

**PLANNING APPLICATION REPORT****REF NO:** BR/276/08/**LOCATION:** 4 Tennyson Road  
Bognor Regis**PROPOSAL:** Erection of 1 no. 3 bedroom house on the land adjacent to 4 Tennyson Road.  
(Resubmission of BR/48/08)**SITE AND SURROUNDINGS**

|                                      |                                                                                                                                                                                                                                                                                            |
|--------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| DESCRIPTION OF APPLICATION           | Erection of one no. two-storey, detached dwelling                                                                                                                                                                                                                                          |
| SITE AREA                            | Approximately 0.018 hectares                                                                                                                                                                                                                                                               |
| RESIDENTIAL DEVELOPMENT DENSITY(NET) | 56 dwellings per hectare approx.                                                                                                                                                                                                                                                           |
| TOPOGRAPHY                           | Predominantly flat.                                                                                                                                                                                                                                                                        |
| TREES                                | Several existing trees potentially affected. However, these are all located in the rear garden and are currently only glimpsed from the public viewpoint through gaps between buildings. They are therefore not considered worthy of statutory protection under a Tree Preservation Order. |
| BOUNDARY TREATMENT                   | A mixture of hedging and close-boarded fencing.                                                                                                                                                                                                                                            |
| SITE CHARACTERISTICS                 | Site is currently part of the side garden to No.4 Tennyson Road which is a two-storey semi-detached dwelling.                                                                                                                                                                              |
| CHARACTER OF LOCALITY                | Residential area characterised predominantly by two-storey detached and semi-detached properties of a similar style and design.                                                                                                                                                            |

**RELEVANT SITE HISTORY**

|            |                                                                                                                             |                                                                              |
|------------|-----------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|
| BR/327/07/ | Erection of 1no 2 bedroom house on the land adjacent to 4 Tennyson Road                                                     | Withdrawn<br>03-12-2007                                                      |
| BR/385/07/ | Erection of 1no 2 bedroom house on the land adjacent to 4 Tennyson Road Bognor Regis.<br>(resubmission following BR/327/07) | Refused<br>27-02-2008<br><b>Appeal:</b><br>Allowed+Conditions<br>20-AUG-2008 |
| BR/48/08/  | Erection of 1no 3 bedroom house on land adjacent to 4 Tennyson Road                                                         | Withdrawn<br>17-03-2008                                                      |

Planning permission was refused by the Development Control Committee for the erection of a two-bedroom detached dwelling on this site under BR/385/07, following a visit of the Post Site

Inspection Panel. A subsequent appeal to the Planning Inspectorate was allowed, the Inspector noting:

"...the distances retained between the new house and the side boundaries of the site would...ensure an adequate visual separation of the dwellinghouses in the streetscene, avoiding an appearance of overdevelopment or of the building being too large for its site...the site is physically capable of accommodating a building of these dimensions with an adequate provision of amenity area. Just because the house would be smaller than those around it, and distinct in its appearance for that reason, it would not necessarily damage the area in terms of its character and appearance in an unacceptable way."

## REPRESENTATIONS

### Representations received:

Bognor Regis Town Council

Objection on the grounds that this application is over intensive. The land is too small to accommodate this proposed dwelling. It is also out of keeping with the surrounding street-scene

Four individual representation letters received which raise the following concerns in respect of the proposed development:

Plot too small to accommodate development of this size without impacting on neighbouring properties.

Increased traffic and local parking problems.

Difficulties for emergency vehicles in accessing the site.

Loss of outlook, oppressive impact of development.

Overlooking and loss of privacy.

Overshadowing and loss of light to buildings and garden area.

Concern about inclusion of windows in side elevations of dwelling.

Trees in rear garden should be removed if another house is to be built.

Reduction in natural light to kitchen and living area.

Loss of trees.

Proposal would be out of keeping with other properties in area.

Restrictive covenants preclude such development.

Reduction in property values.

### Comments on Representations received:

Comments in respect of the material planning issues raised in the representations is included in the conclusions section to this report. Other issues raised, such as restrictive covenants and impact on property values, are not material planning considerations that should influence the decision to be taken in respect of this application.

It is not reasonable to require the removal of existing trees not directly affected by the development as part of this application. However, the objector has been advised of the new powers that may be available to deal with such matters under the Anti-Social Behaviour Act 2003.

## CONSULTATIONS

Head of Highways and Transport

### Consultations responses received:

County Highways (WSCC)

No objection subject to appropriate conditions and informatives.

**Comments on Consultation responses:**

Comments noted.

**POLICY CONTEXT**

Designation applicable to site:  
Within Built-up Area Boundary

**DEVELOPMENT PLAN POLICIES**

|                             |       |                                          |
|-----------------------------|-------|------------------------------------------|
| West Sussex Structure Plan: | LOC1  | Locational Strategy                      |
|                             | CH1   | Character                                |
|                             | ERA1  | Making the best use of land              |
|                             | DEV1  | High Quality Development                 |
|                             | DEV5  | Parking Provision                        |
| Arun District Local Plan:   | GEN2  | Built-up Area Boundary                   |
|                             | GEN5  | Provision of New Residential Development |
|                             | GEN7  | The Form of New Development              |
|                             | GEN12 | Parking in New Development               |

**PLANNING POLICY GUIDANCE**

|       |                                       |
|-------|---------------------------------------|
| PPS1  | Delivering Sustainable Development    |
| PPS3  | Housing                               |
| PPG15 | Planning and the Historic Environment |

**POLICY COMMENTARY**

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

**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 would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding 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

### Principle:

The site lies within the Built-up Area Boundary wherein the principle of residential development is acceptable subject to complying with other development plan policies. The proposal would make efficient use of previously developed land in accordance with the thrust of government housing policy set out in PPS3 and the property is in a sustainable urban location. The Inspector's appeal decision which gave permission for the erection of a two-bedroom dwelling on this site under reference BR/385/07 is a material consideration which carries significant weight as it established the acceptability, in principle, of a new dwelling on this site, albeit that this latest application proposes a slightly larger property.

