

Recommendation Report for Planning Permission

REF NO: BR/280/17/PL

LOCATION: Land adjacent to 8 Mead Court
Mead Lane
Bognor Regis
PO22 8BL

PROPOSAL: 1 No. dwelling. This application may affect the setting of Listed Buildings & affects the character & appearance of the Upper Bognor Road & Mead Lane Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	3 bedroom, two storey hipped roof dwelling to be added to the end of an existing terrace of dwellings. The property would have parking for 2 vehicles to front, a garden to rear and would be accessed via Mead Court.
SITE AREA	0.02 hectares (200m ²).
RESIDENTIAL DEVELOPMENT DENSITY (NET)	50 dph
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	2m listed flint wall to side (west), front (north) and rear (south) boundaries. 2m fence between 8 and 7 Mead Court,
SITE CHARACTERISTICS	Three storey end of terrace town house with integral garage, garden to side and rear and driveway with parking to front.
CHARACTER OF LOCALITY	Mead Court terrace is a back land residential development within the Upper Bognor Road & Mead Lane Conservation Area, with grade 2 listed properties to the south. The conservation area boundary is on the west side of the grade 2 listed wall of number 8 Mead Court and beyond that is Melanie's Garden's which is formed of flats with communal gardens surrounding.

RELEVANT SITE HISTORY

BR/197/07/	Ground floor lounge, kitchen & bedroom en suite extension.	ApproveConditionally 20-08-07
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BR/215/02/	Conservatory to rear & side elevations	Withdrawn 30-09-02
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REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bognor Regis Town Council

No objection subject to the preservation of the flint wall.

Two letters of public representation received, objecting on the grounds of:-

- Harm to visual amenity, the conservation area and listed buildings and wall
- Harm to the appearance and character of the Mead Court terrace
- Impact on the residential amenity of Melanie's Gardens
- Lack of space for the proposed off street parking
- Overdevelopment of the site
- Lack of drainage information

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

The officer agrees that the development will harm the visual amenity of the conservation area, terrace row of dwellings and the character and setting of the listed buildings and the listed flint wall.

The development would propose two off street parking spaces in line with existing policy GEN12 requirements.

The site is not located in a high risk flood area in terms of surface water flooding or flooding from other sources. As such, limited details are required at planning stage regarding flooding.

CONSULTATIONS

Natural England

Engineering Services Manager

Engineers (Drainage)

Southern Water Planning

Listed Building Officer

Conservation Officer

Arboriculturist

CONSULTATION RESPONSES RECEIVED:

Conservation Officer

The proposed design is at odds with the existing terrace in terms of roof profile, material, having a hipped roof, and detracts from the overall visual massing of the existing terrace, and does not respond to the existing building, nor its setting. The application also affects the setting of two listed buildings (above),

and in addition, would be visually intrusive within the Conservation Area, being visible from the Upper Bognor Road between the two listed properties (above).

The proposal would also compromise an important feature of the Conservation Area, namely a flint wall which runs along ,Meads Lane. This wall is likely to be the original curtilage boundary of 43 Redgate House, and is shown on the 1875-1890 historic map.

It is therefore considered that the proposal would be harmful to the setting of two listed buildings, and detrimental to the Conservation Area, and does not meet the following:

Arun DC Policy GEN7 refers to principles of development that (iii)... responds to identified characteristics .. and respects and enhances local distinctiveness..

- It is considered that the proposal fails to respect or enhance local distinctiveness

Arun DC Policy AREA2 Conservation Areas ..Planning permission will be granted for development which preserves or enhances the character or appearance of the Conservation Area or its Setting.

- It is considered that the proposal fails to enhance the character of the Conservation Area or its setting

Arun Local Plan 2011-2031 Policy HER SP1 the Historic Environment ..the council will grant planning permission for development proposals that conserve or enhance the historic environment of the District. Sections a)Conservation Areas b)Listed Buildings d) Locally Listed Buildings of Special Character

- It is considered that the proposal fails to conserve or enhance the historic environment

Arun Local Plan 2011-2031 Policy HER DM1 Listed Buildings: Proposals affecting listed buildings will be required to: a) ..preserve character..e) ...protect and enhance the setting of the building...

- It is considered that the proposal fails to conserve or enhance the setting of the listed building, or its planned garden space.

Arun Local Plan 2011-2031 Policy HER DM1 16.4.6 Conservation Areas... new development must be of a high standard, reflecting form, materials and character in the locality. The spaces between and around buildings and views are very important... and 16.4.12... Setting... Development which adversely affects the setting, character appearance of or views in and out of the conservation area will be refused.

- It is considered that the proposal does not adequately respond to local material, form or scale and adversely affects the character appearance and views in and out of the Conservation Area.

Paragraph 137 of the NPPF states that a new development within a conservation area and the setting of a listed building should 'enhance or better reveal the significance of a designated heritage asset'

- It is considered that the proposal does not adequately fulfil this criterion, and is contrary to:

NPPF Paragraph 132 requires great weight to be given to the conservation of designated heritage assets and notes that significance can be harmed or lost through unsympathetic development within their settings.

