Policy D DM2 of the Arun Local Plan.

RESIDENTIAL AMENITY

Paragraph 127(f) of the National Planning Policy Framework (2019) requires planning decisions to create places with a high standard of amenity for existing and future users.

Policy QE SP1 of the Arun Local Plan requires all development to contribute positively to the quality of the environment and ensure that development does not have a significantly negative impact upon residential amenity. Policy D DM1 (3) of the Arun Local Plan requires development to have minimal impact to users and occupiers of nearby property and land. Further, Policy D DM4 (c) of the Arun Local

Plan requires extensions/alterations to existing buildings to not have an adverse overshadowing, overlooking or overbearing effect on neighbouring properties.

Throughout the consultation period concern was raised by Officers in relation to the overbearing and harmful impact of the proposed rear dormer window. Following this feedback the applicant submitted amended plans on 21 November 2019 and 28 November 2019 which removed the rear dormer window and reduced the number of bedrooms to 2.

The amended plans provide 2 no. roof lights positioned at 1.7m above finished floor level. Rooflights would serve a landing and office/study room. Given the nature of these rooms, combined with the setting of the rooflights at 1.7m above FFL, the development would not result in any overlooking to neighbouring properties and would retain the overall existing silhouette of the building from its southern elevation. However, a condition will be imposed to ensure these rooflights are positioned at 1.7m above FFL to ensure no perception of overlooking would result in the future.

Therefore, the revised plans have overcome concerns raised by Officers in relation to the potential adverse impacts on neighbouring amenity.

Whilst concerns were raised in the assessment of BR/62/11 regarding the adequacy of amenity space provision, this application is assessed in the context of an absence of a 5 Year Housing Land Supply and the National Planning Policy Framework. For the reasons set out in this report, significant weight is given to the provisions of paragraphs 118(d)(e), 122 and 123 of the National Planning Policy Framework which outweighs previous concerns in relation to adequacy of amenity space.

Notwithstanding the acceptability of the development submitted within the plans, any further alterations by way of additions, extensions or insertion of windows or openings would likely impact upon neighbouring amenity. Therefore, conditions will be imposed that removes permitted development rights relating to extensions and insertion of additional windows/openings. Such a condition meets the tests outlined in paragraph 56 of the NPPF.

Subject to the above conditions, the development would utilise an underused building on a previously developed site which is located in a highly sustainable location. On this basis, the development would accord with the contents of Policies QE SP1, D DM1 and D DM4 of the Arun Local Plan and paragraph 127 of the National Planning Policy Framework.

HIGHWAYS, TRANSPORT & PARKING

Paragraph 108 of the National Planning Policy Framework states that in assessing specific applications for development it should be ensured that safe and suitable access to the site can be achieved for all users. Paragraph 109 of the National Planning Policy Framework states that 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.

Policy T SP1 of the Arun Local Plan requires development to incorporate appropriate levels of parking in line with West Sussex County Council guidance on parking provision, taking into consideration the impact of development upon on-street parking.

Following the submission of revised plans, the total number of bed spaces has been reduced from 3 to 2 in total which has resulted in a reduction in parking requirements under West Sussex County Council guidance. For 2 bedroom houses with 4 habitable rooms 1.1 parking spaces are required within Parking Behaviour Zone 4. This level of provision accords with Arun District Council guidance also.

Following comments received from West Sussex County Council (LHA) revised plans were submitted

that amended the size of the internal garage to accord with the required 3m x 6m minimum size as set out in Manual for Streets (MfS).

A condition will be imposed requiring the provision of the internal garage prior to the occupation of the dwelling and the retention of the internal garage for the purposes of parking a private motor vehicle in connection with the dwelling hereby permitted. Such a condition meets with the tests outlined in paragraph 56 of the NPPF.

Taking into account the above, the development would provide for the transport demands created in accordance with paragraphs 108 and 109 of the National Planning Policy Framework, policy T SP1 of the Arun Local Plan and according West Sussex County Council: Guidance on Parking at New Developments SPG (March 2019) and Arun District Council Parking Standards.

BIN AND CYCLE STORAGE

Policy T SP1 of the Arun Local Plan requires the Council to ensure that developments promote sustainable transport including the use of bicycles. WSCC Guidance on Parking at New Developments SPG sets out that for houses of up to 4 rooms (1 & 2 bed) 1 cycle space should be provided. This is consistent with Arun District Council standards.

The applicant has indicated a secure cycle store within the south eastern rear corner of the garden. Such provision would accord with the standards set out in the WSCC SPG and Policy T SP1 of the Arun Local Plan. A condition will be imposed requiring the provision of the secure cycle store prior to the occupation of the dwelling.

NATIONALLY DESIGNATED SITES OF IMPORTANCE

The application site falls within 2km of the Bognor Reef and Felpham SSSIs. Policy ENV DM1 of the Arun Local Plan states proposed development likely to have an adverse effect on land with the designated features of any Site of Biodiversity or Geological Importance will not normally be permitted.

The proposed development relates to a first floor extension over an existing footprint within a previously developed built-up area. On this basis, the development is unlikely to have an adverse effect on the designated SSSIs. Therefore, the development accords with Policy ENV DM1 of the Arun Local Plan.