### Visual amenity:

The siting, bulk, form, external materials and detailed design of the proposed dwelling are all considered satisfactory and adequate separation distances will be retained to either side of the development to ensure that it would not unduly compromise the spatial quality of the surrounding area or result in detriment to the character and appearance of the street scene.

### Residential amenity:

The existing dwellings that are likely to be most affected by the proposed development are nos.4 & 8 Tennyson Road and no.1 Nelson Road. With regards to the dwellings to either side, it is considered that given the retained distance of the flank walls of the proposed dwelling to the adjoining properties the potential harm arising from loss of outlook or overshadowing would not be so significant as to warrant refusal of planning permission in this instance. There would also be no material overlooking resulting from the development and it is not considered that the development would be unacceptable or would have any greater material impact on the adjacent properties in Tennyson Road than occurs elsewhere in the street where adjacent dwellings are set in a linear form with gaps between them. There would be no windows above ground floor level in the side elevation facing north (towards no.8) and the only first floor window in the side elevation facing no.4 would serve a bathroom. A condition is recommended to ensure this window is fitted with obscured glazing.

With regards to the impact on no.1 Nelson Road, the distance between facing elevations would be similar to that which exists between many other dwellings nearby and the rear elevation of the proposed dwelling would not be set back any further than the rear elevations of the properties to either side. It will therefore not materially increase levels of overlooking or result in material detriment by reason of overshadowing or loss of natural light.

Adequate amenity space would be provided for the new dwelling and the 'host' dwelling would also retain an acceptably-sized private garden.

### Highways issues:

The new dwelling would be served by a new access and would be provided with one off-street parking space. The site is situated in a sustainable position close to Bognor Town Centre within walking distance of a range of services and good public transport links. Accordingly, this level of parking, which accords with Council standards, is considered satisfactory.

For the above reasons it is recommended that conditional permission be granted for this development.

**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 No development shall be carried out unless and until a schedule of materials and finishes and samples of such materials and finishes to be used for external walls and roofs of the proposed dwelling hereby permitted have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the dwelling.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with policies DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

- 3 No development shall take place until there has been submitted to, and approved by, the Local Planning Authority, a soft/hard landscaping scheme. The approved details of the landscaping shall be carried out in the first planting and seeding season, following the occupation of the dwelling or substantial completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of amenity and of the environment of the development in accordance with policies DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

- 4 The dwelling hereby permitted shall not be occupied until provision for car parking has been made within the site in accordance with the details shown on the plans hereby approved and such provision shall thereafter be used only for the parking of cars.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles clear of adjacent highways in accordance with policies DEV1, DEV5 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) no windows (other than those shown on the plans hereby approved) shall be constructed at above ground floor level in the east or west facing side elevations of the dwelling hereby permitted without the prior permission of the Local Planning Authority on an application in that behalf.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policies DEV1 of the West Sussex Structure Plan and GEN7, DEV19 of the Arun District Local Plan.

- 6 The first floor window on the east facing side elevation of the dwelling hereby permitted shall at all times be glazed with obscured glass.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policies DEV1 of the West Sussex Structure Plan and GEN7, DEV19 of the Arun District Local Plan.

- 7 INFORMATIVE: Summary of Reasons for Grant Article 22(1) General Development Procedure Order 1995

#### SUMMARY

This planning permission is granted because it complies with the policies listed below in that the development would not cause any material adverse effect on visual or residential amenity on the surrounding area and its character and there are no material considerations to indicate otherwise.

#### RELEVANT POLICIES

STRUCTURE PLAN: LOC1, CH1, ERA1, DEV1, DEV3

LOCAL PLAN: GEN2, GEN7, GEN12

NATIONAL POLICIES: PPS1, PPS3, PPG13

This is only a summary of reasons for granting to comply with Article 22 and full reasons appear in the Officer report.

- 8 INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.
- 9 INFORMATIVE: This notice does not give authority to destroy or damage a bat roost or disturb a bat. Bat species are protected under Section 39 of the 1994 Conservation (Natural Habitats etc ) Regulations (as amended), the 1981 Wildlife and Countryside Act (as amended) and the 2000 Countryside and Rights of Way Act. It is illegal to damage or destroy any bat roost, whether occupied or not, or disturb or harm a bat. If you are aware that bats roost in a tree(s) for which work is planned, you should take further advice from Natural England (via the Bat Conservation Trust on 0845 1300228) or an ecological consultant before you start. If bats are discovered during the work, you must stop immediately and contact Natural England before continuing.
- 10 INFORMATIVE: The access should not be used until the crossing between the boundary of the site and the adjoining carriageway has been laid out and constructed to a specification to be agreed with the Highways Authority. Details of the specification may be obtained from the Area Highway Engineer, Southern Area Office, West Sussex County Council, Clapham Common, Clapham, Worthing, West Sussex. BN13 3UR. Telephone: 01903-878500.