

Recommendation Report for Planning Permission

REF NO: BR/55/26/PL

LOCATION: 13 Normanton Avenue
Bognor Regis
PO21 2TU

PROPOSAL: Removal of existing garage and outbuilding and conversion of 1 No. detached house into 2 No. semi-detached homes, including a two-storey side extension with dormers and a rear extension and demolishing of out buildings. This application is in CIL Zone 4 and is CIL Liable as a new dwelling.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Demolition of extensions and outbuildings, and the extension and subdivision of the dwelling to create two four-bedroom dwellings with parking.
SITE AREA	509 sqm
RESIDENTIAL DEVELOPMENT DENSITY (NET)	39.3 dph
TOPOGRAPHY	Predominantly flat.
TREES	A TPO oak tree is within the front garden of the property. Historic images show that the site previously contained numerous other trees, which have since been removed; however, these were not formally protected.
BOUNDARY TREATMENT	Close boarded fence and concrete block wall to front.
SITE CHARACTERISTICS	Residential dwelling house.
CHARACTER OF LOCALITY	Residential street.

RELEVANT SITE HISTORY

BR/76/26/T Fell 1 no. Oak (T01).

None of relevance.

REPRESENTATIONS

Bognor Town Council - Objection.

- Overdevelopment of site resulting in a cramped form of development.
- Concern over loss of tree as it enhances visual amenity, biodiversity and character of the area. Insufficient information has been provided to demonstrate that its removal is justified or that adequate mitigation can be secured.
- First floor windows and additional dormer windows cause a loss of privacy.

- Harm character of the area and the street scene, as it appears overly dominant and out of keeping with the prevailing character of the surrounding area.

2 letters from 1 neighbour objecting and not objecting to the proposal. (3 letters in total).

- There is ample room to the west, why is the property not being extended in this direction.
- It will create a loss of light, especially with its large dormer.
- Removal of tree and creation of off street parking are positives. Parking on street is problematic and the tree has damaged property in the area.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Arboricultural Officer - Objection

- An Arboricultural Report (including Impact Assessment, Method Statement and Tree Protection Plan) has been submitted, but it does not set out any meaningful tree protection measures as it assumes the removal of the protected oak (T01).
- The Tree Protection Plan omits key information such as crown spread and root protection area, reflecting this presumption; a separate application (ref. BR/76/26/T) for the removal of T01 is currently pending.
- The site has experienced significant vegetation clearance within the past two years, including the loss of several trees, and no off-site trees are considered to pose constraints to the development.
- T01 is a mature oak protected by a TPO and is the principal arboricultural constraint; it is a large, prominent and visually important tree within the street scene, in good condition with a life expectancy exceeding 40 years, and categorised as a high-value Category A tree under BS5837.
- The tree is located close to the dwelling (less than 5m), with a substantial canopy and root system influencing the site.
- The stated justification for removal, to facilitate development, is not considered convincing, as the tree and building have a long-established relationship and could coexist with careful design and limited pruning.
- It is considered that maintenance, refurbishment or even demolition could be undertaken with limited impact on the tree, either within the existing footprint or outside the root protection area.
- No evidence has been provided to demonstrate that retention of T01 is incompatible with the proposed development and the loss of T01 would result in the removal of a high-amenity, protected tree that should be retained wherever possible.
- Overall, the removal of the tree has not been justified and the proposal is not supported on arboricultural grounds, with refusal recommended.

Ecologist - Objection

- The proposal is not considered exempt from mandatory Biodiversity Net Gain (BNG) requirements, as the developed area exceeds the 5sqm de minimis threshold.
- Aerial imagery indicates the site was previously heavily vegetated with several trees present, while recent photographs (May 2026) show extensive clearance, including removed trees and log piles.
- This level of vegetation removal is considered to constitute site degradation for the purposes of BNG assessment.
- Photographic evidence suggests the dwelling and the oak tree were previously covered in substantial ivy growth, which is known to provide potential roosting habitat for bats.

- No ecological assessment has been submitted with the application to evaluate impacts on protected species and insufficient information has been provided to determine whether bats are present or using the site.
- A bat roost assessment and emergence survey are required in order to properly assess impacts on protected species before the application can be determined.

Natural England - Further information required.

