

Recommendation Report for Planning Permission

REF NO: BR/320/18/PL

LOCATION: 9B Waterloo Square
Bognor Regis
PO21 1TE

PROPOSAL: Two storey side extension to form 2 No. self contained flats, replacement of ground floor front window with bay window, flat roof canopy to side elevation, porch extension to rear elevation, first floor balcony & insertion of flush fitting sun pipe. This application affects the character & appearance of The Steyne Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The application seeks planning permission for the subdivision of the ground floor of mid terrace house and the first floor rear outrigger into two self contained flats.

The proposed two storey side extension would extend an existing two storey rear outrigger to the north by 1.75m, would be 5m wide with a hipped roof above as a continuation of an existing. Four new windows would be inserted on its side elevation. Details of the new windows are required by way of condition. The proposed extension would provide a kitchen area at the ground floor level and a shower and a dressing room at the first floor level.

The new porch 1.25m deep, 1.55m wide and 2.2m high with a flat roof is proposed to the rear of the main building. An existing second window of single storey rear outrigger would be replaced with a new door with a canope above to provide an entrance to the second flat and one rooflight would be inserted to its roof.

The canted bay window and details to the projecting first floor balcony would be reinstalled which would result in an enhancement of the front elevation.

BOUNDARY TREATMENT

Side wall of a rear outrigger of No 11 to the north.

SITE CHARACTERISTICS

The property is three storey mid terrace with a full width balcony to the front, listed building grade II located on the western side of Waterloo Square within the Steyne and Waterloo Square Conservation area.

CHARACTER OF LOCALITY

The property forms a group with neighbouring properties as some of the earliest constructed in the development of the square. The character of the locality is predominantly residential with the park to the east and The Peer over the road. The Steyne Conservation Area is situated on the sea front just west of the town centre.

RELEVANT SITE HISTORY

BR/321/18/L	Listed building consent for two storey side extension to form 2 No. self contained flats, replacement of ground floor front window with bay window, flat roof canopy to side elevation, porch extension to rear elevation, first floor balcony & insertion of flush fitting sun pipe.	
BR/972/80/LB	Change Of Use Convert Single 3 Storey House Into 2 Flats	ApproveConditionally 14-01-81
BR/863/84/L	Enclosing Balcony To Form Conservatory And Replacing Existing Ballustrade	ApproveConditionally 14-11-84
BR/151/92/L	Application for Listed Building Consent for retention of aluminium casement windows, shutters and porch, and alteration to porch	Refused 03-08-92 Appeal: Dismissed 07-05-93
CON/BR/23/92	Unauthorised work to ListedBuilding	Appeal: Dismissed 01-11-94

History noted.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bognor Regis Town Council

Bognor Regis Town Council Comment:

NO OBJECTION The Committee were pleased to see the balcony being restored to its former glory and of a design that was more in keeping with the character and appearance of The Steyne Conservation Area.

COMMENTS ON REPRESENTATIONS RECEIVED:

N/A

CONSULTATIONS

Engineering Services Manager

Engineers (Drainage)

Conservation Officer

CONSULTATION RESPONSES RECEIVED:

Conservation Officer Comment:

No objection.

Planning and Listed building consent is sought for works to create two self-contained flats as well as other works to reinstate lost features. Essentially, the proposal seeks to extend the rear extension of the listed building, along with internal alterations at the ground floor to create a second one bed flat.

External works to the front elevation are proposed to reinstate a ground floor canted bay window and the first floor balcony.

The property is listed as grade II, and located within the Steyne and Waterloo Square Conservation area. As such the proposal has the potential to affect two heritage assets.

The property forms a group with neighbouring properties as some of the earliest constructed in the development of the square. The building is important for the Group Value with other listed buildings in the terrace facing Waterloo Square. It also makes a positive contribution to the character and appearance of Steyne Conservation Area. The front elevation is therefore of importance.

The listed building has undergone many alterations both externally and internally, which have had an impact on its significance. Internally, the property has been divided up in to flats which has affected the floor plan. Externally, there have been a number of alterations which have taken place over a number of years.

The proposed internal works appear such that they can be fully reversible, whilst the rear extension appears to affect a more modern part of the building. The size and scale of the extension is such that it will not affect the character of the building. It is also positive to note that the original external wall will be retained and incorporated into part of the scheme.

The reinstatement of the canted bay window and details to the projecting first floor balcony are positive as it will lead to the enhancement of the front elevation, and its significance.

No comment is made to the existing inappropriate windows elsewhere within the property. However, new windows should be of an appropriate material and appearance that reflect the status of the building as a listed structure. The windows should be the same colour as the existing ones.

