

Recommendation Report for Planning Permission

REF NO: BR/337/19/PL

LOCATION: 128 Collyer Avenue
Bognor Regis
PO21 5HX

PROPOSAL: Change of use of existing rear extension from 2 unauthorised studio/bedsits (formerly a living room serving main house) to 1 No. bedsit/studio with seperate entrance and dining room to serve the main house

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	0.02 hectares.
TREES	No trees would be affected by the proposed development (internal alterations only).
BOUNDARY TREATMENT	To the front the site is unenclosed and open, with a gravel area and a medium height timber fence to the side boundary with no. 130 Collyer Avenue. To the rear and sides of the site there is blue painted close boarded timber fence panelling.
SITE CHARACTERISTICS	The site is located on the north eastern side of Collyer Avenue, in Bognor Regis. The site is within the Built-Up Area Boundary and the Bognor Regis Neighbourhood Plan Area. The site consists of a two storey, end of terrace, post-war property. It has a hipped, tiled roof and brick and render elevations. The property is currently in use as a House in Multiple Occupation (HMO). Subject to an enforcement inspection and monitoring to confirm it has a maximum of 6 bedrooms and up to 6 individual tenants then it would fall under a C4 use as a small HMO and would not require separate planning permission for a change of use from residential C3 dwelling to a larger HMO ('sui generis') use. Additionally, there is also currently 2 unauthorised 1 bed studio units within the existing rear extension. The single storey rear extension was granted Prior Approval in 2017 (ref. BR/129/17/PDH), when the property was still in use as a single dwelling. To the front of the site is an open gravel area. There is a rear garden (shared between the existing occupants of the HMO & unauthorised studios). Within the rear garden there is an existing single storey timber-clad outbuilding, which appears to be permitted development.

The site is located within Zone B of the Pagham Harbour Site

of International Importance for Nature Conservation (SINC).

CHARACTER OF LOCALITY

The site is in a residential area, within a suburban environment, on the outskirts of Bognor Regis. Collyer Avenue is uniform in character, the properties are of the same period and design; two storey terraced post-war dwellings.

Rear Extension:

BR/129/17/PDH

Notification under extended permitted development rights for single storey extension to rear elevation extending 6m from the original rear wall of the dwelling house, 3.6m high with an eaves height of 2.65m

Prior Approval Granted

07/06/2017

The existing 2 unauthorised 1 bed studio units are sited within the existing rear extension. The rear extension was granted Prior Approval in 2017 (ref. BR/129/17/PDH), when the property was still in use as a single dwelling. It is proposed to make internal alterations to this rear extension to convert it from 2 studio units to 1 studio flat and a dining room/larger kitchen/shower room to serve the main house (HMO).

House in Multiple Occupation:

There is currently an Enforcement case open in this respect.

The property is in use as a House in Multiple Occupation (HMO). Subject to an Enforcement inspection and monitoring to confirm it has a maximum of 6 bedrooms and up to 6 individual tenants then it falls under a C4 use (small HMO up to 6 individual tenants) and does not require separate planning permission for a change of use from a single residential dwelling (C3 use) to a larger HMO ('sui generis' use).

Rear garden outbuilding:

An Enforcement inspection confirmed that the existing single storey timber-clad outbuilding within the rear garden appears to be permitted development, subject to its use being 'ancillary' to the enjoyment of the main house i.e. not being used as a separate dwelling.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bognor Regis Town Council

No objection.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

Environmental Health

Engineering Services Manager

Engineers (Drainage)

WSSC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

WSSC Highways:

No objection. There is an established existing residential use at the site and it is acceptable to presume that the proposal for 1 additional studio flat would not result in a material increase in trips to and from the property. No parking provision is proposed. There is currently no parking at the site. There appears to be ample on-street parking provision in this locality. The nil provision would not be detrimental to highways safety, although the LPA may wish to consider amenity impacts of the development on on-street parking. No cycle parking provision is proposed. If the LPA deem that cycle parking is justifiable then cycle parking should be shown in the form of undercover, lockable storage.

Drainage Officer:

Due to the location, scale and type of application no conditions are requested. Any alterations to surface water drainage must be designed and constructed in accordance with Building Regulations.

COMMENTS ON CONSULTATION RESPONSES:

Noted.

POLICY CONTEXT

Designation applicable to site:

Built-Up Area Boundary

Bognor Regis Neighbourhood Plan Area

Zone B - Pagham Harbour Site of International Importance for Nature Conservation (SINC)

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

SDSP2	SD SP2 Built-up Area Boundary
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)
QESP1	QE SP1 Quality of the Environment
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WMDM1	WM DM1 Waste Management
ENVDM2	ENV DM2 Pagham Harbour

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

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 Bognor Regis Neighbourhood Plan (2015) applies to this site as it falls within the NP Area. There are no policies within the NP which are of relevance to the determination of this current planning application.

