

Recommendation Report for Planning Permission

REF NO: BR/47/25/PL

LOCATION: 10 Nelson Road
Bognor Regis
PO21 2RY

PROPOSAL: Demolition of existing garage and erection of 1 No. 2-bed chalet bungalow (self build), close up existing gateway and addition of new gateway. This application is in CIL Zone 4 and is CIL Liable as a new dwelling.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	New site - 300sqm. Total site - 860sqm.
TREES	The proposal site features 5 No. individual Category C trees of varying species. All of which are to be removed to facilitate the development.
BOUNDARY TREATMENT	The site features close boarded fencing to the west and north boundaries with a low brick boundary wall to the front and sporadic hedge and tree planting.
SITE CHARACTERISTICS	The site is an existing residential plot comprised of a large, detached dwelling over two storeys with pebble dash render, clay tiles, and white UPVC fenestrations. The existing dwelling has a large curtilage with amenity space to the front, rear, and both sides which form the garden, access and driveway, and two outbuildings.
CHARACTER OF LOCALITY	The area is residential in character with a mix of large, detached dwellings of varying designs and scales, some being two-storey, and others remaining single/1.5 storey units.

RELEVANT SITE HISTORY

BR/46/25/HH	Single storey rear extension, new car port, side boundary wall, front gates and vehicular access, following the demolition of existing integral garage and conservatory.
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BR/46/25/HH - This application was recently approved and concerned the extension and alteration of the existing dwelling on site following the demolition of a conservatory and garage. Of particular note was the approval of a single storey side car port and side boundary wall which would adjoin the proposed car port of this application.

REPRESENTATIONS

Bognor Regis Town Council - No objection.

1 No. Objection from neighbouring occupier:

- Concerns regarding overshadowing, privacy, and light pollution, particularly to the ground floor side windows and access door immediately west of the proposed dwelling.

COMMENTS ON REPRESENTATIONS RECEIVED:

Representations noted. All relevant planning matters are addressed within the conclusions section of this report.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

WSCC Highways:

- The proposal would not have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network.
- Conditions related to car and cycle parking advised.
- Informative related to the need for a vehicle crossover license advised.

Ecologist:

- The EIA has assessed the site for impacts to protected species. No harm to protected species were identified. No further surveys are required.
- A condition should be attached to secure biodiversity and ecological enhancements recommended by the EIA.

Environmental Health - No objection:

- Construction hours condition recommended.
- Condition for acoustics assessment for plant etc. requested prior to installation.

Natural England - Further information required:

- Site falls within the zone of influence for recreational pressure impacts to one or more European Sites (Pagham Harbour).
- Your authority has measures in place to manage these potential impacts through a strategic solution which Natural England considers will be effective in preventing adverse impacts on the integrity of the site(s).

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. Following Natural England's comments, the necessary Section 106 agreement involving financial contribution to the mitigation of recreational pressures on Pagham Harbour was secured. Thus, the effective measures for preventing adverse impacts to Pagham Harbour as a result of this development have been secured. Conditions attached where appropriate.

POLICY CONTEXT

Designation applicable to site:

Built-up Area Boundary.
 TPO on site (Defunct for this site).
 Pagham Harbour Zone B.
 Article 4 Direction.
 2km Buffer for Site of Special Scientific Interest.

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

SDSP2	SD SP2 Built-up Area Boundary
DSP1	D SP1 Design
DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
QESP1	QE SP1 Quality of the Environment
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVSP1	ENV SP1 Natural Environment
ENVDM2	ENV DM2 Pagham Harbour
ENVDM5	ENV DM5 Development and biodiversity
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management
TSP1	T SP1 Transport and Development

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
SPD13	Arun District Design Guide (SPD) January 2021

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan 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. There are no policies of relevance to this proposal within the Bognor Regis Neighbourhood Development Plan.

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 complies with relevant Development Plan policies in that it constitutes an infill development

that would not compromise the visual amenities of the area, nor result in significant adverse impacts on neighbouring residential amenity.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

- (2) in dealing with an application for planning permission the authority shall have regard to -
- (a) the provisions of the development plan, so far as material to the application,
 - (aza) a post examination draft neighbourhood development plan, so far as material to the application,
 - (b) any local finance considerations, so far as material to the application, and
 - (c) any other material considerations.

OTHER MATERIAL CONSIDERATIONS

There are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

PRINCIPLE

The proposal involves an infill development of a single dwelling on an existing residential plot within the Built-up Area Boundary. The principle of development is acceptable subject to consideration of relevant Development Plan policies in accordance with Policy SD SP2 of the Arun Local Plan (ALP).

