

Recommendation Report for Planning Permission

REF NO: BR/31/20/PL

LOCATION: 77 Aldwick Road
Bognor Regis
PO21 2NW

PROPOSAL: Part change of use of ground floor & formation of a first floor rear extension to create 2 No. self-contained studio flats with associated refuse/recycling & cycle store (re-submission following BR/233/19/PL)

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Part change of use of ground floor and formation of a first floor rear extension to create 2 no. self-contained studio flats with associated refuse/recycling and cycle store (resubmission following BR/233/19/PL). The arrangement of previously proposed staircase would be changed resulting in a new small terrace within the corner adjacent to the existing balcony of the first floor flat and removing a previously proposed first floor window on the western elevation. A window has also been moved in the southern elevation.
SITE AREA	0.03 hectares.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	The density of the extended building (2 existing plus 2 new flats) will be 167 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the development.
BOUNDARY TREATMENT	1.7m high wall with close boarded fence/timber with trellis top to the rear boundaries.
SITE CHARACTERISTICS	Three storey grey rendered building situated on the southern side of Aldwick Road between its junction with Neywood Lane and Park Road with a dry cleaners at ground floor and two existing flats on the upper floors. Light grey brick flat felt roofed extension at ground floor to the rear. This part of the ground floor comprises storage and an office for the dry cleaners business. Small rear garden area accessed through a passage via Aldwick Road. No 77 is a mirror image of No 79 (white rendered) with a tunnel/walkway in the between providing an access to the rear of both of them. Restricted bay parking on Aldwick Road to the front.
CHARACTER OF LOCALITY	Predominantly three storey terraced properties with commercial uses at ground floor and residential above or within the rear extensions. Buildings are set in medium plots abutting the highway in an urban environment. To the rear residential dwelling alongside with some care-homes are lining Stocker Road with Nos 10 and 14/16 in an opposite of the

proposal property.

No 10 is a two and a half storey residential dwelling with rear garden and Nos 14/16 is a two and a half storey building converted into flats with a rear parking area and rear double garage; To the west is No79, a counterpart of No77 with commercial at the ground floor, residential above and ground floor garden flat to the rear. To the east Nos 73/75; commercial at the ground floor level with 9 residential flats at the first and second floor.

RELEVANT SITE HISTORY

BR/233/19/PL	Part change of use of ground floor & formation of a first floor rear extension to create 2 No self-contained studio flats with associated refuse/ recycling & cycle store (resubmission following BR/63/18/PL).	Refused 19-12-19
BR/63/18/PL	First & second floor rear extension to create 3 No. studio apartments	Refused 06-07-18
PAA/224/17/	First & Second Floor rear extension to create 3No. Studio apartments.	Approve Pre App 26-02-18
BR/53/97	Conversion of existing first floor offices to 1 No. 2 bedroom flat	ApproveConditionally 24-04-97

BR/63/18/PL proposed: 'Change of use of existing ancillary accommodation to the existing dry cleaners to new studio flat. Two more studio flats above. The extension will have a flat roof and will be 8.5m high. New bin and cycle store to rear.'

This was refused under delegated powers on 06 July 2019 for the following reasons:-

1. The scale of the proposed two additional floor extension to the rear of 77 Aldwick Road will result in an overbearing impact on - and loss of outlook to - the amenity of the existing windows of residential flats in the rear of 73 - 75 Aldwick Road to the east and 79 Aldwick Road to the west. In addition, there will be a harmful loss of sunlight and overshadowing of the two large residential windows on the closest part of the rear of 79. The proposal is therefore contrary to policy GEN7 of the Arun District Local Plan; the National Planning Policy Framework; and policies D DM1 and D DM4 of the Arun Local Plan 2011-2031 Publication Version showing Modifications.

2. The new first and second floor studio windows will look out towards the rears of Nos 10 & 14/16 Stocker Road at a distance of only around 8.8m. This will result in a loss of privacy to number 10's private residential garden and the proposal is therefore contrary to policy GEN7 of the Arun District Local Plan; the National Planning Policy Framework; and policies D DM1 & D DM4 of the Arun Local Plan 2011-2031 Publication Version showing Modifications.

3. The new first and second floor kitchen, hall and stair windows will face towards the flank residential windows of 79 Aldwick Road, resulting in a loss of privacy to these windows and a harmful effect on the amenity of existing occupiers. The proposal is therefore contrary to policy GEN7 of the Arun District Local Plan; the National Planning Policy Framework; and policies D DM1 & D DM4 of the Arun Local Plan 2011-2031 Publication Version showing Modifications.