As a consequence, it is considered that the proposal can be supported subject to the comments made above, along with provision of further information by way of condition:

- Details of the railings
- Details of the new windows

Engineers Comments:

Due to the scale and location of development we have no conditions to request. Surface water drainage design and construction should be completed in accordance with building regulations.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

Designation applicable to site:

Within built up area

Conservation Area

Listed Building

Pagham Harbour Zone B

DEVELOPMENT PLAN POLICES

[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
HERDM1	HER DM1 Listed Buildings
HERDM3	HER DM3 Conservation Areas
HERSP1	HER SP1 The Historic Environment
HDM1	H DM1 Housing mix
HSP1	HSP1 Housing allocation the housing requirement
WMDM1	WM DM1 Waste Management
SDSP2	SD SP2 Built-up Area Boundary
ENVDM2	ENV DM2 Pagham Harbour

[Bognor Regis Neighbourhood Plan 2015 Policy 1](#) Delivery of the Vision

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD2	Conservation Areas
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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.

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.

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).

Policy 1 of the BRNDP is relevant.

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 compliment the host property, would not affect the visual amenity of surrounding area and would not impact users and occupiers of nearby properties.

OTHER MATERIAL CONSIDERATIONS

The National Planning Policy Framework and sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) in as important material consideration.

CONCLUSIONS

PRINCIPLE

The site lies within the built up area boundary where development is acceptable in principle in accordance with policy SD SP2 of the Arun Local Plan (ALP) and provided it is in accordance with other policies of the Local Plan covering such issues as character/design, residential amenity, space standards and highway safety/parking.

Policy SD SP1 of the ALP states: "When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF)."

The application site lies within the settlement boundary of Bognor Regis and there are various local amenities and services within walking distance of the site along street lit footways. It is therefore considered that the proposal is environmentally sustainable as residents will not need to rely on the private car to access basic services & facilities.

The proposal accords with SD SP1 and SD SP2 of the Arun Local Plan and with the guidance in the NPPF on the efficient use of land. However, this does not automatically imply that permission should be granted and it also necessary to consider whether there is any harm that will arise from this development.

CHARACTER AND DESIGN

Policy D DM1 of the Arun Local Plan requires that the Council seek to make the best possible use of land by reflecting or improving upon the character of the site and the surrounding area. It requires the Council to consider scale, massing, aspect, siting, layout, density, building materials, landscaping, and design features. It is necessary that development demonstrates a high standard of architectural principles, use of building materials and hard and soft landscaping to reflect the local area. In terms of density, D DM1 requires that housing makes efficient use of land while providing a mix of dwelling types and maintaining character and local distinctiveness. Higher densities will be more appropriate in the most accessible locations. The policy requires the scale of development keep within the general confines of the overall character of a locality. ALP policy D SP1 "Design" requires development to make an efficient use of land and also reflect local character.

The proposed internal works appear such that they can be fully reversible, whilst the rear extension appears to affect a more modern part of the building. The proposed side extension due to its size and scale would not affect the character of the building and the original external wall would retain and would be incorporated into the scheme. Therefore it is considered that proposed extension and alterations would demonstrate a high standard of architectural principles and would maintain the character of the surrounded area. Therefore the proposed development complies with ALP policies D DM1 and D SP1.

RESIDENTIAL AMENITY:

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 D DM4 requires that extensions/alterations: sympathetically do not have an adverse overshadowing, overlooking or overbearing effect on neighbouring properties. Regard should be had to para 127 of the NPPF which states that developments should provide a high standard of residential amenity for existing and future users. 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".

The proposed extension and alterations to the host dwelling and creation of a self contained flats is not considered to give rise to any unacceptably adverse overbearing, overshadowing or overlooking impacts on the residential amenity of neighbouring properties. The proposed flank first floor windows would serve dressing and shower room and would face to the windowless flank elevation of No11 to the north therefore there would not give rise to overlooking.

Whilst there would be views from the rear elevation of an existing rear outrigger of the proposal property towards the rear elevation of the properties facing to the Steyne, this relationship already exists and it is considered that the proposal would not result in unsatisfactory living conditions for the future and existing occupiers.

The proposal therefore complies with policies D DM1 and D DM4 of the Arun Local Plan.

INTERNAL & EXTERNAL SPACE STANDARDS:

Policy D DM2 states: "The planning authority will require internal spaces to be of an appropriate size to meet the requirements of all occupants and their changing needs. Nationally Described Space Standards will provide guidance". It is therefore necessary to assess the proposal against internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard) to determine if the building is suitable for residential use.

