

Recommendation Report for Planning Permission

REF NO: BR/285/20/PL

LOCATION: 12 Tennyson Road
Bognor Regis
PO21 2SB

PROPOSAL: Variation of condition 2-plans condition under BR/257/17/PL (also following approval of BR/217/20/NMA) for variation of attic floor plan, roof plan and north facing elevation to add dormer window.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This proposal seeks to amend conditions 2 of BR/257/17/PL, to change the approved plans to alter the approved attic floor plan, roof plan and north facing elevation to add dormer window. Condition 2 states: The development hereby approved shall be carried out in accordance with the following approved plans: Drg No 100, Location Plan; Drg No 101, Proposed Site Plan; Drg No 102, Proposed Floor Plans; Drg No 103, Proposed Elevations; Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan. Vary condition 2 to change approved plans: 101 to PL101 dated 24/11/20; 102 to PL102 Rev A dated 20/01/21; and 103 to PL103 Rev A dated 20/01/21.
SITE AREA	0.02 hectares.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	1.8m fences to sides and rear, no treatment to front boundary.
SITE CHARACTERISTICS	Double garage with driveway to front, part of single storey side element of number 12 Tennyson Road and its rear/side garden located behind the garage.
CHARACTER OF LOCALITY	Residential suburban location, formed mainly of detached

bungalows and two storey dwellings set back from the road, some with off street parking and modestly sized rear gardens.

RELEVANT SITE HISTORY

BR/217/20/NMA	Non-material amendment following grant of BR/257/17/PL to move entrance door's location, move staircase location and to replace window on rear elevation at the ground floor level with French doors.	Approve 24-09-20
BR/134/20/NMA	Non-material amendment following grant of BR/257/17/PL to move entrance door location, move staircase location and additional rear dormer and velux window.	Refused 16-07-20
BR/257/17/PL	Demolition of existing garage & erection of 1 No. dwelling (resubmission following BR/121/17/PL).	App Cond with S106 22-11-17

Permission granted previously for a dwelling with garage on this site in 1963, outline permission in 1968, 1978 and 1981. None of these were implemented and the current garage built following planning permission being granted in 1995.

BR/121/17/PL granted conditional approval for 3 bedroom dwelling.

BR/257/17/PL granted conditional approval for 4 bedroom dwelling of a similar style.

REPRESENTATIONS

No objection.

No letters of objection received.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATION RESPONSES RECEIVED:

None.

COMMENTS ON CONSULTATION RESPONSES:

N/A

POLICY CONTEXT

Designation applicable to site:

Within Built-Up Area Boundary

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ENVDM2	ENV DM2 Pagham Harbour
ENVDM5	ENV DM5 Development and biodiversity
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
TSP1	T SP1 Transport and Development

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.

Bognor Regis has a "made" Neighbourhood Plan and there are no policies relevant to this 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 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 highways or the established character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

PRINCIPLE:

The site is in the built up area boundary where development is acceptable in principle in accordance with policy SD SP2 of the Arun Local Plan 2011-2031 provided it accords with other policies of the Local Plan covering such issues as the visual/residential amenity, highway safety and parking.

CHARACTER & DESIGN

Policy D DM1 of the Arun Local Plan requires that new developments respond positively to the identified characteristics of a particular site to create developments which respect local area.

ALP policy D SP1 "Design" requires development to make efficient use of land and reflect local character. Arun Design Guide Supplementary Planning Document (SPD), a material consideration in the determination of applications, reached Post Regulation 12b Public Participation stage. Part P.O1 deals with infill development and requires development to respond positively to the character, appearance and layout of surrounding buildings to provide high quality development which enhances amenity for surrounding and new residents.

The proposal is for a small amendment of design in respect of roof plane facing to the rear by adding one small gabled dormer serving approved bedroom within a roof space and one roof-light for a bathroom with a subsequent change of an attic floor plan. The amendments would not be visible from the street view and would not change the character of the proposed dwelling therefore they are acceptable; the proposed dormer would enhance the appearance of the dwelling and would bring more light to the bedroom. It is considered to comply with policy D DM1 of the Local Plan.