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 Development Plan policies SD SP2, H SP1, D DM1, QE SP2, T SP1, T DM1, WM DM1, D DM4 and ENV DM2, in that it would (subject to conditions); be located within the Built-Up Area Boundary, provide additional housing, maintain visual and residential amenity, have acceptable transport impacts, provide sufficient refuse storage, and it has secured financial contributions toward the management of accessible green spaces around Pagham Harbour.

The proposal would, however, be in conflict with the Development Plan policy D DM2 in that it would fail to comply with the national minimum internal space standards and would fail to provide an adequate quality of accommodation to future occupants.

OTHER MATERIAL CONSIDERATIONS

Whilst the proposal would provide additional housing, as supported by Development Plan policy H SP1, it would conflict with Development Plan policy D DM2 in that it would fail to comply with the national minimum internal space standards and would fail to provide an adequate quality of accommodation to future occupants. The benefit of the additional housing unit would not outweigh the harm to the amenity of future occupants of the unit.

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:

Arun Local Plan (ALP) policy SD SP2 states that development should be focussed within the Built-Up Area Boundaries, subject to consideration of other policies within the Development Plan. The site is located within the Built-up Area Boundary. As such, in accordance with ALP policy SD SP2, development in this location is acceptable, in principle, subject to consideration of all other policies.

ADDITIONAL HOUSING:

Housing policy H SP1 of the ALP sets out the housing requirement for the District, stating that within the Plan period 2011-2031 at least 20,000 new homes will be accommodated.

The proposals would result in the net increase in 1 new residential unit. This would help to add to the

Districts housing supply in accordance with ALP policy H SP1 and those housing policies in the NPPF. This material consideration weighs in the proposal's favour.

RESIDENTIAL AMENITY:

Paragraph 127 (f) of the NPPF states that development should have a high standard of amenity for existing and future users.

Policy D DM1 of the ALP that new development will have minimal impact to users and occupiers of nearby property and land, by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance. Policy QE SP1 states that the Council requires 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 area is residential in character and there is an established existing residential use at the site. It is concluded that the proposed 1 additional studio flat would not result in a significant increase in general noise and disturbance to existing neighbouring occupants than the current arrangement (small HMO with 6 occupants).

Given the ample on-street parking provision in the locality, it is considered that the 1 additional studio flat with no on-site parking provision would not result in significant amenity impacts in terms of on-street parking congestion/issues.

The proposed 1 additional studio unit would be located within the existing rear extension (which was granted Prior Approval). As such, the proposal would not have any overbearing, overshadowing and overlooking impacts and would maintain the existing levels of outlook, light and privacy of neighbouring occupants.

The proposals would maintain residential amenity in accordance with the NPPF and Local Plan policies D DM1 and QE SP1.

INTERNAL SPACE STANDARDS:

Policy D DM2 of the Arun Local Plan states that the planning authority will require internal spaces to be of an appropriate size and that the Nationally Described Space Standards apply.

However, policy D DM2 does state that the "Nationally Described Space Standards will provide guidance" (and as such is to be used as guidelines only) and the supporting text under paragraph 13.3.4 states: "There might be occasions where development schemes cannot comply with all the space standards required (such as the conversion of an existing building, or where compliance with the standards may harm the historic character of a building). Arun District Council will consider these on a case-by-case basis."

The national guidance advises that for a 1 storey, 1 bed, 1 person studio (with shower room) the minimum Gross Internal Area (GIA) is 37sqm. For a 1 storey, 1 bedroom, 2 person dwelling the minimum GIA is 50sqm. The proposed unit would have a GIA of approximately 29sqm. This would fall well below the minimum national internal space standards for a studio unit of 37sqm. Furthermore, a door to the sleeping area is shown on the plans creating a separate bedroom. As such, the proposed dwelling is not strictly speaking a fully open plan studio unit and instead can be considered to constitute a 1 bedroom unit. The GIA of 29sqm would fall even further below the minimum national internal space standards for a 1 bedroom dwelling of 50sqm.

It is acknowledged that policy states that there might be occasions where development schemes cannot comply with all the space standards required such as the conversion of an existing building, and that this scheme involves the conversion of an existing building. The Council considers such applications on a case-by-case basis. In this particular instance, a larger unit could clearly be provided by using more of the existing space to the main house at ground floor level, and as such this is not a case where the conversion of the existing building limits the space that could be provided. The resultant size and quality of the accommodation currently being proposed would be very poor and fail to provide a decent standard of living accommodation for future occupants.

As such, in this case, the proposals would fail to comply with the Nationally Described Space Standards and Local Plan policy D DM2 and should be refused on this basis.

EXTERNAL SPACE STANDARDS:

Whilst the Council does not have specific external space standards, the supporting text to ALP policy D DM2 refers to the emerging Arun Design Guide SPD (due to be adopted mid 2020) which will include guidance on external space standards, and the need for planning applications to have regard to include adequate provision of private external space. Policy H.04 of the emerging Arun Design Guide SPD advises that outdoor amenity spaces should be of an appropriate size and shape and be usable and enjoyable. It states that rear gardens should have a minimum depth of 10.5 metres and buildings should be set back by 2m from the plot boundary to mark defensible space. Regard should also be had to paragraph 127 of the NPPF which states that "Planning policies and decisions should ensure that developments (f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users".