The proposed 1 bed flat would have a gross internal floor area of 40m² (min 37m² required by the Nationally Described Space Standards) which meets the standards for a 1 person at one floor level. However the second 1 bed flat at two floor levels would have 38.5m² (58m² required). Given the fact that the proposal property is an existing building situated in a highly sustainable location and the above standard deals with internal space within new dwellings it is considered that the internal space of the proposed 1 bed flats the dwelling is acceptable.

With regards to external space standard, the proposal would provide a limited private space, however given the position of the proposal property in a proximity of Waterloo Square and a sea front area the shortfall of private amenity space for the proposed development is acceptable

Therefore the proposal complies with policies D DM1 and with the guidance within the NPPF on amenity (paragraph 127).

HERITAGE:

Policy HER DM1 requires proposals affecting statutory Listed Building should protect, and if possible enhance the setting of the building. Policy HER DM3 stresses the preservation and an enhancement of the character or appearance of the Conservation Area, planning permission will be granted for proposal within or affecting the setting of a Conservation Area, provided it does not harm important views into, out of or within the Conservation Area.

NPPF part 15 requires protection and enhancement of valued landscapes, sites of biodiversity of geological value; and NPPF part 16 reminds that heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so they can be enjoyed for their contribution to the quality of life of existing and future generations. In para 190 the local planning authority is required to consider the significance of heritage assets (including the setting) that may be affected by the proposal.

NPPF para 193 states that considering the impact of a development on the significance of a designated heritage asset, the great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to significance; and where a development proposal (paragraph 196) will lead to less than substantial harm to the significance of designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that when considering whether to grant permission for development which affects a listed building or its setting, the Local Planning Authority should have special regard to the desirability of preserving the building or its settings or any features of special architectural or historic interest which it possesses.

The proposal property is listed as grade II, and located within the Steyne and Waterloo Square Conservation area. As such the proposal has the potential to affect two heritage assets.

The proposed alteration involving the reinstatement of a ground floor canted bay window and the first floor balcony would compliment the character and appearance of the host dwelling and the wider locality. The proposed two storey side extension to an existing two storey rear outrigger would be of a modest size and the form which would not disturb the character of the host property. Therefore it is considered that the proposed development would not cause harm to the significance of the heritage assets. The Conservation Officer hasn't raised an objection. The development would satisfy the requirements of NPPF, Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the policies HER DM1 of the Arun Local Plan.

IMPACT ON PAGHAM HARBOUR

Policy ENV DM2 requires that new residential developments within a 400m to 5km distance ('Zone B') of Pagham Harbour make a financial contribution towards the provision of accessible natural open green spaces to serve the area. A contribution of £1,275 per new residential unit was agreed by the Councils Cabinet on 20 July 2015. The Councils Cabinet subsequently approved a reduction in the tariff from £1,275 to £871 as of the 10th April 2017.

The application site lies within the designated Zone B and accordingly it was necessary to apply this requirement. The net increase in 1 dwelling resulted in a contribution of £871 at the current rate and it is this that is secured by the signed legal agreement.

SUMMARY:

There is no in principle objection to residential development on this site within the built up area and it is considered that the proposal complies with development control criteria concerning highway safety, character, residential amenity, parking and internal space standards. It is therefore recommended that the application be approved subject to the following conditions and the signed S.106 legal agreement covering a financial contribution in respect of Pagham Harbour.

SUMMARY

The proposed extension and alterations to the of the existing dwelling would not result in visual harm to the character of the host building and the locality, would not affect heritage assets, it would not have a substantial impact to the future users and occupiers of nearby properties. As such the proposed development would comply with policies D DM1, D DM2, D DM4, HER SP1, HER DM1 and HER DM3 of the Arun Local Plan.

Therefore, it is recommended that planning permission is approved subject to following conditions and the signed S.106 legal agreement covering a financial contribution in respect of Pagham Harbour.

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.

RECOMMENDATION

- 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 and Site Plan
Existing and Proposed Roof Plan
Proposed Ground Floor Plan Rev - D
Proposed First Floor Plan Rev - E
Proposed Elevations Rev - B
Sash Window Details

Door Details

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 new windows shall be inserted and railings fixed until details of new windows and railings have been submitted to and approved by the Local Planning Authority and implemented in accordance with the approved details.

Reason: To enable the Local Planning Authority to exercise the necessary statutory control over works likely to affect the character of the Listed Building in accordance with the National Planning Policy Framework and policies HER DM1, HER DM3 and HER SP1.

- 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.
- 5 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to a contribution of £871 towards the provision of accessible natural open green spaces to serve the Pagham area.