

Recommendation Report for Planning Permission

REF NO: BR/48/18/PL

LOCATION: Brodick
1 Castle Close
Bognor Regis
PO21 2FG

PROPOSAL: Variation of condition imposed under BR/71/12/ relating to condition 2-approved plans relating to insertion of 4 No. rooflight windows to rear elevation, 3 No. rooflight windows to side elevations of front roof & double sliding sash window to front gable, all to facilitate use of the attic floorspace.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
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	Large detached dwelling with rear garden and two front parking spaces. Forms part of a row of 4 dwellings within a cul-de-sac. The roof was being tiled during the site visit in mid March.
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/314/17/NMA	Application for a non-material amendment following a grant of planning permission BR/71/12/ relating to amending Plot 1 to have the same gabled frontage as Plots 2 & 3	Approve 24-01-18
BR/325/16/PL	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	ApproveConditionally 16-05-17

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 13-01-15
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 13-06-14
BR/71/12/	4 no. detached houses with new access	Refused 28-06-12 Appeal: Allowed+Conditions 31-12-12

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"

One letter of objection from a property on Sytan Way to the north east of the site. Grounds of overlooking and creation of an additional floor.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted. The applicant has confirmed that that although the loft will be a large useful space, it will not be subdivided to create any rooms.

CONSULTATIONS

CONSULTATION 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 POLICES

Arun District Local Plan (2003):

GEN2	Built-up Area Boundary
GEN7	The Form of New Development
GEN9	Foul and Surface Water Drainage
GEN12	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 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	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 and is 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.

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 then subject to public consultation. The hearing sessions into the examination of the Arun Local Plan ended on Thursday 28 September 2017 and the Inspector then wrote to the Council to set out his 'Interim Views following the Hearings'. The plan was then modified further in January 2018 (Modified - Arun Local Plan - January 2018 Consultation) and these were subject to public consultation between 12 January 2018 and 23 February 2018.

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. 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

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 should be noted that the insertion of windows into a roof is permitted development as per Schedule 2, Part A, Class C of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). In order to qualify as permitted development, the windows would not be able to protrude more than 0.15m beyond the roof slope and would not be able to be higher than the highest part of the roof. Furthermore, any flank facing windows would need to be obscure glazed and also non-opening (unless in the case of the latter, the sill level is higher than 1.7m above the floor).

The original planning decision BR/71/12 only removed permitted development rights in respect of first floor windows or dormer windows. Therefore the Class C rights would be applicable.

The applicant has stated that the flank facing roof lights will be obscure glazed and non-opening and this will be restricted by condition. None of the windows will be higher than the highest part of the roof and it

is not considered likely that they will protrude above the roof plan by more than 0.15m. Therefore, on this basis, it is considered that all of the windows applied for could be installed under permitted development rights once the house has been completed.

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 for 4 dwellings which has been commenced. The changes proposed by this application concern only the external design of plot 1.

VISUAL AMENITY:

Arun Local Plan policy GEN7 (ii) requires that new developments respond positively to the identified characteristics of a particular site to create developments which respect local characteristics.

It is not considered that roof level velux windows are out of character in the local area. There are roof level windows on other properties on Sylvan Way such as Hollyholm, Widworthy Mews to the north west and Stapleford, Holyrood to the North. Some of the buildings on Glencathara Road to the south west have roof level dormers and there are further velux windows & dormers on Ellasdale Road properties to the south of the site. There are also some instances of three storey buildings in the local area. On this basis, it is considered that the proposal complies with Policy GEN7.

RESIDENTIAL AMENITY:

Arun District Local Plan Policy GEN7 (iv) indicates that development will be permitted if it takes into account impact on adjoining occupiers, land, use or property.

It is not considered that the flank facing velux windows will have any adverse impact on privacy as these will be obscure glazed and non-opening. The front facing roof level window will look onto the rear garden of Holyrood at a distance of only 10.5m and will also allow views of other properties to the northeast and northwest but this is no different to the approved first floor windows and it is not considered that it would be reasonable on this basis to require this new front window to be obscure glazed. The distance between this window and the objectors rear garden would be about 25m and this is in excess of the standard 20m back to back distance between houses.

The new rear velux windows will allow views to the south and with the rear garden being only 10.5m deep, these windows will allow relatively short distance views across neighbouring gardens. However, again, this situation is not considered to be materially different to those of the first floor rear windows.

It is not considered that the potential views out of the new windows will result in any adverse impacts upon neighbouring properties and as such the proposal complies with Policy GEN7.

PARKING:

Although these windows will result in the attic space becoming a more useful space and potentially suitable for habitable, it should be noted that the space itself is not new and the applicant has stated that the attic will not be subdivided as part of the current build process to create new rooms. On this basis, it is not considered that the proposal creates any additional demand for car parking spaces.

SUMMARY:

It is not considered that the proposed new windows will be out of character or adversely affect the appearance of the building. It is not considered that they will result in harm to the privacy of neighbouring properties and there is no requirement for additional car parking. Regard should also be had to the fact that if this house were to be completed then the windows applied for could be added without planning permission - it is only because the applicant wants to add them during the build process that planning permission is required. It is therefore recommended that planning permission be granted in accordance with the following conditions.

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. 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 permitted shall be begun before the expiration of 3 years from the 31 December 2012 (being the date of the original planning 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:

- * 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
- * Proposed Elevations (Plot 1) - Ref 18-02-GD-203-03A-DC.

Reason: This condition was imposed by the Planning Inspector on the appeal decision of ref APP/C3810/A/12/2179376 and the condition remains relevant at the current time. Please note that the list of plans reflects the changes to the originally approved plans as made by application refs BR/325/16/PL, BR/314/17/NMA and BR/48/18/PL. Also 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.

- 3 The pedestrian and vehicular visibility splays and sightlines shown on drawing 2017/1/1 Rev A (Feb 2017) shall be kept free from any obstruction to visibility in excess of 0.6 metres above the level of the adjoining carriageway.

Reason: A visibility splay condition was imposed by the Planning Inspector on the appeal decision of ref APP/C3810/A/12/2179376 and it is necessary to retain this condition in the interests of highway safety. Also in the interests of highway safety in accordance with policy GEN7 of the Arun District Local Plan and the National Planning Policy Framework.

- 4 No dwelling shall be occupied until its associated parking spaces have been laid out within the site in accordance with drawing no. 2012/15/01 Rev A and the access road provided such that vehicles may enter and leave in a forward gear. The parking spaces shall be permanently retained and not used for any purpose other than the parking of vehicles.

Reason: This condition was imposed by the Planning Inspector on the appeal decision of ref APP/C3810/A/12/2179376 and the condition remains relevant at the current time. Also in the interests of highway safety in accordance with policy GEN7 of the Arun District Local Plan and the National Planning Policy Framework.

- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015, (or any Order revoking or enacting that Order) no first floor windows or dormer windows (other than those expressly authorised by this permission) shall be constructed on the properties hereby approved.

Reason: This condition was imposed by the Planning Inspector on the appeal decision of ref APP/C3810/A/12/2179376 and the condition remains relevant at the current time. Also in the interests of amenity in accordance with policy GEN7 of the Arun District Local Plan.

- 6 The three new velux windows on the east and west roof elevations of the building shall at all times be glazed with obscured glass and fixed to be permanently non-opening.

Reason: The applicant has stated that these windows will be obscure glazed and non-opening and to protect the amenities and privacy of the adjoining properties in accordance with policy GEN7 of the Arun District Local Plan.

- 7 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.