It is therefore concluded that the application be recommended for refusal as it cannot be supported on heritage grounds.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

Designation applicable to site:
 Within the Upper Bognor Road & Mead Lane conservation area
 Within the built up area boundary
 Setting of Grade 2 listed buildings
 Pagham Harbour Conservancy 5km buffer zone

DEVELOPMENT PLAN POLICES

Arun District Local Plan (2003):

DEV19	Extensions to existing residential buildings
GEN11	Inland Flooding
AREA2	Conservation Areas
GEN2	Built-up Area Boundary
GEN32	Noise Pollution
GEN5	Provision of New Residential Development
GEN7	The Form of New Development
GEN9	Foul and Surface Water Drainage

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 & Alterations to Existing Buildings
D SP1	Design
HER DM1	Listed Buildings
HER DM3	Conservation Areas
HER SP1	The Historic Environment
QE DM1	Noise Pollution
SD SP1	Sustainable Development
SD SP2	Built -Up Area Boundary
T SP1	Transport and Development
W DM2	Flood Risk

Main Modifications of the Local Plan (April 2017):

H SP1	Housing Allocations
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Bognor Regis Neighbourhood Plan 2015 Policy 1 Delivery of the Vision

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD2	Conservation Areas
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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.

A new local plan is in preparation and is a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taking place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification. The examination was completed in September 2017.

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

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. 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: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton. The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

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).

The development is considered to harm the character and setting of listed buildings and the character and appearance of the conservation area contrary to Bognor Regis NDP policy 1.

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 materially adverse effect on the visual amenities of the locality and the residential amenities of the

adjoining properties. Furthermore, it would have an adverse impact upon the established character of the surrounding area.

The building is located in a Conservation Area and in the settings of listed buildings, section 71(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990 states:

"In the exercise, with respect to any buildings or other land in a Conservation Area of any powers (under the Planning Acts), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

The proposal is considered to conflict with these criteria in that it is considered to detrimentally impact the character and appearance of the settings of the Grade II listed buildings to the south and the character and appearance of the Upper Bognor Road & Mead Lane conservation 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 AND VISUAL AMENITY

The development fails to integrate with the terrace of dwellings at Mead Court. The hipped roof fails to reflect the character of the terrace and would appear awkward and damaging to the host dwelling, terrace and adjoining listed buildings, their setting and the appearance of the conservation area. The development is visible from the road to the south between 41 and 43 Upper Bognor Road (grade 2 listed buildings) and is considered to harm both the visual amenity of the Upper Bognor Road & Mead Lane conservation area and setting of the listed buildings fronting Upper Bognor Road and Woodgate House. The development is contrary to saved policies AREA2 and GEN7 and Bognor Regis NDP policy 1 in terms of impact on surrounding visual amenity.

RESIDENTIAL AMENITY

The development would have upper floor windows facing over a private garden at Woodgate House. Whilst there is existing overlooking from the rear windows of existing properties in Mead Court, the additional overlooking would be direct and less than 7m away. The first floor windows of the proposed dwelling facing this garden would be the only windows to the two upstairs rear bedrooms. As such the potential overlooking is considered to be significant and harmful to the privacy of current and future residents of Woodgate House.

The dwelling would be directly adjacent (within 2m of) the shared external amenity space of Melanie's Gardens, approximately 9m from side facing windows of flats within this complex. The development would be 5.3m high (approximately) to eaves and set modestly off the side boundary. As such, the development is considered to be overbearing and visually intrusive to the residential amenities of the neighbouring flats at Melanie's Gardens. The scale of the development and its close location would result in residential amenities of the ground floor flats being significantly harmed. The side wall of the development would result in an oppressive and overbearing impact contrary to saved policies DEV19 and GEN7 and planning permission should be withheld for this reason.

PARKING

The development would provide two off-street parking spaces and cycle parking, in line with the requirements of saved policy GEN12 of the Arun Local Plan for a 3 bedroom house. It is not considered that the development would result in a significant amount of on street parking which could result in highways danger.

The development is considered to conflict with the development plan and is recommended for refusal for the following reasons

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 respect 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 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

£871 contribution to be paid on commencement of works towards Pagham Harbour conservancy.

RECOMMENDATION

REFUSE

- 1 The development by reason of its design, scale, form and location would have a detrimental impact on the visual amenities of the terrace row of properties, adjacent listed buildings, their settings and Upper Bognor Road & Mead Lane conservation area contrary to saved policies AREA2 and GEN7 of the Arun local Plan 2003, emerging policies D DM1, HER SP1, HER DM1, HER DM2 of the Arun Local Plan 2011-2031 (Consultation on the Main Modifications) January 2018 and Bognor Regis 2015-2030 Neighbourhood Development Plan Policy 1.
- 2 The development by reason of its scale, mass, position of rear bedroom windows and location close to neighbouring gardens would result in overlooking into neighbouring gardens and loss of privacy and residential amenity of Woodford House. It would also have an overbearing and visually intrusive impact to the adjacent communal garden area and habitable room windows

of the flats at Melanie's Gardens contrary to saved policies DEV19 and GEN7 of the Arun local Plan 2003, and emerging policies D DM1 and D DM4 of the Arun Local Plan 2011-2031 (Consultation on the Main Modifications) January 2018.

- 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 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 reasons for the refusal, approval has not been possible.