

Recommendation Report for

REF NO: BR/47/21/PD

LOCATION: 94 Hook Lane
Bognor Regis
PO22 8AT

PROPOSAL: Prior notification under Schedule 2, Part 1, Class AA for an additional storey on existing detached dwelling.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

This application is a prior approval notification under the Town and Country Planning Act (General Permitted Development) Order 2015 (as amended) Part 1, Class AA to determine whether the Local Planning Authority has any objections with regard to impact on the amenity of any adjoining premises including overlooking, privacy and the loss of light; the external appearance of the dwellinghouse, including the design and architectural features of:

- (aa) the principal elevation of the dwellinghouse, and
- (bb) any side elevation of the dwellinghouse that fronts a highway;
- (iii) air traffic and defence asset impacts of the development; and
- (iv) whether, as a result of the siting of the dwellinghouse, the development will impact on a protected view identified in the Directions Relating to Protected Vistas dated 15th March 2012(1) issued by the Secretary of State;

The materials used in the external appearance of the dwelling house would match those of the existing building and no windows are proposed in the side elevations.

SITE CHARACTERISTICS

The site is occupied by a detached single storey bungalow with gardens to the front and rear.

CHARACTER OF LOCALITY

The area is predominately residential. Chichester university is located to the rear of the site.

None.

REPRESENTATIONS

6 letters of objection from nearby occupiers

- Out of character with local area.
- Property already has a dormer and an additional storey would result in further overlooking.
- Parking is already overwhelmed.
- There is a lot of elderly residents on the street and student accommodation is inappropriate.

- The layout and density is too big.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

Due to the type of application this is, only certain elements can be considered in relation to compliance with the relevant legislation. Parking is not an issue that can be considered. There is no information which suggests it will be a student let. With regard to residential amenity, only impacts on the amenity of any adjoining premises including overlooking, privacy and the loss of light can be considered as part of this application.

CONSULTATION RESPONSES RECEIVED:

None

COMMENTS ON CONSULTATION RESPONSES:

None.

POLICY CONTEXT

Built up area boundary.

DEVELOPMENT PLAN POLICIES

POLICY COMMENTARY

The application is determined under the provisions of Class AA of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) in respect of a development consisting of an additional one and two storeys.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

This application falls to be determined under the provisions of Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) in respect of a development within the curtilage of a dwellinghouse consisting of additional storeys.

The principle of the development is not in dispute as Class AA allows for:

- (a) up to two additional storeys, where the existing dwellinghouse consists of two or more storeys; or
- (b) one additional storey, where the existing dwellinghouse consists of one storey, immediately above the topmost storey of the dwellinghouse, together with any engineering operations reasonably necessary for the purpose of that construction.

Development is not permitted if:

- (a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, O, P, PA or Q of Part 3 of this Schedule (changes of use);
- (b) the dwellinghouse is located on:
 - (i) article 2(3) land; or
 - (ii) a site of special scientific interest;
- (c) the dwellinghouse was constructed before 1st July 1948 or after 28th October 2018;
- (d) the existing dwellinghouse has been enlarged by the addition of one or more storeys above the

- original dwellinghouse, whether in reliance on the permission granted by Class AA or otherwise;
- (e) following the development the height of the highest part of the roof of the dwellinghouse would exceed 18 metres;
 - (f) following the development the height of the highest part of the roof of the dwellinghouse would exceed the height of the highest part of the roof of the existing dwellinghouse by more than:
 - (i) 3.5 metres, where the existing dwellinghouse consists of one storey; or
 - (ii) 7 metres, where the existing dwellinghouse consists of more than one storey;
 - (g) the dwellinghouse is not detached and following the development the height of the highest part of its roof would exceed by more than 3.5 metres.
 - (i) in the case of a semi-detached house, the height of the highest part of the roof of the building with which it shares a party wall (or, as the case may be, which has a main wall adjoining its main wall); or
 - (ii) in the case of a terrace house, the height of the highest part of the roof of every other building in the row in which it is situated
 - (h) the floor to ceiling height of any additional storey, measured internally, would exceed the lower of:
 - (i) 3 metres; or
 - (ii) the floor to ceiling height, measured internally, of any storey of the principal part of the existing dwellinghouse;
 - (i) any additional storey is constructed other than on the principal part of the dwellinghouse;
 - (j) the development would include the provision of visible support structures on or attached to the exterior of the dwellinghouse upon completion of the development; or
 - (k) the development would include any engineering operations other than works within the curtilage of the dwellinghouse to strengthen its existing walls or existing foundations.