- The site lies within the Zone of Influence (Zol) for recreational impacts on one or more European designated habitat sites.
- Any net increase in residential units within this Zol is likely to result in significant effects on the qualifying features of these sites due to increased recreational pressure, either alone or in combination with other development.
- A strategic mitigation approach is in place, which Natural England considers effective in addressing these impacts. The Local Planning Authority is required, as the competent authority, to undertake an appropriate assessment under the Conservation of Habitats and Species Regulations 2017 (as amended). This assessment should consider the relevant conservation objectives for the affected European sites and confirm that mitigation measures can be secured.
- Subject to a satisfactory appropriate assessment and secured mitigation, it is likely that there would be no adverse effect on the integrity of the European sites in relation to recreational disturbance.

Environmental Health - No objection subject to conditions.

ADC Drainage Engineers - Objection

- Site is not at significant risk of flooding from external sources.
- Development will alter site drainage and should incorporate SuDS in accordance with the NPPF, however, no flood risk assessment or drainage information has been submitted; drainage feasibility cannot be assessed.
- No runoff destination has been identified and compliance with the drainage hierarchy/NSfS has not been demonstrated.
- Insufficient information to confirm the site can be adequately drained without increasing flood risk.
- No details of interception drainage, exceedance routing or provision for extreme rainfall have been provided.
- No drainage maintenance plan has been submitted.
- Mature trees on site may constrain drainage design and should be considered.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:
2km buffer SSSI
Pagham Harbour Impact Risk Zone
TPO Oak Tree

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
ENVDM1	ENV DM1 Designated Sites of Biodiversity or geographical imp
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.

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 conflict with relevant Development Plan policies in that harm to residential amenity, an increased risk of flooding, the character and sense of place of the area have been identified. Also, a biodiversity gain will not be achieved.

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.

BIODIVERSITY NET GAIN

This application is liable for Biodiversity Net Gain (BNG) and the following is a summary of the key points:

Declared de minimis, no BNG proposed. The LPA do not consider this to be an accurate depiction of the proposal.

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 seeks the demolition of the existing garage and single-storey side 'store' extension, and the erection of a two-storey full-width side and front extension. The development also includes the subdivision of the existing dwelling to form two four-bedroom dwellings, together with the addition of two box dormer extensions to the rear roof slopes.

The proposed side and front extensions introduce a new gable to the principal elevation. This design approach effectively mirrors the existing gable on the south-eastern side of the building, resulting in a balanced and cohesive appearance. Subject to the use of appropriate materials, the extensions would appear sympathetic to, and in keeping with, the character of the host dwelling. While the extensions are not strictly subservient in scale, they are not considered to be overly dominant and with a high level of amenity for future occupants, and would therefore be acceptable in terms of their visual impact on the host property.

The proposed rear dormer extensions would be positioned on the rear roof slopes and would not be visible from the public highway. As such, they would not result in harm to the visual amenities of the street scene.

The surrounding street scene is characterised by a varied mix of dwelling types, including detached, semi-detached and bungalow properties. In this context, the subdivision of the plot to create two dwellings would not appear incongruous and would reflect the prevailing character of the wider area. The proposal is considered to fall within the category of 'site redevelopment' as set out in Part P of the Arun Design Guide (ADG), where considerations of scale, alignment and building pattern are key. In this case, these criteria are satisfactorily addressed, as the scale of development is comparable to the existing dwelling and the established front building line is maintained.

Overall, the proposal is considered acceptable in terms of design and impact on character, and is in accordance with Policies D DM1 and D DM4 of the ALP, as well as Part P of the ADG.

RESIDENTIAL AMENITY

The proposed development would maintain the established building line with neighbouring properties to the south-east and south, and would not result in an overbearing relationship with these dwellings. The two-storey extension would be positioned adjacent to No. 15 Normanton Avenue to the north-west, which

is a single-storey bungalow.

At its closest point to No. 15, the proposed extension would be set off the shared boundary by approximately 2.3m, increasing to nearly 3m. Given that No. 15 is sited close to its boundary, this would result in an overall separation distance between the facing elevations of approximately 4.5m. Whilst it is acknowledged that there was previously a significant degree of tree and hedge coverage along this boundary, since removed, the relationship between the buildings would remain comparable to the historical situation. Furthermore, the proposal would result in limited impact on the private amenity space of No. 15. As such, the development is not considered to give rise to a materially harmful overbearing effect.