INTERNALLY DESIGNATED SITE OF IMPORTANCE

The application site falls within the 5km buffer of the Pagham Harbour Special Protection Area. Within Zone B Policy ENV DM2 of the Arun Local Plan requires all new residential development which is likely to have an impact on Pagham Harbour to make developer contributions towards the agreed strategic approach to access management at Pagham Harbour.

The applicant has provided the agreed financial contribution under Policy ENV DM2(b)(i) which provides accordance with this policy.

WATER SUPPLY AND QUALITY

Policy W DM1 of the Arun Local Plan requires development to provide sufficient water supplies to be provided prior to occupation to serve development and for such water supply to not be detrimental to existing water quality.

The development site appears to be served by mains water and appears to allow connections to the existing network.

Taking this factor into account, the development accords with Policy W DM1 of the Arun Local Plan.

5 YEAR HOUSING LAND SUPPLY POSITION

Arun District Council are unable to demonstrate a 5 Year Housing Land Supply on the date of this assessment. The National Planning Policy Framework (July 2019) makes clear at paragraph 117 that planning decisions should promote an effective use of land in meeting the need for homes.

Paragraph 118(d) of the NPPF states that planning decisions should promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example, converting space above shops).

Paragraph 118(e) of the NPPF states that planning decisions should support opportunities to use the airspace above existing residential and commercial premises for new homes. In particular, they should allow upward extensions where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene, is well-designed (including complying with any local design policies and standards), and can maintain safe access and egress for occupiers.

Paragraph 122 of the NPPF states planning decisions should support development that makes efficient use of land taking into account the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it; local market conditions and viability; the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and the importance of securing well-design, attractive and healthy places.

Paragraph 123 of the NPPF states that where there is an existing shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site. Criteria (c) of paragraph 123 states that in this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).

These revisions to the NPPF, dated July 2019, are given significant weight as a material consideration in the absence of the Council being able to demonstrate a 5 Year Housing Land Supply.

SUMMARY

The application has been assessed having regard to the tilted balance under paragraph 11(d) of the National Planning Policy Framework owing to the Council's current 5 year Housing Land Supply position, having regard to the above detailed matters. There have been no adverse impacts associated with the development that would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework, taken as a whole. Therefore, planning permission can be approved.

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.

SECTION 106 DETAILS

The applicant has entered into a S106 agreement to provide the required financial contributions towards mitigating additional recreational pressures on the Pagham Harbour SPA. This contribution satisfied Regulation 122 of the CIL Regulations.

RECOMMENDATION

- 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 Floor Plans and Elevations (Rev A November 2019), Proposed Section (Rev A November 2019) and Site and Location Plan (Rev A November 2019).

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies D SP1 and D DM1 of the Arun Local Plan.
- 3 No development above damp proof course (DPC) level shall take place until a schedule and sample of the materials and finishes to be used for external walls (and roofs) of the development hereby permitted have been submitted to and approved by the Local Planning Authority. The materials so approved shall be used in the construction of the development hereby permitted.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity in accordance with policies D SP1 and D DM1 of the Arun Local Plan.
- 4 No part of the development shall be first occupied until covered and secure cycle parking spaces and bin storage have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority. Once provided the cycle and bin storage shall be maintained as approved in perpetuity unless otherwise agreed with the Local Planning Authority in writing.

Reason: To provide alternative travel options to the use of the car in accordance with policy T SP1 of the Arun Local Plan.

- 5 No part of the development shall be occupied until the internal garage car parking has been provided in accordance with the approved plans. These spaces shall thereafter be retained at all times in perpetuity for their designated purpose, unless otherwise agreed with the Local Planning Authority in writing.

Reason: To provide car-parking space for the use and in accordance with policy T SP1 of the Arun Local Plan.

- 6 Prior to the occupation of the development hereby permitted provision shall be made for electric charging of vehicles within the garage parking space and retained as such in perpetuity, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To provide for the car parking demands created by the development in accordance with policy T SP1 of the Arun Local Plan and paragraph 110 of the National Planning Policy Framework.

- 7 The rooflights hereby permitted by this permission in the rear roof pitch shall be positioned at no lower than 1.7m above finished floor levels and shall be retained as such at all times thereafter in perpetuity, unless otherwise agreed with the Local Planning Authority in writing.

Reason: To protect the amenities and privacy of neighbouring properties in accordance with policies QE SP1, D DM1 and D DM4 of the Arun Local Plan.

- 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015, (or any Order revoking or enacting that Order) no windows or other openings, extensions or additions (other than those shown on the plans hereby approved) shall be formed in the building hereby permitted without the prior permission of the Local Planning Authority on an application in that behalf.

Reason: To protect the amenities of adjoining residential properties in accordance with policies QE SP1, D DM1 and D DM4 of the Arun Local Plan.

- 9 INFORMATIVE: This permission conveys consent under planning legislation only and contravention with other legislation e.g. protection of wildlife etc. should be considered.

- 10 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.

- 11 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement that provides £871 to offset recreational impacts upon the Pagham Harbour Special Protection Area.