Recommendation Report for Planning Permission

REF NO: **BR/262/15/PL**

LOCATION: 32 Victoria Drive
Bognor Regis

PROPOSAL: Conversion of existing garage to create 1 No. one bedroomed flat (resubmission following BR/144/15/PL).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal would see a single storey gable end roof extension replace the existing flat roof garden store section of the garage. A fan window in the forward facing gable section of the existing roof in the west elevation with single door replacing the garage door and no two, 2 light windows and a single light window to the south elevation with double opening doors which would be fully glazed. A cycle shed is also proposed in the garden and bin storage but only limited details of these have been provided.
SITE AREA	0.06 hectares.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	1.8m close boarded timber fence.
SITE CHARACTERISTICS	The existing building is a clay tiled, gable end roofed red brick garage and garden store (has flat roof) with side garden and carport over driveway to front. It currently serves the flats at 32 Victoria Drive. The building of 32 Victoria Drive which houses the existing flats is a two storey detached building with hipped roof, red brick and tile hung walls and red clay tile roof.
CHARACTER OF LOCALITY	Suburban-residential area formed of detached residential buildings set back from the road with off-street parking and gardens to front and rear.

RELEVANT SITE HISTORY

BR/145/12/	Change of use of existing garage and construction of a new extension to form 1 no. 2 bed dwelling (C3 Dwelling Houses).	Refused 30-07-2012
BR/144/15/PL	Conversion of existing garage to create 1 No. one bedroomed flat.	Refused 01-09-2015

Most recently application BR/144/15/PL was refused owing to lack of affordable housing and Pagham Harbour contributions being made, insufficient internal floor space and detrimental impact on the existing flats owing to noise and disturbance of the use of the access, rear land and garage as a dwelling and garden and overlooking to the proposed amenity space from existing windows in the flat. This refusal was worded as follows:

'The proposed development owing to its location, positioning of windows, location of amenity space and means of access would be unneighbourly and adversely affect the privacy and quiet enjoyment of neighbouring properties and the proposed dwelling itself in conflict with policy GEN7 of the Arun District Local Plan and emerging policy D DM4 of the Arun Local Plan 2011-2031 (Publication Version).'

Prior to this BR/145/12/PL was refused for a similar application but to extend the garage and create a two bedroom flat. It was refused for the following reason:-

"The proposal would constitute an unsatisfactory form of backland development which, together with the incidental use of the proposed means of access, would be unneighbourly and adversely affect the privacy and quiet enjoyment of neighbouring properties in conflict with policy AREA1 and GEN7 of the Arun District Local Plan."

The refusal cited overlooking from the existing flats of the proposed garden and windows of the new flat and potential for noise and disturbance.

REPRESENTATIONS

Representations received:

Bognor Regis Town Council

No objection.

Two letters of public representation have been received. One is a letter stating an objection to any increase in roof height. And asks questions about how the scheme would be constructed. The other letter states no objection to the scheme as long as soil and land drainage are preserved an upgraded to accommodate the new dwelling.

Comments on Representations received:

Comments noted.

There will be no increase in the roof height of the existing garage. Only a small extension is proposed so there is not considered to be any significant increase in surface water drainage.

CONSULTATIONS

Environmental Health

Consultations responses received:

ENVIRONMENTAL HEALTH: HMO Officer- No objection in terms of standard of

accommodation.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Within built up area boundary.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	DEV17	Affordable Housing
	DEV19	Extensions to existing residential buildings
	GEN12	Parking in New Development
	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
Publication Version of the Local Plan (October 2014):		D DM1 Aspects of Form and Design Quality
		D DM2 Internal Space Standards
		D DM3 External Space Standards
		D DM4 Extensions and Alterations to Existing Buildings (residential and non-residential)
		D SP1 Design
		ENV DM2 Pagham Harbour
		SD SP2 Built-Up Area Boundary
		T SP1 Transport and Development

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE

XXX6	Interim Affordable Housing Policy

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry 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 National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication'

of the Local Plan a formal public consultation, examination and adoption process takes place.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place on 30th October 2014 for six weeks.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; and Yapton.