In terms of overlooking, the principal windows are oriented either towards the highway or to the rear. The existing dwelling contains two habitable room windows at first floor level which afford views over the rear amenity area and towards the rear elevation of No. 3 Normanton Avenue, including windows serving habitable rooms. The proposal would intensify this relationship through the subdivision of the dwelling into two units and the introduction of additional accommodation within rear dormer extensions.

As a result, the number of rear-facing habitable room windows would increase from two to eight, serving a total of six habitable rooms. The separation distance between the rear elevations of the application site and No. 3 is approximately 14m, which falls significantly below the minimum separation distances recommended in Part H of the ADG.

The combined effect of the increased number of overlooking windows and the substandard separation distance would result in a material and harmful increase in overlooking and perceived loss of privacy to the occupants of No. 3 Normanton Avenue.

Whilst it is acknowledged that the applicant has referenced permitted development rights in relation to the potential for rear dormer extensions, this fallback position has not been demonstrated and, in any event, would relate only to a single dwelling. The current proposal, which involves subdivision into two units and a greater intensity of use, is therefore materially different and carries significantly greater impacts.

For these reasons, the proposal is considered to conflict with Policies D DM1 and D DM4 of the ALP.

QUALITY OF ACCOMMODATION

The proposal is for two 4-bedroom three storey dwellings with an internal floorspace of 143sqm. The properties areas well in excess of the minimum internal floor area outlined by the Nationally Described Space Standards. The dwellings would benefit from a short but wide rear garden of a 7m depth and 10m and 17m in 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 Normanton Avenue.

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

TRANSPORT AND PARKING

A bus stop can be found on Nyewood Lane approximately 100m from the site.

The submitted block plan fails to clearly identify the proposed vehicular access arrangements, including whether any existing access points are to be retained or altered. It is noted that the property currently benefits from one dropped kerb access point located along the northern section of the front boundary. There may also be an additional dropped kerb to the southern side, although the available photographic

evidence is inconclusive. As it cannot be assumed that vehicle access would only utilise the existing dropped kerbs, the precise access arrangements should be secured by condition in the event that planning permission is granted. The submitted plans indicate the provision of two parking spaces per dwelling.

The Arun Parking Standards require properties comprising four or more bedrooms within Parking Zone 4 to provide a minimum of two parking spaces. The level of parking provision indicated is therefore considered acceptable.

No cycle parking provision has been identified on the submitted plans. Appropriate cycle storage facilities would be required and, should the application be recommended for approval, this matter could be secured by condition.

The Highway Authority has raised no concerns in relation to highway safety or visibility splays associated with the proposal.

Subject to appropriately worded conditions, the proposal would not result in any significant adverse impact on the highway network, would provide parking at an appropriate level, and would be capable of accommodating storage for sustainable modes of transport. The proposal therefore accords with Policy T SP1 of the Arun Local Plan and Part I of the Arun Design Guide.

TREES

Fronting the highway is a large Oak tree protected by a Tree Preservation Order (TPO). The trunk of tree T01 is situated approximately 4m from the front elevation of the existing dwelling, although, unhelpfully, the Root Protection Area (RPA) has not been demonstrated on any submitted plans. The proposal seeks the removal of this tree, and a concurrent application for its removal has been submitted under reference BR/76/26/T. The justification provided for the tree's removal is solely in connection with the proposed development.

The Council's Arboricultural Officer advises that the Oak is a dominant tree both within the site and the wider locality. It has a large, broad crown that is visible from numerous vantage points and makes a significant contribution to the character of the area. The tree is considered to be in good condition and is identified as having a life expectancy exceeding 40 years. Furthermore, the submitted Arboricultural Report categorises the tree as Category A, indicating that it is 'of high arboricultural value and should be retained and protected throughout the development process'.

Policy ENV DM4 of the Arun Local Plan seeks to protect TPO trees in relation to development proposals and permits their removal only where: (a) robust justification has been provided by a suitably qualified professional, with regard to BS5837:2012; (b) the proposal would enhance the long-term retention of other protected trees; or (c) the benefits of the development, particularly in relation to its location, would outweigh the loss of the protected tree. The policy further emphasises that development should take a comprehensive approach to tree-related issues at an early stage of the design process and ensure that construction works do not adversely impact existing trees.