BR/233/19/PL was following a resubmission addressing partially the reasons for refusal by removing the proposed second floor, however the relationship to Nos 14/16 and 10 Stocker Road remained the same; this application has been recently refused and challenged by an appeal.

The reasons for refusal:

The height and scale of the proposed additional first floor extension to the rear of 77 Aldwick Road will result in an overbearing impact on, and loss of outlook to, the amenity of the existing windows of the first floor residential flats in the rear of 75 - 79 Aldwick Road. In the absence of a full BRE sunlight/daylight study there Local Planning Authority has not been satisfied that there will not be a demonstrable harmful loss of sunlight/daylight to neighbouring residential properties. The proposal is therefore contrary to policies D SP1, D DM1, D DM2 and QE SP1 of the Arun Local Plan and the National Planning Policy Framework.

The new first floor studio apartment window on the southern elevation of the building will look out towards the rear private amenity spaces of nos. 10 and 14/16 Stocker Road at a distance of around 8.8m. In the absence of requested sight line sections/diagrams the proposal will result in a loss of privacy to the adjacent amenity spaces of nos. 10 and 14/16 Stocker Close; contrary to Policies D DM1, D DM4 and QE SP1 of the Arun Local Plan and National Planning Policy Framework.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bognor Regis Town Council

No objection.

5 letters of objection:

- Aldwick Road & West Bognor is/has always been for mainly independent small businesses: allowing this application would force a very respected, busy & useful small business to close.
- Parking associated with flats / insufficient parking for people visiting the shops.
- Historical problems with overflowing drains at 77a and 77b Aldwick Road
- Breach of privacy overlooking garden and depriving us from much needed light so in ground floor flat.
- The applicant's property is poorly maintained with drains left unsorted and leaking for months resulting in front of our flat constantly dump and flood.
- No respect for needs of existing residents.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted; all planning matters are addressed in the following sections of this assessment.

CONSULTATIONS

Economic Regeneration
Engineering Services Manager
Engineers (Drainage)
Natural England
WSCC Strategic Planning
Environmental Health

CONSULTATION RESPONSES RECEIVED:

ARUN DISTRICT COUNCIL ECONOMIC DEVELOPMENT:

Object:- Comments the same as the previous application. This application concerns a site in Aldwick Road, a retail area to the West of Bognor Regis town centre which accommodates a range of local businesses and services. This site is currently and has been for some years the location of a dry cleaning business. Policy EMP DM1 of the Arun District Local Plan seeks to protect employment spaces. The development would make this space unviable for the existing business who advises that it would not be simple to relocate her business and she would have to close.

ENGINEERS COMMENTS REGARDING SURFACE WATER DRAINAGE:

Due to the scale, location and type of application we have no conditions to request. Any alterations to surface water drainage must be designed and constructed in accordance with building regulations.

PRIVATE SECTOR HOUSING:

There should be adequate fire separation between the commercial unit and the communal staircase serving the new self-contained flats

- The rear under stairs cupboard accessed via the laundrette should afford 30 minutes fire resistance. If there is a source of ignition present within this cupboard then interlinked detection should be fitted within the cupboard too

- A mixed Grade A, LD2 and Grade D1, LD3 fire system should be maintained and installed. Grade A, LD2 fire system should already be installed as the existing building is across three storeys.

Grade A, LD2 system:

- Interlinked detection throughout the escape routes
- Interlinked heat detection to the laundrette
- Interlinked heat detection to each self-contained flat

Grade D1, LD3 system:

- Non-interlinked mains-wired smoke alarms with integral battery back-up to each self-contained flat
- 30 minute fire resisting escape route, which would include providing a 30 minute fire resisting and self-closing fire door to each self-contained flat
- Any bathrooms and kitchens without windows for natural ventilation should have adequate mechanical ventilation
- Must meet the requirements of the Housing Act 2004 and be free of Category 1 and significant Category 2 Hazard.

