

From: Amanda Scholes on behalf of Planning.Responses
Sent: 10 February 2021 12:30
To: Planning Scanning
Subject: FW: BR/286/20/HH - 17, Shelley Road, Bognor Regis.
Attachments: BR-286-20-HH Decision Notice.pdf; BR-286-20-HH Officers Report.pdf

Amanda Scholes

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From: Finlay Gardner <Finlay.Gardner@arun.gov.uk>
Sent: 10 February 2021 11:57
To: Planning.Responses <Planning.Responses@arun.gov.uk>
Subject: FW: BR/286/20/HH - 17, Shelley Road, Bognor Regis.

Please attach as correspondence with agent.

Finlay Gardner
Planning Officer,
Planning Department

T: 01903 737915
E: finlay.gardner@arun.gov.uk



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From: Finlay Gardner
Sent: 10 February 2021 11:56
To: BRYAN BUTCHER [REDACTED]
Subject: RE: BR/286/20/HH - 17, Shelley Road, Bognor Regis.

Dear Mr Butcher,

I apologise for the delay I have attached the Decision Notice and Officers Report above. They can also be found on the application viewer, I am not sure why you haven't received a paper copy yet I will speak to my team leader when he is back in the office.

The permission has been granted for use ancillary to that of the main dwellinghouse with the purpose of an annexe for a family member. In the future the change to use for other purposes could be considered to be an infringement of the permission. It would depend on the intensification of use.

I hope this is of help.

Kind regards

Finlay Gardner
Planning Officer,
Planning Department

T: 01903 737915
E: finlay.gardner@arun.gov.uk



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From: BRYAN BUTCHER [REDACTED]
Sent: 08 February 2021 13:45
To: Finlay Gardner <Finlay.Gardner@arun.gov.uk>
Subject: BR/286/20/HH - 17, Shelley Road, Bognor Regis.

I would bring to your attention that I am still to receive the official Planning approval document despite receiving the CIL charges.

Having established that the proposal is a Annexe and CIL will be paid can you confirm or give guidance to its allowable future use.

Although it is the intention that my client's father will reside in the Annexe he will not live forever and thus and some time in the future it will become vacant.

I totally understand that it cannot be sold as a separate dwelling, but given the present and future animosity between my client and his neighbour what uses or by whom could it be used without complaint?

At this time the Annexe , once built, could be occupied by their father for many years, but from a Planning perspective who living there in the future would be acceptable.

Plainly visiting friends and family, but how about students, lodgers, holidaymakers, Air B & B etc.?

Your help in this matter would be appreciated.

Recommendation Report for Planning Permission for Works or Extension to a Dwelling

REF NO: BR/286/20/HH

LOCATION: 17 Shelley Road
Bognor Regis
PO21 2SL

PROPOSAL: Removal of existing garage and erection of single storey side and rear extension

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION Single storey extension to east side of the dwelling projecting beyond the rear of the building. The accommodation appears in the form of an annex with bedroom, bathroom and kitchen.

REPRESENTATIONS

Bognor Regis Town Council: Object - overbearing and overshadowing of the neighbouring property.

One objection based on the proposal having substantial size, scale and positioning on the boundary leading to:

- Visual intrusion on the amenity space of the neighbouring private amenity space.
- An overbearing impact on the neighbouring private garden and loss of daylight.
- Increased sense of overlooking, loss of privacy and light on the private garden and patio area as well as the windows on the western elevation.
- Dispute land ownership certificate - concern re overhang of gutters/location of foundations.

CONSULTATION RESPONSES RECEIVED:

None

POLICY CONTEXT

Designation applicable to site:
2km Buffer for Site of Special Scientific Interest
Pagham Harbour Zone B
Within the Built Up Area Boundary

DEVELOPMENT PLAN POLICIESArun Local Plan 2011 - 2031:

DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design

PLANNING POLICY GUIDANCE:

NPPF National Planning Policy Framework

CONCLUSIONS

PRINCIPLE

The key policies considered are DDM1 and DDM4 of the Arun Local Plan. There are no policies of relevance in the Bognor Regis Neighbourhood Plan to this application.

Policy D DM1 sets out 13 design aspects of which applications should be assessed against. These include: Character, Appearance, Impact, Innovation, Adaptability, Crime Prevention, Trees, Public realm, Layout, Public art, Density and Scale.