It is acknowledged that the tree has caused some encroachment onto parts of the property's roof, with evidence of contact from overhanging branches. However, it appears that the tree has not been subject to regular maintenance for a considerable period and, in the officer's view, these issues would likely be capable of being addressed through appropriate arboricultural management rather than removal.

Overall, no sufficient or robust justification has been provided for the removal of the tree. While the wider benefits of the development are considered elsewhere within this report, the proposal, as submitted, fails to accord with the requirements of Policy ENV DM4.

BIODIVERSITY AND ECOLOGY

Policy ENV DM5 of the ALP requires development proposals to secure a net gain in biodiversity and to protect existing habitats on site. In addition, the Environment Act 2021 requires qualifying developments to deliver a measurable 10% Biodiversity Net Gain (BNG). The BNG hierarchy establishes that gains should, in the first instance, be secured on-site. In this case, the development has been identified by the applicant as de minimis, and it is therefore claimed that the statutory requirements of the Environment Act 2021 do not apply.

However, this conclusion is not considered to be accurate. It is noted that the proposed extension to the existing dwelling would cover an area of approximately 35sqm. Even allowing for the fact that part of the site, namely a section of the existing garage footprint, may already be classified as previously developed land or hardstanding, the remaining area of development still exceeds 25sqm. Furthermore, photographs taken during the officer's site visit demonstrate that the area affected by the extension is currently overgrown with ivy and scrub vegetation, such that habitat is clearly present. It has also been identified that the wider site formerly comprised a significant amount of scrub and tree coverage, much of which has already been removed, including the felling of a number of larger trees. The removal of such a large amount of flora is contrary to the submitted Biodiversity Enhancement Statement. In addition, the proposal seeks the removal of the protected Oak tree at the front of the site, which itself has a canopy exceeding 25sqm. Taken together, the claimed de minimis exemption is not considered to be justified.

As a result of the claimed exemption, no Biodiversity Net Gain metric or details relating to the pre-development condition and degradation status of the site have been submitted with the application, contrary to the requirements set out within Paragraph 11 of the National Planning Practice Guidance (NPPG). This omission is material to the determination of the application, as the Local Planning Authority has not been afforded the opportunity to properly assess the extent of habitat loss that has already occurred on the site, nor to secure appropriate biodiversity enhancements. Moreover, given that biodiversity gains within private domestic gardens are generally afforded limited weight and are difficult to secure in perpetuity, an appropriate area of land should be made available within the site to deliver meaningful ecological enhancements. This may have implications for the scale and layout of the proposed development.

The Council's Ecologist has also identified that the ivy growing up the existing dwelling may provide suitable habitat for bat species. As such, it has been advised that a bat roost and emergence survey is required to determine whether protected species are present on the site.

Legislation affords strict protection to bats and their roosts. Any structure or place used by bats for shelter or protection is protected from damage or destruction, regardless of whether bats are present at the time. Consequently, it is considered that no further works to the building should take place until the presence, or likely absence, of bats has been appropriately established through survey work.

Paragraph 192 of the NPPF seeks to minimise impacts on, and provide net gains for, biodiversity, while Paragraph 193 advises that where significant harm to biodiversity arising from development cannot be avoided, adequately mitigated, or compensated for as a last resort, planning permission should be refused. In this instance, the proposal fails to demonstrate any secured biodiversity net gain through the statutory process, and no meaningful ecological enhancements have otherwise been proposed. Furthermore, ecological harm has already occurred through the apparent clearance of vegetation and habitat across the site, the full extent of which cannot currently be assessed due to the absence of sufficient baseline ecological information.

Should this application be approved, new habitats (such as those suggested in the Biodiversity Enhancement Statement (BES)) could be secured via condition. However, given that much of the proposal is in conflict the applicant's own BES, the proposal is contrary to Policy ENV DM5 of the ALP

and the relevant provisions of the National Planning Policy Framework, including Paragraphs 192 and 193 and paragraph 11 of the NPPG (BNG).

PAGHAM HARBOUR

The site lies within Pagham Harbour Zone B, a buffer zone surrounding the Pagham harbour Special Protection Area (SPA) where new residential development is likely to give rise to recreational pressures on the SPA and requires financial contribution to mitigate against these impacts. At the time of submission, the relevant fee was £974 per dwelling. The application has not submitted a draft S.106 agreement pursuant to the relevant financial contribution at the time of submission.