CHARACTER & DESIGN

The proposal involves a single residential infill that is of two-storeys (ground floor and habitable roof space), constructed of facing brickwork, white UPVC fenestrations, plain tiles, UPVC rainwater goods, and anthracite grey folding doors. It also features a side car port, front first-floor bay window, 3 No. side dormers to the east and rooflights. The particular details and appearance of the materials are to be controlled by way of condition as the plans alone do not provide sufficient detail to ensure they are of an acceptable visual amenity.

The proposal also involves the installation of a new vehicular access gate immediately east of the existing access gate alongside a tarmac driveway.

The character of the area is primarily detached residential dwellings of varying designs and scales with associated amenity spaces and parking to the front. The material palette of the area is varied with a mix of brickwork, render, cladding, clay tiles and slates. Side to side separation distances between neighbouring dwellings along Nelson Road also vary, with some being in close proximity and others benefitting from significant separations.

The proposed car port and side wall would adjoin the car port included within the recently approved application (BR/46/25/HH), which would result in a cohesive relationship between the existing and new dwelling. Although these components would in effect, appear connected from the street, the dwellings are of contrasting designs and the car ports remain subservient structures. The units would remain read as detached dwellings.

The proposal would conform to the character of the area and is of an acceptable visual design in accordance with policies D SP1 & D DM1 of the Arun Local Plan (ALP).

QUALITY OF ACCOMMODATION

The proposal is for a two-bedroom two-storey dwelling with an internal floorspace of 148sqm. The proposal is well in excess of the minimum internal floor area outlined by the Nationally Described Space Standards. The dwelling would benefit from a short but wide rear garden of a 6.5m depth and 13m width.

Whilst this is lower than the recommended 10.5m minimum depth outlined in Section H.04 of the Arun Design Guide, it would remain of a sufficient size and usability for its occupiers. Gardens of this approximate size are a common and characteristic for dwellings along Nelson Road.

The proposal is in accordance with policies QE SP1 & D DM2 of the ALP.

NEIGHBOURING RESIDENTIAL AMENITY

The proposal is of 1.5-storeys in terms of its form by virtue of the first floor sitting within the roof space. The roof form is pitched with front and rear gable ends, resulting in the roof sloping down toward the east and west side boundaries.

The dwelling remains separated from the west (side) site boundary by approx. 1.4m, and from the neighbouring building to the west by approx. 2.7m. The neighbouring building to the west, No. 14 Nelson Road, is comprised of 3 No. residential flats.

The ground floor east elevation of No. 14 features 3 No. side windows and a side access door. Two of these windows are small, obscured glazed windows, and the access door is obscured also. An objection has been received concerning loss of light into the remaining ground floor kitchen window to this elevation. Whilst there would be some adverse impact by virtue of a loss of light into this window and a moderate sense of overbearing, the space this window serves is not a habitable room and the impacts are not such that they would be significantly adverse to the residential amenity of the occupier as a whole, nor such that they would warrant the refusal of this application given its benefits.

The proposed dwelling would not have any unacceptable impact by way of overbearing or overshadowing on any other neighbouring properties.

The ground-floor west elevation of the proposed dwelling features a side access door and window serving a utility room, which would be met by the shared tall boundary fence on the west side of the plot. Some limited inter-overlooking views between these openings and the ground floor east elevation windows of No. 14 Nelson Road above the boundary fence, would be possible, but neither are habitable spaces, and the views would be both infrequent and not unduly harmful.

The proposal includes 3 No. first-floor openings to the east elevation, two of which are dormer windows serving bedrooms, and the third being a central dormer window serving the stairwell. These would look out to the east at the existing dwelling with somewhat oblique views over its front and rear amenity spaces at relatively short distances. On the west elevation of No. 10 at first floor, there is a window also serving a stairwell, which would align with the proposed stairwell window, these openings would not result in any significant inter-overlooking harms. No. 10 benefits from a significant 'wrap around' amenity space, meaning a significant portion of its garden is to the east of the plot. This section features patios and seating, appearing to serve as the primary amenity space area. The proposal would not unacceptably compromise the residential amenity of No. 10 by virtue of overlooking impacts.

The proposal includes a first-floor bay window feature to the front which would look out to the street, 2 No. high-level rooflights to the west elevation (one to a bedroom another to a bathroom), and a high-level circular window to the rear elevation. None of which would result in significantly adverse overlooking impacts on the neighbours as they would sit higher than 1.7m from internal floor levels. However, downward views from the second floor opening on the east elevation of No. 10 into the bedroom/bathroom of the proposal could prove problematic for the privacy and amenity of the intended occupiers. As such, a condition for obscured glazing to the western rooflights hereby approved has been attached.

The proposal would not result in any unacceptable impacts on residential amenity and as such, the

proposal is in accordance with policies D DM1 & QE SP1 of the ALP.