None of the policies within the Bognor Regis NDP are relevant to the 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 is considered to conflict with relevant Development Plan policies in that it would have a materially adverse effect on the residential amenities of the adjoining properties and create damaging overlooking to the proposed garden area.

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

DESIGN

The proposal alterations to the garage are minimal, the gable end roof to be installed over the flat roof is considered to be in character with the existing dwelling and is modest in size. Materials to match existing have been proposed. The proposal is considered to be acceptable in terms of design and visual amenity.

NEIGHBOUR AMENITY

The previous applications BR/145/12/PL and BR/144/15/PL were refused on the grounds of detrimental impact on the proposed dwelling as the existing upstairs flats would overlook the direct amenity space and windows of the proposed flat. The application was also refused owing to a potential for noise and disturbance to the existing flats from use of the garage as a flat. The new scheme proposes to obscure glaze one of the existing first floor windows overlooking the proposed amenity space. However, there would still be large window of this existing flat overlooking the proposed garden area which would still result in damaging loss of privacy through overlooking. The outlook from the existing first floor flat's window will also be eroded. Given that existing windows should need to be obscured in an attempt to make the proposal acceptable shows the relationship between the new garden and dwelling and existing flats is unacceptable. The very close proximity of the proposed amenity area to the downstairs flat's rear window further demonstrates the poor relationship between the proposal and existing flats. As such, the previous reasons for refusal have not been overcome. Therefore, the previous reasons still apply and the scheme should be refused on these grounds again.

It is considered that the garden and windows of the proposed flat would be overlooked by the occupiers of the first floor flats and provide little privacy for the occupiers of the bungalow and erode the outlook presently enjoyed by the occupiers of the flats. It would also have the potential to harm through noise and general disturbance.

NATIONAL PLANNING POLICY FRAMEWORK

The harm resulting from this proposal in terms of impact on existing neighbour amenity and proposed overlooking are considered significant enough reasons to warrant refusal of the scheme. In line with paragraph 14 of the National Planning Policy Framework the adverse impacts and conflict with Development Plan policy GEN7 and emerging policy DDM4 of the proposal outweigh the benefits of granting permission for this one additional unit.

HIGHWAYS AND PARKING

The application site is situated within a sustainable location being within walking distance of public transport. As no objection was raised on the previous application on parking and highways grounds for a two bedroom flat; it is not considered that an objection should be raised in this instance either.

INTERNAL AND EXTERNAL SPACE STANDARDS

The amount of external amenity space provided was considered acceptable on the previous scheme and has not decreased in this application. It remains acceptable.

The Central Government Technical Housing Standards - Nationally Described Space Standard requires a 1 bed dwelling to provide at least 37m2 at the very minimum. The proposed dwelling will provide approximately 37m2 which just meets this threshold. As such the proposed dwelling is considered to create a suitably sized dwelling in line with the above standards.

HOUSING SUPPLY

It is noted that the Council lacks a 5 year housing supply. Refusing the scheme would prevent another housing unit being created. However, this is not considered to be a significant amount of housing so would not conflict with paragraph 47 of the NPPF.

AFFORDABLE HOUSING AND PAGHAM HARBOUR CONTRIBUTIONS

An agreement was submitted for payment for contributions to affordable housing and Pagham Harbour Protection. As such the proposal is acceptable in terms of contributions, overcoming two of the previous reasons for refusal.

The application is recommended for refusal for the reason stated below:-

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 (right to 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 (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).

The determination of this proposal is considered to have a neutral impact.

RECOMMENDATION

REFUSE

1 The proposed development owing to its location, positioning of windows, location of amenity space and means of access would be unneighbourly and adversely affect the privacy and quiet enjoyment of neighbouring properties and the proposed dwelling itself in conflict with policy GEN7 of the Arun District Local Plan and emerging policy D DM4 of the Arun Local Plan 2011-2031 (Publication Version).

2 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 discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.