Policy D DM4 sets out criteria for which applications relating to extensions and alterations of existing buildings must be assessed against. They generally seek to minimise the impact of the proposal on the character of the host dwelling, its neighbours and locality.

Policy DSP1 of the Arun Local Plan sets out that all development proposals should seek to 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.

SITE HISTORY

Relevant site history noted.

DESIGN AND VISUAL AMENITY

The development to the side and rear is single storey with a flat roof and does not add significant bulk to the property and is a subservient addition. It appears sympathetic in appearance with materials matching the host dwelling. The scale of the dwelling does not increase dramatically with the garage being removed to make way for the extension.

Houses in the locality have been subject to some alterations, mainly single storey extensions, garages and outbuildings, this is evident throughout the street. There is no set character to the development in the locality with bungalows and varying designs of dwellings throughout Shelley Road.

The proposal is modest in size and appears subservient to the dwelling, set slightly back from the principle elevation. It will have flat roof with a maximum height of 3.1m with the majority of the height at 2.85m. The most notable visible change from the street scene being the garage conversion, something which can be achieved under the permitted development rights.

The development is not considered to adversely impact upon the spatial pattern or character of the area and accord with D DM1 and D DM4 of the Arun Local Plan.

NEIGHBOURING RESIDENTIAL AMENITY

The proposal removes the garage and replaces it with an extension running along the east boundary. The roof will be changed to a flat roof from a lean-to. The garage eaves height is 2.3m this means there will be an increase of 0.55m on the boundary with the structure running along the majority of the side and projecting from the rear.

There will be a window and a door to the front elevation, as these are at ground floor it is not considered views are additional to that which can already be achieved from the public realm or the existing garage and does not provide adverse overlooking. A door and window to the rear overlooks the garden of the host dwelling with no views of the neighbouring property available.

The development is not considered to give rise to significantly adverse impacts on neighbouring occupiers despite the small gap and height of the extension. This includes an assessment of the 45 degree rule on the rear window of the property to the east . It is appreciated the extension protrudes to the rear and there will be some impact on the amenity from the neighbouring windows due to the height/position of the rear projection but the proposal only protrudes just past the existing rear elevation of the neighbouring property (15 Shelley Road) at a relatively low height.

The additional height and length of the extension would have some impact on the windows to the property to the east due to the introduction of additional built form. However the impact created by the proximity of the wall on residential amenity is not such that refusal is justified.

The proposal as a result of the siting and design the development is not considered to result in significant overlooking, overshadowing or overbearing impacts upon neighbouring amenity.

PARKING

Whilst the proposal will remove 1 garage space. There is sufficient space to the front for the parking for 1 further car and the highway has sufficient space for any other cars to be parked.

ANNEX ACCOMMODATION

The extension shows the internal accommodation to be in the form of an annex containing a bedroom, bathroom and kitchen. Annex accommodation is an acceptable form of development in the built up area and should not create any greater impact on amenity than any other form of extension. A condition is imposed to restrict the use of the extension.

PERMITTED DEVELOPMENT

The General Permitted Development Order (2015) (as amended) Schedule 2 Part 1 Class A (j) it is possible, without an application for planning permission, to extend at single storey level up to 4m in height beyond a wall forming a side elevation so long as the extension is not more than half the width of the dwelling. Whilst this would not allow for the rear projection element an out building in this position could be erected under Schedule 2 Part 1 Class E with an height of 2.5m.

The use of permitted development as described above would have a similar impact on the amenity of the property to the east and therefore it is necessary to consider the potential "fall back" position.

OWNERSHIP CERTIFICATE

A letter of objection challenges the validity of the ownership certificate submitted with the application raising concerns about parts of the development (gutters/foundations) extending in to the neighbouring property. The applicant's agent has been asked to confirm ownership details.

SUMMARY

The proposed development is deemed to accord with relevant development policies and as such is recommended for approval subject to the following conditions and informatives.

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.

CIL DETAILS

This application is CIL Liabie therefore developer contributions towards infrastructure will be required (dependant on any exemptions or relief that may apply).

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 The development hereby approved shall be carried out in accordance with the following approved plans:
 - Location Plan, Block Plan and Proposed Floor Plan Sheet 1 of 3
 - Proposed Elevations Sheet 2 of 3
 - Existing Floor Plans and Elevations and Proposed Roof Plan Sheet 3 of 3

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 The accommodation hereby permitted shall be occupied solely for purposes ancillary to the occupation and enjoyment of 17 Shelley Road as a dwelling and shall not be used as a separate unit of accommodation.