Pagham Harbour is also a Site of Special Scientific Interest (SSSI), as is Bognor Reef. The proposal involves the development of a residential garden surrounded by urban development. It would have no direct or indirect impacts on these SSSI (outside of the recreational pressures identified above), and the need for an appropriate assessment beyond that which has informed the impacts of recreational pressures on Pagham Harbour has been screened out.

In the absence of a signed and completed S.106 agreement to secure the relevant financial contribution, the likely recreational pressures to the Pagham Harbour SPA would not be sufficiently mitigated, and harm to Pagham Harbour is therefore, likely, in conflict with ALP policies ENV SP1, ENV DM1, and ENV DM2. The applicant is advised that following the signing and completion of the S.106 agreement as required, would result in the identified harms being resolved.

FLOODING AND DRAINAGE

ALP policy W SP1 states that development will be encourages to make water efficiency measures, enhance the quality of the water environment and will be encouraged to make active use of surface water as a design feature where it can provides additional flood relief. ALP Policy W DM3 states all development must identify opportunities to incorporate a range of Sustainable Urban Drainage Systems (SUDS) as appropriate to the size of development.

The NPPG (056), the SuDS Manual and the National Standards for Sustainable Drainage Systems (which the NPPG guides designers towards (057)) outlines the key principle of SuDS. This includes applying the drainage hierarchy, which prioritises discharge locations for surface water falling on site. These documents are clear, each priority location should be fully optimised to discharge surface water before moving to on to the next priority location. Robust evidence is required to prove a discharge location is not feasible, cost, ease of discharging to a location or existing historic non-compliant connections are not appropriate justification. Where a designer is seeking not to utilise the upper most priority location; evidence should include groundwater monitoring and infiltration testing at the location and to the depth of infiltration feature.

No details in respect of surface water drainage have been submitted. Given that additional built form is proposed, the development will have an impact on surface water drainage at the site and would be expected to incorporate sustainable drainage measures in accordance with paragraph 182 of the NPPF.

Rainwater reuse has not been considered, nor has any alternative discharge location been identified. The proposal therefore fails to accord with the drainage hierarchy and Standard 1 of the National Standards for Sustainable Drainage Systems (NSfS). The volume of water falling on the site, together with any allowance for climate change, has not been confirmed. Furthermore, discharge rates (if required) have not been provided. Overall, it cannot be demonstrated that the proposal would not increase surface water runoff from the site, nor can it be confirmed that the site, or land elsewhere, would not be at increased risk of flooding as a result of the development.

As a result, the proposal fails to accord with Arun Local Plan Policy DM3 and does not gain the support

of Policy SP1. Furthermore, it does not comply with paragraphs 181 and 182 of the NPPF, nor does it comply with the NSfS or the CIRIA SuDS Manual, both of which are material considerations and are afforded weight through the National Planning Practice Guidance (NPPG).

SUMMARY

Harm has been identified through a loss of privacy affecting the amenities of neighbouring occupants to the rear of the site. There is also harm to the character and amenities of the area arising from the proposed loss of the Oak tree. Furthermore, there is potential for significant ecological harm, with no assessment submitted to adequately consider impacts on protected or notable species and protected areas, nor any proposals to enhance biodiversity on the site.

The proposal makes no provision for a sustainable drainage system, which may increase the risk of surface water flooding both on-site and elsewhere. Overall, the quality of the planning submission is poor, lacking sufficient detail and supporting evidence for the Local Planning Authority to fully assess and determine the application.

As a result of these identified conflicts with policy, the proposal fails to demonstrate compliance with Policy SD SP2 of the Arun Local Plan, and the principle of development is therefore not established.

Notwithstanding this, paragraph 11 of the NPPF requires that the presumption in favour of sustainable development be applied, whereby identified harms must be weighed against the benefits of the scheme. In doing so, regard is had to key policies including directing development to sustainable locations, making effective use of land, securing well-designed places, and delivering affordable housing.

The proposal does not provide any affordable housing; however, this is not required given the limited scale of the development.