The site has an existing rear garden area of approximately 39sqm (excluding the area covered by the outbuilding). This rear garden would be shared between the existing occupants of the HMO and the additional 1 bed studio. It is concluded that the size and shape of this area would allow it to be usable and enjoyable and provide adequate outdoor amenity to the future occupants, equating to 5sqm per occupant (7 in total). The proposals are acceptable in this regard.

HIGHWAYS, PARKING, TRANSPORT:

Regard should be had to paragraph 109 of the National Planning Policy Framework which states that: "Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe". Policy 106 refers to maximum parking standards for residential and non-residential development.

Policy T SP1 of the ALP supports development which incorporates appropriate levels of parking in line with the West Sussex County Council guidance on parking provision.

Arun Local Plan policies T SP1 (a) and T DM1 (a), supports development which is designed to reduce the need to travel by car, and requires new development to be located within easy access of established public transport services.

Arun District Council has recently adopted its own Parking SPD (Jan 2020).

West Sussex County Council (WSCC) Highways have been consulted on the current planning application and have not raised an objection. They have advised that given there is an established existing residential use at the site it is acceptable to presume that the proposal for 1 additional studio flat would not result in a material increase in trips to and from the property and would not result in 'severe' cumulative impacts on the operation of the highway. The proposals would accord with paragraph 109 of

the NPPF.

The ADC Parking SPD standards for 1 bedroom properties in this type of location (Parking Behaviour Zone 4) requires a minimum of 1 car parking space to be provided on site. No car parking provision is proposed as part of this application and there is currently no car parking at the site serving the main house (HMO). WSCC have confirmed that there appears to be ample on-street parking provision in this locality and that the nil provision on-site would not be detrimental to highways safety.

The ADC Parking SPD requires a minimum of 1 cycle parking space for 1 & 2 bed flats. No cycle parking provision is proposed as part of this application. WSCC have advised that if the LPA deem that cycle parking is justifiable then cycle parking should be shown in the form of undercover, lockable storage. The provision of cycle parking would be required, in order to provide opportunities for sustainable modes of transport, in accordance with policies T SP1 and T DM1. As such, if the application were to be granted planning permission, a planning condition could be applied to secure the provision of undercover, secure and accessible cycle parking storage.

REFUSE STORAGE:

Policy WM DM1 of the Arun Local Plan advises that all new residential development, including flat conversions, will be permitted provided that:

- (a) it is designed to ensure that kerbside collection is possible for municipal waste vehicles
- (b) where appropriate, communal recycling bins and safe bin storage areas are available to residents of flats

Development proposals must show bin storage/collection provision as follows:-

Each unit should be provided with the equivalent of 240 litres of residual waste storage/bins. Alternatively one 240 litre wheelie bin for each property can be provided.

The same amount of storage space/bins for recyclable materials is required to be provided.

The plans do not show any refuse/recycling bin storage. However, if the application were to be granted planning permission, a planning condition could be applied to secure refuse storage.

VISUAL AMENITY:

ALP policy D DM4 sets out the policy with regard to alterations and extensions to existing (residential and non-residential) buildings. This includes that they appear visually subservient to the main building and sympathetically relate to and are visually integrated with the existing building in terms of siting, scale, form, massing, design and materials.

The application does not propose any external alterations. The separate studio unit would be accessed via the existing French doors to the rear extension. As such, the appearance of the building and the visual amenity of the area would remain unchanged and would not be impacted by the proposal.

PAGHAM HARBOUR SITE OF INTERNAL NATURE CONSERVATION:

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 site is sited in designated Zone B and, as such, it is necessary to apply this requirement. The net increase in 1 dwelling results in a requirement for a contribution of £871. This has been secured by a Section 106 legal agreement (dated 10th February 2020). The proposals therefore comply with Local Plan policy ENV DM2.

CONCLUSION:

Whilst the proposals would provide additional housing, as supported by housing policy in the NPPF and Development Plan policy H SP1, the proposal would fail to accord with the Nationally Described Space Standards and Development Plan policy D DM2 in that it would fail to comply with minimum internal space standards and would fail to provide an adequate quality of accommodation to future occupants. It is concluded that, on balance, the benefit of the additional housing unit would not outweigh the harm to the amenity of future occupants of the new dwelling. On this basis, the application is refused.

HUMAN RIGHTS ACT

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

£871 towards the provision of accessible natural open green spaces to serve the Pagham Harbour area.

RECOMMENDATION**REFUSE**

- 1 The 1 bed studio unit, by reason of its size and layout, fails to comply with the national minimum internal space standards and fails to provide an adequate quality of residential accommodation to future occupants. The proposals would not accord with the Nationally Described Space Standards and Arun Local Plan policy D DM2.

- 2 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.
- 3 INFORMATIVE: If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.
- 4 INFORMATIVE: The applicant is advised that the 2 no. existing unauthorised/unlawful studio units must be converted back to form part of the main house (HMO) within 6 months of the date of the decision notice. This will be monitored by the Council's Enforcement team.