

Recommendation Report for Planning Permission

REF NO: BR/294/17/PL

LOCATION: 21 Lennox Street
Bognor Regis
PO21 1NA

PROPOSAL: Removal of existing external fire escape & erection of rear single storey extension.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

It is proposed to erect a single storey extension with flat roof and roof lantern to the rear of this dwelling. This would extend 6.1m out from the rear of the dwelling and be in line with the existing flat roofed rear extension to the rear of no.19 to the north and adjoining. The extension would partly abut and partly be set slightly in from an existing rear/side boundary between the site and a car parking area serving Mountbatten Court to the south and east. It is proposed to render and colour wash to match the existing dwelling. The extension would rise to a height of 3m and would therefore rise above the existing 1.8m high boundary wall. A new window at first floor side is to replace an existing door onto the staircase. The extension is designed to allow for pedestrian access though from the existing dwelling into a small area of limited size that would remain between the extension and the boundary wall. An external staircase serving the rear of these flats is to be removed.

The application is accompanied by a flood risk assessment, which sets out flood resilience measures.

TOPOGRAPHY

Predominantly flat.

TREES

None affected by the proposed development.

BOUNDARY TREATMENT

The dwelling fronts directly onto Lennox Street. The rear/side wall is 1.8m in height and is cream rendered.

SITE CHARACTERISTICS

Ground floor flat. Rendered and colour washed cream. External metal staircase serves upper 2 floors and presently lands in the area where the extension is proposed.

CHARACTER OF LOCALITY

Adjoining dwelling has a substantial flat roofed rear extension. The immediate locality is residential, although the wider area is significantly commercial and also tourist related in terms of development and uses. Top the south and east of the rear of the site is allocated parking serving Mountbatten Court and 1 of the spaces adjoins the boundary wall with the site. The Mountbatten Court flats are located to the south of the site approximately 12.5m away and these are 5 and 6 storeys high

in the area closest to the site. Some of the closest flats have main windows facing towards the site.

RELEVANT SITE HISTORY

BR/70/54	Use Of Residential Property As Shop And Office	Approve 29-04-54
BR/70/54/A	Conversion Of Living Accommod- Ation Into Shop And Offices	ApproveConditionally 18-03-55
BR/70/54/C	Change Of Use From Betting Office To Residential Use 1st And 2nd Floors	ApproveConditionally 08-01-65
BR/70/54/D	Provision Of Bathroom	Approve 04-02-65
BR/455/04/	Change of use from ground floor shop to flat, including amended frontage and internal alterations.	Withdrawn 14-02-05
BR/162/06/	Change of use from lock up shop to garage	Refused 20-07-06
BR/271/08/	Change of use from office (B1) to sandwich shop	ApproveConditionally 18-11-08
BR/270/12/	Change of use from A1 (Shops) to C3 (Dwelling house)	Inc Docs Ret'nd 31-01-13
BR/143/13/	Change of use from A1 (Shops) to C3 (Dwelling house)	App Cond with S106 11-12-13

Noted.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bognor Regis Town Council

Bognor Regis Town Council raises no objection.

11 objection letters have been received, 1 of which is from Colebrook Management Limited (the Chairman) which is the management company for Mountbatten Court. The other objections are from Mountbatten Court residents. The objections are on the following grounds:

1. The building will be much higher than the existing party wall and block light.
2. The adjacent existing brick built waste and recycling bin storage area next within Mountbatten Court next to the party wall will be very close to the new building and will likely be identified as a fire risk on our next fire risk assessment. We have no other area to relocate the bins.
3. The windows at the back of the proposed extension will overlook the party wall and will cause intrusion of privacy to the Ground floor and first floor flat bedroom windows of D block.
4. We understand the property at 21 Lennox Street is currently converted and used as self contained flats. Removal of the fire escape may pose a safety threat to the occupants.
5. The building activities and excavations will likely render one of our parking bays unusable next to the party wall, cause disturbances and corrosive dust from cement and other waste materials to settle causing damages to paintwork of nearby parked residents vehicles.
6. The site is extremely restricted and what is proposed is an overdevelopment of the site.
7. Access to the wall of the extension will be impossible during construction and afterwards for maintenance. This may also make the use of flood risk related materials difficult.
8. Proximity of the extension to the boundary wall will prevent future maintenance being carried out.
9. The Biodiversity report states there is no evidence of the presence of bats but that only a "walk-through" inspection has been carried out. There are certainly bats in the area and a formal survey should be insisted on prior to further consideration of this application.
10. A brick built waste and recycling facility next to the boundary wall of the site will be close to the extension and will potentially be identified as a fire risk. This cannot be readily relocated due to a shortage of parking spaces.
11. Rear extension windows will rise above the boundary wall and overlook Mountbatten Court and result in loss of privacy to ground and first floor flats in the Court.
12. Development activities will render 1 car parking space unusable next to the boundary of the site and cause damage to vehicles in the car park.
13. The extension will result in loss of light.

A solicitor on behalf of no.25-29 Lennox Street has raised issues/questions relating to access and carrying out the works, access over adjoining property and the location of a wall.

COMMENTS ON REPRESENTATIONS RECEIVED:

The issues raised relating to visual and residential amenity will be addressed in the Conclusions section of this report.

Noise and disturbance etc. from building operations are not material planning considerations and the majority of the other matters raised are not material planning considerations.

The issues/questions raised by the solicitor are not strictly material planning considerations and were copied to the Council and the Agent. They have been raised direct with the applicant by the solicitor.

