

APPLICATION REF: BR/315/06

PLANNING APPLICATION REPORT

DESCRIPTION/ ADDRESS	- New detached 3 bedroom house, Land adjacent to 126 Chichester Road, Bognor Regis.
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THE SITE AND ITS SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	Approximately
RESIDENTIAL DEVELOPMENT DENSITY (NET)	22 dwellings per hectare.
TOPOGRAPHY	Slightly uphill from road.
TREES	None worthy.
BOUNDARY TREATMENT	Front boundary has brick wall + hedging approximately 2.5m in height, west side boundary has hedging approximately 1m in height, east side boundary has wooden fencing + hedging approximately 2.5m in height.
	Rear north, east and west side boundaries has close boarded fencing approximately 1.8m in height.
SITE CHARACTERISTICS	Part garden on eastern side of 1930's semi-detached house. Wooden double car port and green metal shed on site, The walls are rendered painted white, white PVCu windows with a brown tiled roof.
CHARACTER OF LOCALITY	Main road with residential properties comprising detached and semi-detached two storey properties, bungalows at rear of site in Sandymount Avenue. Footpath to east of site Radford Road links Chichester Road with Sandymount Avenue.

RELEVANT PLANNING HISTORY

REFERENCE	DESCRIPTION	DECISION
BR/576/72	Outline application for 2 bed bungalow and garage rear of 126 Chichester Road.	Refused 07-08-1972.
BR/21/05	Outline application for single detached dwelling.	Refused 11-05-2005 Allowed on Appeal 07-09-2005

REPRESENTATIONS RECEIVED

SOURCE	SUMMARY OF CONTENT
Bognor Regis Town Council	No objection.
West Sussex Wildlife Protection	Land needs checking for wildlife.
1 Letter of Objection	The proposed house would destroy the character and the amenities of the area and would increase the parking on the Chichester Road.

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REPRESENTATIONS RECEIVED

SOURCE	SUMMARY OF CONTENT
	The proposed house next to a public footpath and right of way will cause an unacceptable hazard to pedestrians and the ability to access the busy public road.
	The development would be overbearing and create overlooking to the adjoining property.

CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
Southern Water	The exact position of the public sewers must be determined on site by the applicant before the layout of the proposed development is finalised.
County Highways	No objection.

POLICY CONTEXT

DESIGNATION APPLICABLE TO SITE
Within Built-up Area Boundary Class A Road

DEVELOPMENT PLAN POLICIES

West Sussex Structure Plan : LOC1, DEV1, CH1, NE17 Arun District Local Plan : GEN7

PLANNING POLICY GUIDANCE

PPS1	- Delivering Sustainable Development
PPG3	- Housing
PPG13	- Transport

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to the effect on the street scene, neighbours and highway safety.

COMMENT ON CONSULTATION RESPONSES

None.

COMMENT ON REPRESENTATIONS RECEIVED

The previous application BR/21/05 was refused by the Council and the subsequent appeal was allowed therefore the principle of the development has been accepted. It is not considered that the proposal is an overdevelopment of the site and the dwelling is in keeping with the surrounding properties. There is a distance of 4.5m between the proposal and the neighbouring property No 124 and there are no windows at first floor level on the east elevation of the proposal so it is not considered that the dwelling would cause harmful overshadowing or overlooking to this property. County Highways are satisfied that the development would not create any highway problems and despite there being no garage it is considered that there is sufficient parking provision to the front of

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COMMENT ON REPRESENTATIONS RECEIVED

the site. Land is private garden land and no wildlife of significance.

ASSESSMENT OF PROPOSAL**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 there will be no adverse impact on the character of the locality or the amenities of neighbouring residential properties.