TRANSPORT & PARKING

The proposal would remove the existing access gate and install a new access gate to the east of the existing. A new drop kerb would be installed at the highway which would require the relevant licensing from WSCC Highways.

The proposal would provide sufficient space on site within the front driveway for 2/3 No. cars to be parked in tandem which is sufficient and in accordance with the Arun Parking Standards. WSCC Highways have raised no objections to the proposed access arrangements and the LPA are satisfied with those proposed given they are comparable to the existing.

A cycle storage facility has been proposed to the rear garden, which is positive, and will be secured by way of condition. No EV Charger has been proposed but is required in accordance with the Arun Parking Standards and Policy T SP1 of the ALP. As such, a condition has been attached to secure this.

Subject to conditions, the proposal is in accordance with Policy T SP1 of the ALP.

ENERGY EFFICIENCY

Policy ECC SP2 requires all new residential and commercial development to be energy efficient and to demonstrate how they will achieve energy efficiency measures that reflect the current standards, use design and layout to promote energy efficiency, and incorporate decentralised, renewable, and low carbon energy supply systems such as solar panels. The inclusion of energy efficient materials such as double glazing is expected. To ensure that adequate decentralised, renewable, and low carbon energy supply systems are provided, a condition has been attached to this decision.

Subject to the relevant condition, the proposal is in accordance with relevant Development Plan policy ECC SP2 of the Arun Local Plan.

DRAINAGE & FLOOD RISK

The site is located within Flood Zone 1 and as outlined within the submitted Flood Risk Assessment, is at low risk of flooding from all sources. The proposal is in accordance with Policy W DM2 of the ALP.

A surface water drainage scheme has been proposed as part of this development, proposing a connection to a Surface Water Sewer along Nelson Road. Due to the scale, location, and type of application no consultation with the Arun Drainage Engineers has been sought, and any proposed surface water drainage scheme should be implemented as required by Building Regulations. The proposal is in accordance with Policy W DM3 of the ALP.

EUROPEAN SITES & PAGHAM HARBOUR

The proposal is a residential development within Pagham Harbour Zone B where a contribution of £962 per new residential unit is required to mitigate recreational pressures within the Pagham Harbour SPA that may arise from the construction of new residential units. In this case, the contribution has been secured and collected via a S.106 agreement and as such, the potential impacts by way of recreational pressure on Pagham Harbour have been adequately mitigated.

Arun District Council are required to carry out an Appropriate Assessment (AA) where appropriate to assess the impact of the proposal on the Pagham Harbour Special Protection Area (SPA). Given the scale of the existing building and proposals and the dense urban grain of the area, this proposal would not incur any direct harms to the SPA, and impacts would be limited to potential recreational pressures arising from the development for which the appropriate funds for recreational disturbance mitigation have been secured by s106 agreement. No further Appropriate Assessment is required as it has been

screened out.

The proposal is in accordance with Policy ENV DM2 of the ALP.

The site is within the 2km Buffer for Site of Special Scientific Interest (Bognor Reef & Felpham), and Pagham Harbour is also a Ramsar Site. Given the scale of the development and within a dense urban grain, the proposals would also have no adverse impact on these zones in accordance with Policy ENV SP1 of the ALP.

BIODIVERSITY & TREES

The proposal meets the self-build exemption from Statutory Biodiversity Net Gain. The proposal would involve the removal of 5 No. low amenity Category C trees of various species. The site is currently a private residential garden in which the removal of such trees could occur without control or intervention from the LPA, particularly considering the trees to be removed are not within a Conservation Area, nor covered by, or worthy of, a Tree Preservation Order.

The proposal is exempt from statutory Biodiversity Net Gain but is still required to meet a Biodiversity Net Gain in accordance with Policy ENV DM5 of the ALP. The application has been supported by an Ecological Impact Appraisal which has suggested multiple ecological enhancements to achieve this, including compensatory planting, which have been secured by way of condition attached to this decision. The proposal is in accordance with Policy ENV DM5 of the ALP.

The proposal is in accordance with policies QE SP1 & ENV DM5 of the ALP.

It is noted that there is a Tree Preservation Order (TPO) record on site concerning a group of 2 No. Birch Trees. The TPO was established in 1958, and the trees would have had to have been of a sufficient amenity, and likely maturity, at the time of the TPO being confirmed in order for them to fall within its remit. It has been 67 No. years since the confirmation of the TPO, and there is no evidence of any Birch Trees on site of a sufficient age or amenity to have been the Birch Trees that were the subject of this TPO. These trees no longer appear to remain on site and the proposal will, therefore, have no impact on the TPO.

WASTE MANAGEMENT

The proposal includes a dedicated bin store area to the rear of the car port. It is clear that kerbside collection of waste would be achievable in a similar manner to that which is achieved on site already. The proposal is in accordance with Policy WM DM1 of the ALP.

