

Recommendation Report for Planning Permission

REF NO: BR/38/17/PL

LOCATION: 14 Ivydale Road
Bognor Regis

PROPOSAL: Application for Variation of Condition 1 imposed under BR/276/16/PL to replace the current approved garage with a similar garage increased in height

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The application proposes to amend the previous variation permission by proposing a taller garage. The previously approved garage measured 8.4m wide by 6.2m deep with a height to eaves of 2.7m & ridge of 4.4m. The replacement garage measures 8.4m wide by 6.2m deep with a height to eaves of 2.3m & ridge of 5.67m.

SITE AREA

Approximately 0.12 hectares.

RESIDENTIAL DEVELOPMENT DENSITY (NET)

Approximately 23 dwellings per hectare (no change to previous).

TOPOGRAPHY

Predominantly flat.

TREES

None affected by the proposed development.

BOUNDARY TREATMENT

Predominantly close boarded fencing approximately 1.8m high, supplemented with hedging in part.

SITE CHARACTERISTICS

The site is currently fenced off from 14 Ivydale Road which is itself a detached chalet style property, with rendered elevations and a pitched tiled roof. The site is grassed.

CHARACTER OF LOCALITY

The site is located on a residential road of predominantly chalet dwellings of a similar style. Numerous dwellings within the locality have dormer windows. Ivydale Road also forms part of the Pevensey Homezone.

No. 14 Ivydale has a bathroom dormer window on the side of its roof which faces onto the site.

It also has a first floor rear principal bedroom window. At ground floor, there is a bedroom window on the flank elevation and a utility room window on the eastern side of the rear

elevation. Meanwhile, no. 12 has a rear extension which is not shown on the submitted OS plans but is on the proposed site plan. It has a principal bedroom window on the ground floor rear elevation and a secondary bedroom window on the ground floor flank. However, the property is set in from the boundary by the width of its garage.

RELEVANT SITE HISTORY

BR/273/15/PL	Erection of 2 No. dwellings with detached garages (revisions to BR/274/13/). Known as 12a & 12b Ivydale Road, Bognor Regis PO21 5LX.	ApproveConditionally 07-04-2016
BR/152/16/NMA	Application for Non-Material Amendment following a grant of planning permission BR273/15/PL relating to brick slip cladding to front facade.	Approve 01-07-2016
BR/315/16/NMA	Application for a non-material amendment following a grant of BR/273/15/PL for Plots 1 & 2 - brick cladding amend to render.	Approve 02-12-2016
BR/276/16/PL	Application for variation of conditions No. 2 & 7 imposed under planning reference BR/273/15/PL relating to amended plans & by substituting existing garage for a larger garage incorporating cycle storage	ApproveConditionally 23-12-2016
BR/329/16/DOC	Application for approval of details reserved by condition imposed underBR/273/15/PL relating to condition No.6 (Surface water drainage)	DOC Approved 18-01-2017
BR/16/17/DOC	Application for approval of matters reserved by conditions imposed under BR/273/15/PL relating to Condition Nos 3: Details of screens, walls, fences, 4: Details of waste storage & recycling, 5: Details & samples of external materials & finishes, 7: Cycle storage details.	DOC Approved 28-03-2017

Application BR/276/16/PL amended the previous approval (BR/273/15/PL) by replacing the approved garage with a larger garage to incorporate cycle storage.

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 the built-up area boundary;
No Public Sewer; and
Permitted Development Restriction.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	<u>AREA13</u>	Sites of International Importance for Nature Conservation
	<u>GEN2</u>	Built-up Area Boundary
	<u>GEN7</u>	The Form of New Development
	<u>GEN9</u>	Foul and Surface Water Drainage
	<u>GEN12</u>	Parking in New Development
Publication Version of the Local Plan (October 2014):		D DM1 Aspects of Form and Design Quality
		D DM2 Internal Space Standards
		D DM3 External Space Standards
		D SP1 Design
		ECC SP2 Energy and climate change mitigation
		H DM1 Housing Mix
		SD SP2 Built-Up Area Boundary
		T SP1 Transport and Development
		W DM3 Sustainable Urban Drainage Systems
		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 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. The changes proposed by this application concern only the size of the approved garage.

RESIDENTIAL AMENITY:

The proposed replacement garage is to have the same footprint as the previous. The only change is in respect of its height with a slightly lower eaves height but a ridge height some 1.3m higher. The proposed roof pitch is also increased from 23 to 45 degrees. This could potentially impact on the neighbouring property, 14 Ivydale Road. However, the proposed garage does not interfere with a 45 degree angle drawn from the neighbours rear ground floor principal windows. The garage will also be located 3.8m from the neighbouring dwelling.

HIGHWAYS AND PARKING:

WSSC Highways commented on the garage layout at the time of application BR/276/16/PL. They did not consider that the change to the garage would be detrimental to the safety and convenience of the highway. They did comment that the garage floor area does not meet their standard double garage dimensions and so cannot be treated as two off-street allocated parking spaces. However, the garage is a standard design from a manufacturer and is the biggest in their range which also incorporates a cycle store. The design cannot be amended to suit WSSC highways comments. Furthermore, it is of a sufficient width to facilitate the parking of two normal sized cars and this is demonstrated by the proposed floor plan. Therefore, no objection is raised.

SUMMARY:

The application seeks only to make a relatively minor changes to the approved layout and it is considered that this is acceptable such that permission should be granted subject to the following.

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/273/15/PL was approved subject to a legal agreement concerning the payment of a contribution towards the mitigation of the Pagham Harbour Special Protection Area. The legal agreement contains a clause which means that it automatically applies to subsequent revisions to the proposal.

RECOMMENDATION

APPROVE CONDITIONALLY

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

"Proposed Garage with annexed Cycle Storage" (Block Plan);
"Double Garage with Utility Room, Gable Roof and Access to the Eaves" (Floor Plan);
and
"Double Garage with Utility Room, Gable Roof and Access to the Eaves" (Elevations).

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/273/15/PL shall remain in force except for condition 02 which is varied by those amended plans specified within condition 01 above;
- 3 INFORMATIVE: The applicant is advised to contact the West Sussex Area Highways Officer covering the respective area (01243 642105) to obtain formal approval from the highway authority to carry out the site access works on the public highway.
- 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.