WSCC HIGHWAYS:

Does not consider this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the NPPF (paragraph 109), and that there are no transport grounds to resist the proposal.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

- 2km Buffer of Bognor Reef SSSI
- Pagham Harbour Access Management Zone B
- 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
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
EMPDM1	EMP DM1 Employment Land: Development Management
ENVDM1	ENV DM1 Designated Sites of Biodiversity or geographical imp
ENVDM2	ENV DM2 Pagham Harbour
ENVDM5	ENV DM5 Development and biodiversity
HDM1	H DM1 Housing mix
RETDM1	RET DM1 Retail development
RETSP1	RET SP1 Hierachy of Town Centres
SDSP2	SD SP2 Built-up Area Boundary
TDM1	T DM1 Sustainable Travel and Public Rights of Way
WSP1	W SP1 Water
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
TSP1	T SP1 Transport and Development

PLANNING POLICY GUIDANCE:

NPPG	National Planning Practice Guidance
NPPF	National Planning Policy Framework

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.

There are no relevant Bognor Regis Neighbourhood Development Plan policies to consider.

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 fails to comply with relevant Development Plan policies in that it is not considered to comply with relevant Development Plan policies in that it would have a materially adverse effect on the residential amenities of the adjoining properties, contrary to Policies D SP1, D DM1, D DM4 and QE SP1. This harm is considered to override the accordance with other policies in the Development Plan.

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 Council is currently unable to demonstrate a 5 year Housing Land Supply and paragraph 11(d) of the NPPF makes clear that where the policies which are most important for determining the application are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Accordance with NPPF provisions are detailed in the below assessment. As a starting point, all development should accord with the three strands of sustainable development (paragraph 8 of the NPPF) in that they deliver the economic, social and environmental objectives. In this instance, the development would ensure that a sufficient land of the right type is available in the right place (economic) which will support nearby businesses. The development will ensure that a sufficient number and range of homes are provided to meet the needs of the present and future generations (social objective) and would also utilise a previously development site making an effective use of land (environmental role).

Whilst the proposal accords with the three strands of sustainable development in paragraph 11(d), the paragraph 11(d)(ii) makes clear that the Framework does not support development where any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

In applying para 11(d), the NPPF requires a balanced judgement to be undertaken to determine whether the level of harm would outweigh the benefits, when taken as a whole.

Paragraph 85 of the NPPF makes clear that planning policies and decisions should support the role that town centres play at the heart of local communities. Policy RET DM1 mirrors paragraph 85 of the NPPF and makes clear that change of use from retail will not be permitted for shops which are located outside the defined Town Centres and Local Service centres.

Policy RET DM1 protects retail units as singular units and does not afford protection to net floor space. Therefore, Policy RET DM1 does not prevent the part change of use from retail. The underlying intent

behind Policy RET DM1 is to maintain the retail offering throughout the District. In the case of this application, some retail floor space would be lost; however, the retail unit would still be retained which fronts Aldwick Road. It would be solely the rear space of the retail unit that would be lost, however, making this space unviable would adversely affect the local business. Notwithstanding the outcome, the partial loss of retail floor space would be permitted under Policy RET DM1 of the Local Plan and paragraph 85 of the NPPF, in principle.

Policy RET SP1 of the Local Plan supports development in Bognor Regis that forms the major focus for residential development throughout the plan period. Policy RET SP1 accords with para 8 of the NPPF in achieving the environmental role of sustainable development by guiding housing to sustainable built up locations. Para 68(c) of the NPPF requires planning authorities to support the development of windfall sites through their policies and decisions - giving great weight to the benefits of using suitable sites within existing settlements for homes.

The development utilises an existing site which provides a mix of retail and residential dwellings and would deliver a further 2 studio flats towards the Council's annualised housing targets in a period where a shortage of housing land has been identified. The development would deliver these additional flats on a previously developed site which is sustainably located. Such an approach is supported by policy RET SP1 of the Arun Local Plan and paragraph 68(c) of the NPPF.

Para 11(d)(ii) makes clear that development should be granted permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. An assessment of the benefits and any adverse impacts and the weights attributed to each are provided below.

DESIGN AND CHARACTER

Paragraph 127 of the NPPF makes clear that planning decisions should ensure developments (a) will function well and add to the overall quality of the area, (b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, (c) sympathetic to local character including the surrounding built environment (while not preventing or discouraging appropriate innovation or change (such as increased densities), (d) establish a strong sense of place, (e) optimise the potential of the site to accommodate and sustain an appropriate mix of development; and (f) create places with a high standard of amenity for existing and future users.

Para 131 of the NPPF states great weight should be given to outstanding or innovate designs which promote high levels of sustainability, or help raise the overall standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

Local Plan policies reiterate Section 12 of the NPPF in that D SP1 of the Local Plan requires all development proposals 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. D DM1 sets out a 15 point criteria against which development is assessed. D DM4 of the Local Plan requires accordance with 5 point criteria when assessing applications for extensions and alterations to existing buildings.