SUMMARY

The proposal is in accordance with relevant Development Plan policies and as such, it is recommended for approval subject to the following conditions and informatives, and subject to the S.106 Agreement.

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

The proposal is a single residential unit development within Pagham Harbour Zone B where a contribution of £962 per new residential unit is required to mitigate recreational pressures within the Pagham Harbour SPA that may arise. In this case, the contribution has been secured through a S.106 agreement and the contribution has already been collected. As such, the potential impacts by way of recreational pressure on Pagham Harbour have been adequately mitigated.

CIL DETAILS

This application is CIL liable, therefore, developer contributions towards infrastructure will be required (dependent on any exemptions or relief that may apply).

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 & Block Plans, DLS-147-PL-010-B.
 - Proposed Site & Roof Plan, DLS-147-PL-011-C.
 - Proposed Visibility Splay, DLS-147-PL-16.
 - Proposed Elevations - 2, DLS-147-PL-015.
 - Proposed Floor Plans, DLS-147-PL-012-C.
 - Proposed Elevations, DLS-147-PL-013-B.
Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Arun Local Plan policies D SP1 & D DM1.
- 3 No development above damp-proof course (DPC) level shall take place unless and until a detailed colour schedule of materials and finishes to be used for external walls and roofs of the building have been submitted to and approved in writing by the Local Planning Authority and the materials so approved shall be used in the construction of the building.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity, character, and appearance of the area by achieving a building of visual quality in accordance with Arun Local Plan policy D DM1.

- 4 Prior to any development above damp-proof course (DPC) level, a Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within Section 8.0 of the Ecological Impact Assessment (G460.NelsonRoad.EcIA.v1)(Dated: 05/03/25) Produced by South Downs Ecology, shall be submitted to and approved in writing by the Local Planning Authority.

The enhancement measures shall be implemented in accordance with the approved details prior to first occupation of any part of the development and all features shall be retained in that manner thereafter.

Reason: To enhance protected and priority species and habitats in accordance with Arun Local Plan policies ENV SP1 and ENV DM5 and allow the Local Planning Authority to discharge its duties under the NPPF and s40 of the Natural Environment and Rural Communities Act 2006 (Priority habitats & species).

- 5 The 2 no. rooflights on the of western roof slope of the building shall at all times be glazed with obscured glass. This arrangement shall be permanently retained thereafter.

Reason: To protect the amenities and privacy of the intended occupiers of the dwelling hereby approved in accordance with Arun Local Plan policies D DM1 and QE SP1.

- 6 Prior to occupation of dwelling hereby approved, the applicant or developer shall provide the dwelling with an electric vehicle charge point in accordance with the council's standards as set out in its Parking Standards SPD. This requires that where a new dwelling has a driveway or garage, that one of the parking spaces shall be provided with a charging point, with ducting then being provided to all other spaces where appropriate, to provide passive provision for these spaces to be upgraded in future. The individual charge point(s) must be in accordance with the technical requirements set out in Part S, section 6.2 of the Building Regulations 2010 (as amended). The electric vehicle charge point shall thereafter be retained and maintained in good working condition.

Reason: To mitigate against adverse impacts on local air quality and to promote sustainable travel, in accordance with Arun Local Plan policy QE DM3(c), the Arun Parking Standards SPD and the NPPF.

- 7 No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use and in accordance with Arun Local Plan policy T SP1.

- 8 The dwelling hereby approved shall not be occupied until secure cycle storage has been provided in accordance with the approved site plan (DLS-147-PL-011-B).

Reason: To provide alternative travel options to the use of the car in accordance with Arun Local Plan policy T SP1.

- 9 The approved development shall include energy efficiency measures that reflect the current standards applicable at the time of submission and decentralised, renewable or low carbon energy supply systems. Any physical features that are required as part of the works must be

installed prior to the occupation of the dwelling and shall be thereafter permanently maintained in good working condition.

Reason: In order to secure a reduction in the use of energy at the site in accordance with national planning policy and Arun Local Plan policy ECC SP2.

- 10 Notwithstanding the provisions of Class A, Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking or re-enacting this Order) no rear extensions to the dwelling shall be constructed or buildings shall be erected within the curtilage unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To maintain adequate amenity space in the interests of preserving the residential amenity of the intended and future occupiers in accordance with Arun Local Plan policy D DM1 & QE SP1.

- 11 Based on the information available, this permission is exempt from the requirement to provide a biodiversity gain plan under Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990. The following exemption applies:

This planning permission relates to a development which consists of no more than 9 dwellings; is carried out on a site which has an area of no larger than 0.5 hectares; and consists exclusively of dwellings which are self build or custom housebuilding.

Reason: In accordance with Schedule 7A of the Town and Country Planning Act 1990 (as amended).

- 12 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). 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.