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

The site is within the Built Up Area as defined in the Local Plan and the proposal is acceptable in principle, provided that the impact on the character of the area is acceptable. A previous outline application for a single detached dwelling was refused for the following reason:

"Having regard to the area of the site and its relationship to the existing residential property the proposal would give rise to an unneighbourly form of development which would represent an overdevelopment of the site which would be prejudicial to the amenities of the locality in conflict with policies DEV1 and LOC1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan"

The refusal was the subject of an appeal which was allowed. The inspector found that the unusually wide side garden to the semi-detached dwelling at 126 Chichester Road is, at present, an incongruous gap in the fairly consistent development along that side of the road and although the size of the plot was wider at the rear than at the front, the area of the site was not dissimilar to other plots in the area. Both parties agreed that the appeal proposal, for a single detached dwelling, would achieve a density of 22 dwellings per hectare. GEN7 of the Local Plan and Government advice in Planning state that the minimum density should be 30 dwellings per hectare. Whilst the constraints of the site, its relationship with neighbouring dwellings and the character of the immediate area, are reasons to justify this lower density and for the very same reasons, the proposal cannot be an overdevelopment of the site. Due to the orientation of the site, the dwelling would not cause harmful overshadowing of the neighbouring dwellings or their gardens at 124 Chichester Road or those in Sandymount Avenue which back on to the appeal site. Furthermore, because the area is predominantly residential, and the proposal would broadly conform to the existing pattern of development, the use of the proposal and the visual impact of the dwelling would not be harmful or overbearing for any neighbouring or nearby occupiers and would not be an unneighbourly form of development.

The Inspector did state "A dwelling without the need for windows to habitable rooms in its side elevations can be achieved on the site".

The proposal for a two storey property would not be out of keeping with the existing properties in the

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CONCLUSIONS

vicinity and would be set back from the main road by approximately 10.5m which would not be unduly prominent in the street scene. The neighbouring property to the east No 124 is approximately 4.5m from the proposal and the neighbouring properties to the rear approximately 40m from the proposal. The nearest neighbouring property No 126 is approximately 2.5m away. Although there are windows on the west side elevation, the one at ground floor level serves a wc, the two at first floor level serve a bathroom & hallway and if approved a condition to be imposed that the windows be obscure glazed and non-opening.

Taking all of the above into account it is recommended that the application be approved subject to the conditions overleaf.

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New detached 3 bedroom house.

Land adjacent to 126 Chichester Road
Bognor Regis

RECOMMENDATION

Approve 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 windows on the west elevation of the building shall at all times be glazed with obscured glass and fixed to be permanently non-opening.

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.

- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, no windows or other openings (other than those shown on the plans hereby approved) shall be formed in the east wall of the dwelling at first floor level without the prior permission of the Local Planning Authority on an application in that behalf.

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

- 4 The building hereby permitted shall not be occupied until provision has been made within the site in accordance with details to be submitted to and approved by the Local Planning Authority to prevent surface water discharging onto the public highway.

Reason: In the interests of road safety and to accord with approved policy in accordance with policies DEV1, NE17 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

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- 5 The building hereby permitted shall not be occupied until space has been laid out within the site in accordance with details approved by the Local Planning Authority for the turning of vehicles clear of the public highway and such space shall not thereafter be used other than as a turning area.

Reason: In the interests of road safety in accordance with policies DEV1, NE17 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

- 6 The layout of the proposed development shall provide for two vehicle parking spaces for the proposed dwelling in accordance with plans to be approved by the Local Planning Authority.

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

- 7 No development shall be carried out 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 policies DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

- 8 INFORMATIVE: The exact position of the public sewers must be determined on site by the applicant before the layout of the proposed development is finalised - please see letter dated 30th October, 2006 and copy of plan from Southern Water.

- 9 INFORMATIVE: The building shall not be occupied 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 Local Planning Authority. Details of the specification may be obtained from the Area Engineer, West Sussex County Council, Area 1, Drayton Depot, Drayton Lane, Chichester. Telephone: 01243-836900 or from West Sussex County Council, County Surveyors Department, County Hall, Chichester. Telephone: 01243-777921.