RESIDENTIAL AMENITY

ALP policy D DM1 requires the Council have regard to certain aspects when considering development including having minimal impact to users and occupiers of nearby property and land. Policy QE SP1 states: "The Council requires that all development contributes positively to the quality of the environment and will ensure that development does not have a significantly negative impact upon residential amenity". Para 127 of the NPPF which states that developments should provide a high standard of residential amenity for existing and future users.

The proposed dormer window and rooflight would be within a distance of approximately 15m. However, as the case officer of the original application pointed out in his report: 'The potential, first floor rearwards overlooking to gardens and windows of 3 and 5 Nelson Road is not considered to increase the existing level of communal overlooking to neighbouring gardens and windows to an unacceptable level. This is owing to there being an existing level of communal overlooking from the rear windows of properties on Tennyson Avenue and Nelson Road.'

Planning permission BR/257/17/PL didn't remove entirely permitted development rights entirely only the right under Class A, section G (extended permitted development rights) of the GDPO. Therefore, the Permitted Development Order allows for roof to be added to with dormers or loft conversion.

It is not considered that the proposed amendments would result in significant loss of light, overbearing impact or loss of privacy to the nearby properties and is therefore considered to comply with policy D DM1 of the Arun Local Plan.

HIGHWAYS & PARKING:

ALP policy T SP1 seeks to ensure development: provides safe access on to the highway network. In respect of parking, it states: "The Council will support transport and development which: incorporates appropriate levels of parking in line with West Sussex County Council guidance on parking provision and the Arun Design Guide taking into consideration the impact of development upon on-street parking"

With regards to parking it is considered that proposal would unlikely generate a materially different number of vehicular movements to the site. The proposal complies with policy T SP1 of the Arun Local Plan.

CONCLUSION:

The proposal complies with Local Plan policies and the NPPF and should be approved subject to the attached conditions.

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 decision for BR/257/17/PL was granted with a S106 legal agreement relating to a contribution of £871 towards the cost of delivering measures to avoid or mitigate to an acceptable level, the harm caused to Pagham Harbour by the Development.

CIL DETAILS

This application is not CIL Liable since the floor space is unchanged.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of the planning permission under BR/257/17/PL (22 November 2017).

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:

Drg No 100, Location Plan;
Drg No PL101, Proposed Site Plan (24/11/20);
Drg No PL102 Rev A, Proposed Floor Plans (20/01/20);and
Drg No PL103 Rev A, Proposed Elevations (20/01/21).

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.

- 3 No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes to be used for external walls and roofs of the proposed building have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the building.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity/and character and appearance of the Listed Building/ by endeavouring to achieve a building of visual quality in accordance with policy DM1 of the Arun Local Plan.

- 4 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking or re-enacting this Order) under Class A, section G (extended permitted development rights) of the above act, no extensions to the dwelling houses shall be constructed or buildings shall be erected within the curtilage unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To safeguard the privacy and amenity of adjoining occupiers, maintain adequate amenity space and safeguard the cohesive appearance of the development in accordance with policy D DM1 of the Arun District Local Plan.

- 5 No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use and in accordance with policy T DM1 of the Arun Local Plan.

- 6 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority and maintained in perpetuity in line with the approved plans and details.

Reason: To provide alternative travel options to the use of the car in accordance with policies

T DM1 and T SP1 of the Arun Local Plan.

- 7 The second floor window on the east and west elevations and bathroom window at first floor on the north elevation of the building shall at all times be glazed with obscured glass/fixed to be permanently non-opening to a height 1.7m above finished floor level.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policies D DM1 and QE DM1 of the Arun Local Plan.

- 8 Before the buildings hereby permitted are occupied a recycling and dustbin enclosure shall be provided as part of the development in accordance with detailed drawings to be submitted to and approved in writing by the Local Planning Authority, such drawings to show the siting and design thereof. The enclosure so approved shall be maintained in perpetuity.

Reason: To safeguard the appearance of the property and the amenities of the area in accordance with policies D DM1 of the Arun District Local Plan.

- 9 INFORMATIVE: Please note that related to this permission there is an agreement under Section 106 of the Town & Country Planning Act 1990.

- 10 A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read our New Connections Services Charging Arrangements documents which is available to read on our website via the following link <https://beta.southernwater.co.uk/infrastructurecharges>.