Arun Design Guide Supplementary Planning Document (SPD), a material consideration in the determination of applications, was published under consultation until 21 February 2020. In Part J.O6 states that care should be taken to maximise sunlight and daylight within habitable rooms and to avoid overshadowing through building orientation and configuration, particularly in higher density areas. Habitable room windows should generally be at least 14 metres from the flank wall of the neighbouring property.

The first floor flat roof rear extension would be approximately 2.7m high and would be attached to the

host building regardless of its fenestration. A similar coloured materials palette and window design that accord with the main building are proposed. The extension would be subservient to the host building and being to the rear of the property also means that it will not be visible in the street-scene. Therefore it is not considered to compromise the spatial character of the area.

In general, it is not considered that the extension itself would be harmful to the character or appearance of the area and as such is not considered to conflict with the relevant parts of policies D SP1, D DM1 and D DM4 of the Arun Local Plan and paragraphs 127 and 131 of the National Planning Policy Framework.

RESIDENTIAL AMENITY

Para 117 of the NPPF requires that decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

Para 123(c) of the NPPF makes it clear that where there is an existing shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site. In these circumstances authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site. This presumption is caveated on the basis that the resulting scheme would provide acceptable living standards.

Para 127(f) of the NPPF states planning decisions should ensure that developments create places with a high standard of amenity for existing and future users. Paragraph 180 of the NPPF states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on living conditions, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.

Paragraphs 117, 123(c) and 127(f) are consistent with Arun Local Plan policies in that they seek to deliver appropriate development without being to the detriment of existing residential amenities.

Policy D SP1 of the Arun Local Plan requires development proposals to derive from a thorough site analysis and context appraisal. Policy D DM1 of the Local Plan requires development to have minimal impact to users and occupiers of nearby property and land. Policy D DM4(b) and (c) of the Local Plan requires that extensions and alterations to existing buildings to provide a high standard of amenity that does not have an adverse overshadowing, overlooking or overbearing effect on neighbouring properties. Policy D DM4(d) states that in streets characterised by relatively small gaps at first floor level between buildings, any extension or alteration at first floor level does not come to within a minimum of one metre of the side boundary and the extension or alteration does not compromise the established spatial character and pattern of the place but is instead a positive addition. Policy QE SP1 of the Local Plan requires all development to contribute positively to the quality of the environment and ensure that development does not have a significantly negative impact upon residential amenity.

The development seeks the conversion of the existing store floor space at the ground floor to the rear of 77 Aldwick Road. This conversion would be encompassed within the existing confines of existing building and would not result in any impacts upon neighbouring amenity.

The first floor rear extension would comprise approximately 2.7m of additional height and would feature a flank wall with bathroom door abutting the terrace area of the first floor apartment at 77 Aldwick Road. The proposal introduces another small terrace adjacent to the existing balcony of first floor flat at significantly lower level which would set the flank wall of the proposed extension approximately 1.7m further, however still within a distance of 4.5m. This terrace was probably intended for a mitigation of the

impact of the proposed extension on the living conditions of occupiers, however in this case it would be not sufficient.

As mentioned above No 79 is a mirror image of No 77. These properties with rather sensitively positioned balconies and large windows symmetrically in a juxtaposition in a considerably small distance are not disturbing each other. This intrinsic design allows open aspect within limited space with a pleasant residential paraphernalia. As such the first floor extension would obscure not only the outlook and daylight of No 77 but also No 79. This large window is the only window of rather large room, positioned in the corner to get enough light into this. Therefore the harm would be even greater.

The development would abut the terrace of No. 77 with a flank wall of 1.8m high (from the floor level) of the first floor flat within a distance of 4.5m and would enclose the southern aspect of this already limited outdoor amenity space of No. 77. Such a level of enclosure would be unacceptable and would be harmful to the limited private amenity space afforded to residential properties in such a location. The first floor extension would also be located approximately 2m from the first floor terrace of No. 79 Aldwick Road. The development would be at the same height as the terrace and would also feature windows along the elevation obliquely facing the first floor terrace of No. 79. This proximity to the terrace of No. 79 would result in an undue sense of enclosure that demonstrably harms the level of amenity afforded to the first floor apartments at Nos. 77 and 79 Aldwick Road. Due to the proposed extension the existing kitchen window of the first floor flat would be removed (or facing to the proposed stair case) and a new window is proposed on the western elevation facing directly the flank wall of No79 with habitable windows within a distance of less than 3m.