Conditions

AA.2.1) Development is permitted by Class AA subject to the conditions set out in sub-paragraphs (2) and (3).

(2) The conditions in this sub-paragraph are as follows:

- (a) the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;
- (b) the development must not include a window in any wall or roof slope forming a side elevation of the dwelling house;
- (c) the roof pitch of the principal part of the dwellinghouse following the development must be the same as the roof pitch of the existing dwellinghouse; and
- (d) following the development, the dwellinghouse must be used as a dwellinghouse within the meaning of Class C3 of the Schedule to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the primary use as a dwellinghouse.

(3) The conditions in this sub-paragraph are as follows:

- (a) before beginning the development, the developer must apply to the local planning authority for prior approval as to
 - (i) impact on the amenity of any adjoining premises including overlooking, privacy and the loss of light;
 - (ii) the external appearance of the dwellinghouse, including the design and architectural features of:
 - (aa) the principal elevation of the dwellinghouse, and
 - (bb) any side elevation of the dwellinghouse that fronts a highway;
 - (iii) air traffic and defence asset impacts of the development; and
 - (iv) whether, as a result of the siting of the dwellinghouse, the development will impact on a protected view identified in the Directions Relating to Protected Vistas dated 15th March 2012(1) issued by the Secretary of State;
- (b) before beginning the development, the developer must provide the local planning authority with a report for the management of the construction of the development, which sets out the proposed development hours of operation and how any adverse impact of noise, dust, vibration and traffic on

adjoining owners or occupiers will be mitigated;

(c) the development must be completed within a period of 3 years starting with the date prior approval is granted;

(d) the developer must notify the local planning authority of the completion of the development as soon as reasonably practicable after completion; and

(e) that notification must be in writing and include :

(i) the name of the developer;

(ii) the address of the dwellinghouse; and

(iii) the date of completion.

The local planning authority may refuse an application where, in its opinion:

(a) the proposed development does not comply with, or

(b) the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with, any conditions, limitations or restrictions specified in paragraphs AA.1 and AA.2.

The local planning authority must, when determining an application:

(a) take into account any representations made to them as a result of any notice given under sub-paragraph (5) and any consultation under sub-paragraph (6) or (8); and

(b) have regard to the National Planning Policy Framework issued by the Ministry of Housing, Communities and Local Government in February 2019, so far as relevant to the subject matter of the prior approval, as if the application were a planning application.

For clarification Interpretation of Class AA:

"principal part", in relation to a dwellinghouse, means the main part of the dwellinghouse excluding any front, side or rear extension of a lower height, whether this forms part of the original dwellinghouse or is a subsequent addition;

(2) In Class AA references to a "storey" do not include:

(a) any storey below ground level; or

(b) any accommodation within the roof of a dwellinghouse, whether comprising part of the original dwellinghouse or created by a subsequent addition or alteration, and accordingly, references to an "additional storey" include a storey constructed in reliance on the permission granted by Class AA which replaces accommodation within the roof of the existing dwellinghouse."

OTHER MATERIAL CONSIDERATIONS

It is considered that there are/are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

In respect of the criteria set out above:

Development is not permitted if:

(a) permission to use the dwellinghouse as a dwellinghouse has not been granted only by virtue of Class M, N, O, P, PA or Q of Part 3 of this Schedule (changes of use). The proposal complies.

