

Recommendation Report for Planning Permission**REF NO:** BR/325/16/PL**LOCATION:** Brodick
1 Castle Close
Bognor Regis**PROPOSAL:** Application for variation of condition No.2 imposed under BR/71/12 relating to enlargement to accommodate double garage in place of single garage for Plot 1**SITE AND SURROUNDINGS****DESCRIPTION OF APPLICATION**

Plot 1 will be enlarged on the eastern side by between 1.7m and 2.6m at both ground and first floor. The proposal also seeks to remove a small (2.5m by 3.4m) area of the previously approved rear ground floor projection. The proposal will increase the width of the garage and dining room and the corresponding upstairs layout but does not increase the number of bedrooms.

SITE AREA

0.32 hectares

RESIDENTIAL DEVELOPMENT DENSITY (NET)

31 dwellings per hectare - no change.

TOPOGRAPHY

Predominantly flat.

TREES

None affected by the proposed development.

BOUNDARY TREATMENT

Part 1.7m hedge, part 1.7m fence to the eastern boundary. supplemented with tree planting on the neighbours side.

SITE CHARACTERISTICS

The site has largely been built out with only plot 1 undeveloped.

CHARACTER OF LOCALITY

Predominantly residential. Neighbouring properties to the east have deep rear gardens (around 30m between the site boundary & the nearest dwelling) and the boundary between these is supplemented with tree screening (mixed coniferous & deciduous) such that there are no views in or out.

RELEVANT SITE HISTORY

BR/71/12/

4 no. detached houses with new access

Refused

28-06-2012

*Appealed***Appeal:**

report

		Allowed+Conditions 31 12 2012
BR/25/13/NMA	Application for a non-material amendment following a grant of planning permission.BR/71/12/ to increase ground floor rear extension from 1.5m to 2.5m for units 1-3 only and alterations to internal layout, leading to various alterations to doors and windows at ground floor only	Approve 22-02-2013
BR/58/13/	Application for Variation of Conditions relating to conditions 2, 5 and 6 following a grant of planning permission BR/71/12 - change of access arrangements.	ApproveConditionally 03-05-2013
BR/295/13/NMA	Application for non-material amendment following a grant of planning permission BR/58/13 for small reduction in width of units 1-3 and their relocation on Stapleford & Holyrood land only	Approve 11-12-2013
BR/119/14/DOC	Application for approval of details reserved by condition 3, 4 & 7 imposed under BR/71/12 - relating to samples of external surfaces of the building, hard and soft landscaping works & proposed surface water drainage.	DOC Approved 13-06-2014
BR/261/14/NMA	Application for a non-material amendment following the grant of planning permission BR/71/12 - changes to internal layout & consequent changes to windows & doors. Slight deviation of access to rear (no change to highway access) slight change to positioning of 2No. visitor parking spaces. Extension by 1 metre to ground floor extension of plot 4 (to match plots 1-3). Roof of rear extensions to be flat with lantern light above kitchen part only. Swapping over of the two design types to have timbered pair be central. In the resulting outer two designs, change the gable of front roof to hipped.	Approve 12-11-2014
BR/295/14/DOC	Application for the approval of matters reserved by condition imposed under BR/71/12/ relating to conditions 4 & 7 for hard & soft landscaping & surface water drainage.	DOC Approved 13-01-2015
BR/46/15/NMA	Application for a non-material amendment following the grant of planning permission BR/71/12/ for changes previously agreed	Approve 06-03-2015

under BR/261/14/NMA & change to turning head arrangement & provision of single visitor space.

BR/141/15/NMA	Application for a non- material amendment following the grant of BR/71/12/ to make window narrower.	Approve 01-07-2015
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The development was initially approved on appeal in December 2012. The scheme has been subject to a number of amendments since then.

REPRESENTATIONS

Representations received:

Bognor Regis Town Council

"No objection"

Comments on Representations received:

Noted

CONSULTATIONS

Consultations responses received:

None.

Comments on Consultation responses:

N/A.

POLICY CONTEXT

Designations applicable to site:

Within Built Up Area Boundary;
PD Restriction;
Pagham Harbour Zone B; and
No Public Sewer.