Reason: To accord with policies D DM1 of the Arun Local Plan and to prevent the establishment of an additional independent unit of accommodation which would give rise to an over-intensive use of the site and lead to an unsatisfactory relationship between independent dwellings.

- 4 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.

Application for Planning Permission for Works or Extension to a Dwelling

DECISION NOTICE

Application Ref: BR/286/20/HH

1 To Addressee

Mr Bryan Butcher
Rainbow Cottage
Nyetimber Lane
Bognor Regis
PO21 3JX

2 Site Address

17 Shelley Road
Bognor Regis
PO21 2SL

3 Description of Development

Removal of existing garage and erection of single storey side and rear extension

4 In pursuance of their powers under this Act and related Orders and Regulations the Council **PERMIT** this development to be carried out in accordance with the application and plans and subject to the following conditions.

- 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:
 - Location Plan, Block Plan and Proposed Floor Plan Sheet 1 of 3
 - Proposed Elevations Sheet 2 of 3
 - Existing Floor Plans and Elevations and Proposed Roof Plan Sheet 3 of 3

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 The accommodation hereby permitted shall be occupied solely for purposes ancillary to the occupation and enjoyment of 17 Shelley Road as a dwelling and shall not be used as a separate unit of accommodation.

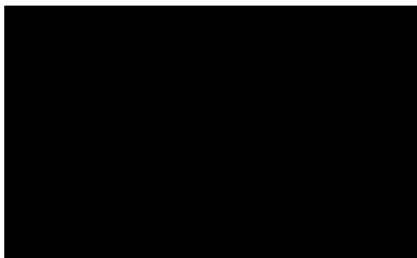
Reason: To accord with policies D DM1 of the Arun Local Plan and to prevent the establishment of an additional independent unit of accommodation which would give rise to an over-intensive

use of the site and lead to an unsatisfactory relationship between independent dwellings.

This application is subject to the Community Infrastructure Levy (CIL) as levied under Arun district Council's CIL Charging Schedule as adopted on 15th January 2020.

Shortly you will receive a Liability Notice which includes the calculated charge and person(s) liable to pay. If you have not submitted all the necessary CIL forms such as Assumption for Liability (Form 2) or any appropriate exemption or relief forms available on the Council's website <https://www.arun.gov.uk/cil> you must do so prior to commencement of your development. Failure to do so would invalidate any claim for exemption or relief. Furthermore, you must remember to submit your Commencement Notice no later than the day before the day on which the chargeable development is to commence. Failure to do so could result in a surcharge of up to £2,500.

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.



Neil Crowther
Group Head of Planning

Case Officer: Mr F Gardner

Decision Issued: **5th February 2021**

Arun District Council
The Arun Civic Centre
Maltravers Road
Littlehampton
West Sussex BN17 5LF

IT IS IMPORTANT THAT YOU READ THE NOTES ATTACHED TO THIS DOCUMENT

APPEALS TO THE SECRETARY OF STATE

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, and you want to appeal against this planning application decision, then you must do so within 28 days of the date of this notice.

If an enforcement notice is served relating to the same or substantially the same land and development as in your application and you want to appeal against this planning application decision, then you must do so within 28 days of the date of service of the enforcement notice, or within 12 weeks of the date of this notice, whichever period expires earlier.

As this is a decision on a Householder application, if you want to appeal a refusal, then you must do so within 12 weeks of the date of this notice. If you wish to appeal a condition, you must do so within 6 months of the date of this notice.

Appeals must be using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <http://acp.planninginspectorate.gov.uk>

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

If you intend to submit an appeal that you would like examined by inquiry then you must send notice to the Local Planning Authority and Planning Inspectorate(inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details can be found at www.GOV.uk

PURCHASE NOTICES

If either the local planning authority or the Secretary of State refused permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council (that is, where the land is situated in a National Park, the National Park authority for the Park, or in any other case the district council in whose area the land is situated). This notice will require the Council to purchase the owner's interest in the land in accordance with the provisions of Chapter 1 of Part VI of the Town & Country Planning Act 1990.

Please note that this decision notice only relates to matters under the Planning Acts and does not give consent under any other legislation that may apply to the development. You will need to carry out your own checks to determine whether any other consents or permissions are required. For example, the Building Regulations are likely to apply to most developments, and a Highways Licence may be required from West

Sussex County Council for any development within the public highway (including the placing of skips on highway land).