(b) the dwellinghouse is not located on article 2(3) land; or a site of special scientific interest and is

compliant.

(c) the dwellinghouse was constructed before 1st July 1948 or after 28th October 2018; The site history starts around 1963 and is likely when the property was built.

(d) the existing dwellinghouse has been enlarged by the addition of one or more storeys above the original dwellinghouse, whether in reliance on the permission granted by Class AA or otherwise;

The dwelling has not been extended.

(e) following the development the height of the highest part of the roof of the dwellinghouse would not exceed 18 metres (it is 8.5m) and the proposal is compliant;

(f) following the development the height of the highest part of the roof of the dwellinghouse would exceed the height of the highest part of the roof of the existing dwellinghouse by more than:

(i) 3.5 metres, where the existing dwellinghouse consists of one storey. Proposal complies (2.65m)

(ii) 7 metres, where the existing dwellinghouse consists of more than one storey (it is increased by 5.3m) and the proposal is compliant.

(h) the floor to ceiling height of any additional storey, measured internally, would exceed the lower of:

(i) 3 metres; or (ii) the floor to ceiling height, measured internally, of any storey of the principal part of the existing dwellinghouse; The proposal complies (2.65).

(i) any additional storey is constructed other than on the principal part of the dwellinghouse. The proposal is compliant.

(j) the development would include the provision of visible support structures on or attached to the exterior of the dwellinghouse upon completion of the development; or

(k) the development would include any engineering operations other than works within the curtilage of the dwellinghouse to strengthen its existing walls or existing foundations. The proposal is compliant.

As set out above the proposal does meet the above criteria. The proposal therefore complies with Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) in respect of a development within the curtilage of a dwellinghouse consisting of additional storeys.

The application seeks prior approval for the details referred to in part (3) namely :

(i) impact on the amenity of any adjoining premises including overlooking, privacy and the loss of light;

(ii) the external appearance of the dwellinghouse, including the design and architectural features of:

(aa) the principal elevation of the dwellinghouse, and

(bb) any side elevation of the dwellinghouse that fronts a highway;

(iii) air traffic and defence asset impacts of the development; and

(iv) whether, as a result of the siting of the dwellinghouse, the development will impact on a protected view identified in the Directions Relating to Protected Vistas dated 15th March 2012(1) issued by the Secretary of State;

In respect of part 3(i) due to the siting of the property, there will be additional views over neighbouring gardens, however these are not considered to view direct into windows and significant in which a refusal is warranted. It is not considered there will be an adverse impact on the residential amenity of adjoining occupiers resulting from loss of light with 44m retained to the rear garden. There are no windows provided in the side elevations of the additional floors.

With regard to part (3ii) The external appearance of the principal front elevation is acceptable. The elevational appearance and materials which would match the existing and ensure the upper floors of the dwelling would be visually integrated with the existing property in accordance with 3(ii)(aa).

Parts (bb) (iii) and (iv) are not relevant to this proposal.

The proposal is compliant with the requirements of Class AA and it is recommended that no objection is raised to the details submitted in respect of prior approval as set out above.

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 approved shall be carried out in accordance with the following approved plans
 - Location Plan - PL100
 - Block Plan - PL101
 - Site Plan - PL102
 - Proposed Elevations - PL106
 - Proposed Floor and Roof Plans - PL105

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.

- 2 **INFORMATIVE:**
Before beginning the development, the developer must provide the local planning authority with a report for the management of the construction of the development, which sets out the proposed development hours of operation and how any adverse impact of noise, dust, vibration and traffic on adjoining owners or occupiers will be mitigated;

The development must be completed within a period of 3 years starting with the date prior approval is granted;

The developer must notify the local planning authority of the completion of the development as soon as reasonably practicable after completion; and that notification must be in writing and include :

- (i) the name of the developer;
- (ii) the address of the dwellinghouse; and
- (iii) the date of completion.