Whilst development in built up areas do bear a close relationship to one another, key to delivering housing in locations such as these is ensuring that such close relationships do not result in material planning impacts.

The development results in a visual sense of enclosure owing to the close 3m relationship to nos. 75, 77 and 79, combined with the height of approximately 1.8m from first floor level. This would materially affect the primary living accommodations of the adjacent first floor apartments (nos. 75, 77 and 79) and would result in a tunnel effect especially on the existing occupants of Nos 77 and 79. Such a design results in harm to the amenities of neighbouring occupiers.

The first floor studio apartment would introduce a large habitable window within 8.7m of the southern boundary of the site. The close proximity of the proposed first floor apartment would result in overlooking into the rear private amenity space of nos. 10 and 14/16 Stocker Road. This matter was raised within the refusal of planning permission BR/63/18/PL and recent application BR/233/19/PL.

On this basis, the development would result in an undue in an unacceptable visibility of the rear private amenity space of nos. 10 and 14/16 Stocker Road which would result in an unacceptable level of private amenity to the occupants of these properties.

Taking into account the above, the ground floor apartment would be deemed acceptable and in accordance with the policies contained within the Development Plan. The proposed first floor apartment results in significant and demonstrable harm to nearby existing residential properties and is considered contrary to the policies contained within the Development Plan.

Under paragraph 11(d)(ii) of the NPPF it therefore follows that the harm caused by the 1 no. first floor apartment to be balanced against the benefits of the scheme as a whole. This mirrors the statutory duty of the Local Authority under Section 38(6) of the Planning and Compulsory Purchase Act 2004.

Paragraph 123(c) makes clear that when building at higher densities, the resulting scheme should provide acceptable living standards; though in the absence of such information the Local Authority have been unable to assess acceptability in terms of sunlight/daylight. For the reasons outlined in this report it

has been made clear the scheme would fail to provide acceptable living standards in terms of overbearing impacts which comprises significant and demonstrable harm.

Both paras 117 and 127 of the NPPF require the decision maker to give weight to achieving acceptable living standards to existing and future occupants of residential accommodation. The NPPF supports developments of higher densities unless significant and demonstrable harm is demonstrated (paragraph 11(d)(ii)).

In this instance, the level of harm and cumulative nature of the impacts upon 4 nearby properties, significantly outweighs the limited benefits associated with the proposed development and compliance with the policies in the 2019 Framework.

Taking the above into account, the development results in an overbearing impact, by virtue of its height, scale, massing, location and detailed design that would impact upon the private amenities and living conditions of the first floor apartments of nos. 75, 77 and 79 Aldwick Road and the rear private amenity space to Nos 10 and 14/16 Stocker Road; contrary to policies D SP1, D DM1, D DM4 and QE SP1 of the Local Plan and paras 11(d)(ii), 117, 123 and 127 of the NPPF(2019).

INTERNAL SPACE STANDARDS

Policy D DM2 of the Local Plan requires internal spaces to be an appropriate size to meet the requirements of all occupants and their changing needs. Nationally Described Space Standards provide guidance. For studio apartments, NDSS require a minimum GIA of 37 sq/m. The studio apartments comprise GIAs of 37.4 sq/m and accord with Policy D DM2 of the Arun Local Plan.

PARKING PROVISION

Paragraph 103 of the NPPF states that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. Paragraph 109 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Policy T SP1 of the Local Plan is compliant with paras 103 and 109 of the NPPF and requires development to reduce the need to travel by car by identifying opportunities to improve access to public transport and give priority to pedestrian and cycle movements and have access to high quality public transport facilities. T DM1 of the Local Plan requires that all new development be located within easy access of established public transport service(s) and existing and pedestrian cycle networks.

The development comprises a nil parking provision which would require the use of sustainable means of transport. Owing to the site's proximity to nearby services required for day-to-day living, residents would not need to own a car to access basic facilities, shops, services, public transport or places of work. On this basis, and noting cycle storage provision, a nil parking provision would be appropriate having regard to the local and national planning policy context.

Concern was raised throughout the public consultation period regarding current vehicle movements associated with the laundrette. Owing to the information submitted, it appears that the residential use would result in a reduction in frequency of vehicle movements serving the site and lead to a potential betterment in highway safety when applying paragraph 109 of the NPPF.