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#) GEN2
GEN7
GEN9
GEN12

[Publication Version of the Local Plan \(October 2014\):](#)

Built-up Area Boundary
The Form of New Development
Foul and Surface Water Drainage
Parking in New Development
D DM1 Aspects of Form and Design Quality
D DM2 Internal Space Standards
D DM3 External Space Standards
D SP1 Design
H DM1 Housing Mix
SD SP1 Sustainable Development
SD SP2 Built-Up Area Boundary
T SP1 Transport and Development
W DM3 Sustainable Urban Drainage Systems

PLANNING POLICY GUIDANCE

NPPF
NPPG

National Planning Policy Framework
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 may be 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. The Examination into the submitted plan was commenced but is currently suspended whilst Arun District Council addresses matters raised by the Inspector.

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 is taking place 10 April 2017 to 5pm on Tuesday 30 May 2017. 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 may also be material consideration to take into account.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used are material considerations in the determination of this planning application. The emerging Plan was submitted in January 2015 and the examination is currently suspended. The examination is due to re-commence in summer 2017 following publication of modifications to the Plan.

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 and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. 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. The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

The following is an analysis of the Written Ministerial Statement (WMS) in respect of this application:

- The Bognor Regis Neighbourhood Plan has been part of the development plan for less than 2 years and the WMS is less than 2 years old;
- The Bognor Regis Neighbourhood Plan does allocate land for housing; and
- Arun District Council can only currently demonstrate an approximately 2 year supply of deliverable housing sites.

Therefore, the WMS does not apply.

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).

There are no relevant Bognor Regis Neighbourhood 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 located within the built up area boundary where the principle of new development is

considered to be acceptable subject to other policies in the development plan. Furthermore, the site benefits from an extant planning permission which has been commenced (plots 2-4). The changes proposed by this application concern only the footprint of plot 1.

VISUAL AMENITY:

The proposed widening of the dwelling is not considered to result in any harm to the streetscene of this existing new build development. The site is set back from Sylvan Way but although visible from Sylvan Way, the house forms part of a new build cul-de-sac. Plot 1 will be wider than the rest but this will only be apparent when close up to the 4 dwellings and this is not considered to be harmful to the local mixed character.

RESIDENTIAL AMENITY:

The widening of plot 1 will bring the dwelling closer to the boundary with 29 Victoria Drive. However, the distance between the two dwellings will be at least 30m and there is good tree screening between. As such, it is not considered that the widening will result in any harm to the residential amenity of dwellings to the east.

HIGHWAYS AND PARKING:

The widening of the garage can only benefit the existing approved situation by increasing the amount of garage parking or perhaps by allowing for the garage to be used for the parking of a car alongside domestic storage (noting that the original appeal decision did not impose any restrictions on the use of the internal garages).

SUMMARY:

It is not considered that the proposed enlargement of plot 1 will result in any harm to local amenity or to highway safety. It is therefore recommended that planning permission be granted in accordance with the following condition and informatives.

HUMAN RIGHTS ACT

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

SECTION 106 DETAILS

Application BR/71/12/ was approved subject to a legal agreement concerning the payment of a contribution towards affordable housing. The legal agreement contained a clause which means that it automatically applies to subsequent revisions to the proposal. The applicant is currently in talks with Council Officer regarding payment of the contribution. There was no requirement for the Pagham Harbour contribution at the time of the original application and it is not considered that it can be retrospectively applied given that the proposal is for the enlargement of an already approved dwelling.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby approved shall be carried out in accordance with the following approved plans:

- * Site Layout Plan - Ref 2017/1/1 Rev A (Feb 2017);
- * Plot 3 Floor Plans (Plot 2 as Plot 3 but handed) - Ref 2012/15/10 Rev D;
- * Plot 3 Elevations (Plot 2 as Plot 3 but handed) - Ref 2012/15/12 Rev C;
- * Plot 4 Floor Plans - Ref 2012/15/13 Rev D;
- * Plot 4 Elevations - Ref 2012/15/15 Rev C;
- * Plot 1 Floor Plans - Ref 2017/3/1 Rev A (Feb 2017); and
- * Plot 1 Elevations - Ref 2017/2/1 Rev A (Feb 2017).

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.

- 2 INFORMATIVE: All of the conditions imposed on BR/71/12 shall remain in force except for condition 02 which is varied as per condition 01 above;
- 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 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.