CONSULTATIONS

Environment Agency
 Environmental Health
 Environmental Health
 West Sussex Fire Brigade
 Engineering Services Manager
 Engineers (Drainage)
 Engineers (Coastal Protection)

CONSULTATION RESPONSES RECEIVED:

The Council's Coastal Engineer has commented and raises no objection and is happy with the applicant installing flood doors as per the application. Raising the floor level is deemed impractical. The provision of flood doors (as per the application) would suffice, namely suitable flood risk measures be provided and maintained to all external doors in perpetuity to the satisfaction of the LPA. This could be achieved as set out in the application's flood risk assessment by provision of 600mm high plastic or aluminium flood boards in watertight channels fixed to door frames in event of possible flood warning.

COMMENTS ON CONSULTATION RESPONSES:

The Coastal Engineer's comments can be addressed by means of a condition.

POLICY CONTEXT

Designation applicable to site:
 Within Built Up Area
 Bognor Regis Town Centre Regeneration Area
 Economic Growth Area (Emerging Local Plan)
 Within Town Centre Boundary (Emerging Local Plan)
 Partly Flood Zone 2 & 3
 Pagham Harbour Access Management Zone B

DEVELOPMENT PLAN POLICES

[Arun District Local Plan \(2003\):](#)

GEN2	Built-up Area Boundary
GEN7	The Form of New Development
DEV19	Extensions to existing residential buildings

SITE2 Bognor Regis Town Centre Regeneration

Publication Version of the Local Plan (October 2014):

- SD SP2 Built-Up Area Boundary
- D DM1 Aspects of Form and Design Quality
- D DM4 Extensions & Alterations to Existing Buildings
- D SP1 Design

PLANNING POLICY GUIDANCE:

- NPPF National Planning Policy Framework
- NPPG National Planning Practice Guidance

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 Main Modifications to the Arun Local Plan (2011-2031) were subject to Public Consultation over a six week period starting on Friday 12 January 2018 until 5pm on Friday 23 February 2018. This consultation period has now closed and the Plan will proceed to further examination.

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.

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).

Bognor Regis has a Made Neighbourhood Plan. The site is within the Old Town area where Policy 3 is relevant.

POLICY 3- OLD TOWN RESTAURANT AND CULTURAL QUARTER:

Bognor's Old Town is designated as the restaurant, cafe, bar and Cultural Quarter as shown on the Key Priorities Map. Applicants applying for change of use to restaurant and cafe (A3) and drinking establishments (A4) are actively encouraged to do so in the area designated P3: Old Town Key Priorities Map (page 27). Changes of use from restaurant and cafe use (A3) to other uses will be resisted. Applicants are encouraged to demonstrate how the proposed changes make a positive contribution to Bognor Regis' seaside town identity by making clear reference to the Bognor Characterisation study, 2014

This Neighbourhood Plan supports applications that include:

- a) Outdoor seating
- b) Ground floor alterations and extensions contributing to an increased number of all weather seating provision, and
- c) Facades as well as improvements to the spaces in between buildings that support a more comfortable and pedestrian friendly street environment during the day and in the evening hours

Applicants are encouraged to seek practical and early advice from the regeneration and planning team at Arun District Council the key consultee, the Town Centre Manager and Town Council.

The proposal is acceptable in the context of the Neighbourhood Plan. It is also considered to be consistent with other Development Plan policies.

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 is within the built-up area where the principle of development is acceptable, subject to accordance with relevant planning policies. The main criteria against which the application will be assessed is contained within the Arun District Local Plan and these policies seek to prevent development that would have an adverse impact upon visual amenity and amenity generally.

DESIGN & APPEARANCE

The proposed extension is very similar in appearance to that which exists to the rear of no.19 adjoining and what is proposed is generally consistent in terms of the visual appearance of the rear of dwellings on this side of Lennox Street. The extension is not considered to be harmful to visual amenity.

Whilst the extension will be visible above the existing 1.8m wall by approximately 1.2m, it is not harmful in terms of outlook from the flats to the south, nor is it visually dominant. Separation at 12.5m is satisfactory and there is a car parking area intervening. The main bulk of the extension will be partially screened by the boundary wall.

RESIDENTIAL AMENITY

The extension does not include any windows in its south facing wall and in any event such windows would be screened by the 1.8m boundary wall apart from at the very top where views outward across or towards adjoining property would be very minimal indeed and most unlikely to result in direct views giving rise to impact on privacy.

The rear east facing windows and doors in the extension overlook the small courtyard which will remain at the very rear of the site adjoining the boundary wall. They are also screened by the boundary wall and do not give rise to an appreciable level of impact on amenity for the same reasons as set out above. These openings also do not face the flats, but the parking area.

OTHER

Issues of noise, dust and other disturbance from development activities are not material planning consideration, nor are issues relating to either enjoying or acquiring access or access rights to carry out development.

CONCLUSION

The proposed development does not give rise to harm to visual or residential amenity and is in accord with policies.

It is therefore recommended that planning permission be granted subject to the following 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

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.

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 drawings and supporting documents:

Sheet 1 of 2 - Elevations & Plan Proposed - Received with Application.
Sheet 2 of 2 - Elevations & Plan Existing & Roof Plan Proposed - Received with Application.
Design & Access Statement - Received with Application.
Flood Risk Assessment - Received with Application.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.
- 3 The materials and finishes of the external walls and roof of the development hereby permitted shall match in colour and texture those of the existing building.

Reason: In the interests of amenity in accordance with policies GEN7 and DEV19 of the Arun District Local Plan.
- 4 In accordance with the submitted Flood Risk Assessment, flood risk measures to the satisfaction of the LPA.

Reason: To ensure that the proposed development is satisfactorily protected from flooding in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan.
- 5 **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.