On the basis of the above factors, the development would accord with Policy T SP1 and T DM1 of the Arun Local Plan and paragraphs 103 and 109 of the National Planning Policy Framework.

INTERNATIONAL DESIGNATED IMPORTANT SITES

The application site falls in the 5km buffer of the Pagham Harbour Special Protection Area. In Zone B Policy ENV DM2 of the Arun Local Plan requires residential development which is likely to have an impact on Pagham Harbour to make developer contributions towards the agreed strategic approach to access management at Pagham Harbour.

The applicant has provided an according S106 agreement to facilitate payment of the agreed financial contribution of £1,742.00 under Policy ENV DM2(b)(i) which provides accordance with this policy.

5 YEAR HOUSING LAND SUPPLY POSITION

Arun District Council are unable to demonstrate a 5 Year Housing Land Supply on the date of this assessment. The NPPF (2019) makes clear at para 117 that decisions should promote an effective use of land in meeting the need for homes.

Para 118(d) of the NPPF states decisions should promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops).

Para 118(e) of the NPPF states decisions should support opportunities to use the airspace above existing residential and commercial premises for new homes. In particular, they should allow upward extensions. This is only supported where development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene, is well-designed (including complying with any local design policies and standards), and can maintain safe access/egress for occupiers.

Para 122 of the NPPF states decisions should support development that makes efficient use of land taking into account the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it; local market conditions and viability; the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and the importance of securing well-designed, attractive and healthy places.

Para 123 of the NPPF states that where there is an existing shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site.

Para 123(c) states that in this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site. This is on the basis that the resulting scheme would provide acceptable living standards.

These revisions to the NPPF are afforded weight as a material consideration in the absence of the Council being able to demonstrate a 5 year Housing Land Supply. However, these material considerations, for the reasons set out above, are not considered to be of sufficient weight to outweigh the harm identified in the conflict with other Development Plan policies.

SUMMARY

This application has been assessed having regard to the principle of development, design, residential amenity, parking and highways. The assessment has found that the proposed first floor apartment would cause demonstrable harm to the amenities of the first floor apartments at nos. 75, 77 and 79 Aldwick Road. This is in addition to the first floor apartment resulting in an unacceptable level of overlooking into the rear private amenity space to nos 10 and 14/16 Stocker Road.

Whilst it is acknowledged that the provision of additional residential accommodation provides benefits

including supporting local businesses/shops through the basket economy, increasing housing supply throughout the District, supporting local services, promoting jobs in the local economy and providing contributions under the New Homes Bonus, such benefits are given limited weight given they are attached to only 2 additional apartments.

The harm the first floor apartment would cause to occupiers of the host building and neighbouring properties would result in unacceptable living standards at a time where the District's existing housing stock is under pressure; owing to the Council's current 5 year Housing Land Supply position.

The benefits associated with the development are not sufficient to outweigh the harm identified to the existing housing stock and the proposal is contrary to the 2019 Framework when taken as a whole.

Para 11(d) of the NPPF states that permission should be granted in the context of the Council's Housing Land Supply Position unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. For the significant and demonstrable harm identified above, the benefits identified would be outweighed. It follows that planning permission should be refused.

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

A Section 106 agreement towards providing a financial contribution of £1,742.00 towards offsetting recreational impacts upon the Pagham Harbour SPA has been provided by the applicant.

CIL DETAILS

CIL is not liable as the proposal is for flats in charging zone 4.

RECOMMENDATION

REFUSE

- 1 The first floor extension to the rear of 77 Aldwick Road as proposed will result in an overbearing impact on, and loss of outlook to, the amenity of the existing windows of the first floor residential flats in the rear of 75 - 79 Aldwick Road. In the absence of a full BRE sunlight/daylight study there Local Planning Authority has not been satisfied that there will not be a demonstrable harmful loss of sunlight/daylight to neighbouring residential properties. The proposal is therefore contrary to policies D SP1, D DM1 and QE SP1 of the Arun Local Plan and the National Planning Policy Framework.
- 2 The new first floor studio apartment's window on the southern elevation of the proposed extension will look out towards the rear private amenity spaces of Nos.10 and 14/16 Stocker Road at a distance of around 8.8m. This will result in a loss of privacy to the adjacent amenity spaces of nos.10 and 14/16 Stocker Close and the proposal is therefore contrary to policies D DM1, D DM4 and QE SP1 of the Arun Local Plan and National Planning Policy Framework.
- 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 determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.