Benefits of the scheme include the delivery of a single dwelling, which would make a modest positive contribution towards housing land supply. There would also be a limited and temporary economic benefit during the construction phase. The site is located within a sustainable location, offering a genuine choice of transport modes, including walking, cycling, private vehicle use, and access to bus services within approximately 100 metres.

In terms of making effective use of land, paragraph 124 of the NPPF requires development to optimise site use in a manner that meets housing needs while safeguarding the environment and ensuring safe and appropriate living conditions. Paragraph 129 further emphasises the need to respond to local character, the importance of securing well-designed, healthy places, and the efficient use of land.

With regard to design, the NPPF states that development should function well, add to the overall quality of the area, be visually attractive, sympathetic to its surroundings, and provide a high standard of amenity for existing and future occupants. Paragraph 136 also highlights the importance of retaining existing trees where possible, given their contribution to the character and quality of an area.

In this case, the proposal fails to make effective use of the land or deliver a well-designed and healthy living environment. While it would provide a modest contribution of one net additional dwelling, it does not adequately safeguard the environment, particularly given the unassessed ecological impacts and the loss of a prominent tree. Furthermore, the absence of a drainage strategy raises concerns regarding flood risk, which undermines the creation of a safe and suitable living environment.

The proposed layout would result in a detrimental impact on existing landscape features. The loss of the Oak tree is not justified and would erode the character of the area and its sense of place.

The proposal would also be detrimental to neighbours living conditions as there would be a significant level of overlooking as a result of the proposal.

When assessed collectively, the adverse impacts of the proposal are clear, evidenced, and significant. They relate to fundamental planning considerations including amenity, design quality, environmental protection, and flood risk. These harms are not outweighed by the modest benefits associated with the delivery of a single dwelling in a sustainable location.

Accordingly, it is concluded that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole. The tilted balance therefore weighs firmly against the proposal.

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.

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

REFUSE

- 1 The proposed first-floor windows, by reason of their increased number and intensity, together with the proposed second-floor windows in the rear elevation, would be likely to give rise to direct overlooking of adjacent properties to the south, resulting in material harm to the amenities of their occupants, contrary to Arun Local Plan policies D DM1 and D DM4.
- 2 The submitted surface water drainage scheme is not in accordance with the National Standards for Sustainable Drainage Systems and there is an unacceptable risk of increased

flood risk on site and/or elsewhere in conflict with Arun Local Plan policies W DM3 and W SP1, the NPPF paragraphs 181, 182 and 187(e), and the SuDS Manual and National Standards for SuDS.

- 3 The application has not provided sufficient information to demonstrate that the development would protect and enhance biodiversity. The Local Planning Authority is not satisfied that the proposal qualifies for the claimed de minimis Biodiversity Net Gain (BNG) exemption, given the extent of habitat affected and the proposed removal of a protected Oak tree. As a result, it has not been possible to assess the extent of habitat loss, demonstrate the required biodiversity net gain, or determine whether protected species, including bats, may be affected by the development.

Consequently, the Local Planning Authority cannot be satisfied that the proposal would avoid or adequately mitigate harm to biodiversity. The proposal is therefore contrary to Arun Local Plan policy ENV DM5, paragraphs 192 and 193 of the NPPF, and the NPPG.

- 4 The layout and siting of the development would result in loss of a tree important in the local landscape and subject to a Tree Preservation Order. The tree make a significant contribution to the character of the area and in the absence of any arboricultural justification for the loss of the tree, it would be detrimental to the visual amenities of the locality. For this reason the proposal conflicts with Arun Local Plan policy ENV DM4.

- 5 In the absence of a completed S.106 agreement to secure the relevant financial contribution, the proposal would give rise to unmitigated and therefore, unacceptable recreational pressures on the Pagham Harbour Special Protection Area in conflict with Arun Local Plan policies ENV SP1, ENV DM1 and ENV DM2.

- 6 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 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 provide pre-application advice in respect of any future application for a revised development.

- 7 INFORMATIVE: This decision was based on a review of the following plans:

- Location, Existing and Proposed Block Plans 111
- Proposed Ground Floor Plan 105
- Proposed First Floor Plan 102
- Proposed Loft Plan 107
- Proposed Section 110
- Tree Protection Plan
- Biodiversity Enhancement Statement
- Parking Justification Statement
- Planning Statement
- Design and Access Statement
-