

Recommendation Report for Planning Permission

REF NO: BR/63/18/PL

LOCATION: 77 Aldwick Road
Bognor Regis
PO21 2NW

PROPOSAL: First & second floor rear extension to create 3 No. studio apartments

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Change of use of existing ancillary accommodation to the existing dry cleaners to new studio flat. Two more studio flats above. The extension will have a flat roof and will be 8.5m high. New bin and cycle store to rear.
SITE AREA	0.03 hectares.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	The density of the extended building (2 existing plus 3 new flats) will be 167 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	1.7m high wall with either close boarded fence/timber trellis top to the rear boundaries.
SITE CHARACTERISTICS	Three storey grey rendered building with a dry cleaners at ground floor and two existing flats on the upper floors. Light grey brick flat felt roofed extension at ground floor to the rear. This part houses storage and offices for the dry cleaners business. Small rear garden area accessed via a tunnel from Aldwick Road. This tunnel/walkway also provides access to the rear of no. 79. Restricted bay parking on Aldwick Road to the front.
CHARACTER OF LOCALITY	Predominantly three storey terraced properties with commercial uses at ground floor, set in medium plots abutting the highway in an urban environment. It is noted that there are residential flats within the adjoining buildings and also residential dwellings on Stocker Road to the rear. The following was noted in respect of neighbouring properties: 73-75 - Commercial at ground floor (occupied by the Aldingbourne Trust) with 9 residential flats on the first & second floors (nos. 1, 2, 3A, 3B, 4, 5, 6, 7 & 8); 79 - Commercial at ground floor (occupied by an Engravers) with a rear ground floor garden flat and then a further flat at first floor level; 10 Stocker Road - Two and a half storey residential dwelling with rear garden; and 14/16 Stocker Road - Two and a half storey building converted

into flats with a rear parking area and rear double garage (no rear garden).

NB there is no 12 Stocker Road.

RELEVANT SITE HISTORY

BR/53/97	Conversion of existing first floor offices to 1 No. 2 bedroom flat	ApproveConditionally 24-04-97
BR/693/72	Alterations	Approve 22-09-72
BR/37/61	Extension To Office	Approve 16-03-61

Pre-application advice was given in respect of this proposal, the conclusion of which was that:

"Based on the above comments I conclude that were an application for planning permission to be submitted it would be likely to be approved with conditions subject to the internal floor space of each flat being increased and dependent on the relationship with neighbouring residential properties. This would be subject to a sufficient Pagham Harbour Unilateral Undertaking being submitted."

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

Bognor Regis Town Council

"No objection"

One letter of objection from the occupier of 10 Stocker Road on the grounds of:

Overlooking of windows & garden; and

No consideration to parking (Stocker Road is already used by residents/customers/employees from Aldwick Road & surrounding roads.

The applicant has also employed a consultant to write in support of the proposal. The writer assesses the proposal in respect of overlooking and loss of sunlight (in terms of the windows in 75 & 79 Aldwick Road). He concludes that there will only be an impact on the amenity of 79 Aldwick Road but that this will not be significant. He also considers that greater weight should be given to the Councils inability to meet a 5 year housing land supply rather than the amenity of neighbouring residential properties.

COMMENTS ON REPRESENTATIONS RECEIVED:

The issues raised both in objection and support will be assessed in the conclusions section.

CONSULTATIONS

Engineering Services Manager
Engineers (Drainage)
Environmental Health

CONSULTATION RESPONSES RECEIVED:

ADC ENVIRONMENTAL HEALTH - Raise no comments.

ADC PRIVATE SECTOR HOUSING - Comment that:

- * Appropriate fire precaution facilities and equipment must be provided of such type, number and location as are considered necessary. Guidance on fire safety is contained in the LACORS guidance document "Housing - Fire Safety, Guidance on fire safety precautions for certain types of existing housing".
- * Room sizes should meet the minimum standards for houses in multiple occupation if the flats are intended to be rented.
- * Any bathrooms and kitchens without windows for natural ventilation should have adequate mechanical ventilation.
- * Must meet the requirements of the Housing Act 2004 and be free of Category 1 and significant Category 2 Hazards;

ADC ENGINEERS - no response received.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designations applicable to site:

Within Built Up Area Boundary;
Flood Zone 1;
Class B Road; and
Pagham Harbour Management Zone B.

DEVELOPMENT PLAN POLICES

[Arun District Local Plan \(2003\):](#)

AREA13	Sites of International Importance for Nature Conservation
GEN2	Built-up Area Boundary
GEN7	The Form of New Development
GEN9	Foul and Surface Water Drainage
GEN12	Parking in New Development
DEV30	Local and Village Centres

[Publication Version of the Local Plan \(October 2014\):](#)

D DM1	Aspects of Form and Design Quality
D DM2	Internal Space Standards

D DM4 Extensions & Alterations to Existing Buildings
 D SP1 Design
 ENV DM1 Designated Sites of Biodiversity or Geological Imp
 ENV DM2 Pagham Harbour
 RET DM1 Retail Development
 ECC SP1 Adapting to Climate Change
 ECC SP2 Energy and climate change mitigation
 SD SP1 Sustainable Development
 T SP1 Transport and Development
 W SP1 Water

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.

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 to consider.

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 not considered to comply with relevant Development Plan policies in that it would have a materially adverse effect on the residential amenities of the adjoining properties.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

PRINCIPLE:

The site is in an urban and predominantly residential area. It is defined as being part of the built up area boundary area and is acceptable in principle subject to normal development control criteria such as residential amenity, highway safety and parking. Paragraph 49 of the National Planning Policy Framework (NPPF) states with regard to housing that: "Housing applications should be considered in the context of the presumption in favour of sustainable development".

The Council cannot currently demonstrate a 5 year housing land supply and the policies of the development plan relating to housing supply (i.e. Arun Local Plan policy GEN2) are considered to be out of date. As a result, paragraph 14 of the National Planning Policy Framework (NPPF) is engaged and this states that planning permission should be granted unless (a) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole or (b) specific policies in the Framework indicate development should be restricted.

Paragraph 7 of the NPPF sets out the three dimensions to sustainable development - the economic, social and environmental roles. In order to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.

The application site lies within the settlement boundary of Bognor Regis and there are various local amenities and services within walking distance of the site along street lit footways. This site is located fronting onto a main thoroughfare which provides bus links between Aldwick & Pagham to the west and the central area of Bognor Regis to the east. The nearest easterly bus stops is outside an adjacent property while the westbound stop is 100m to the east. It is also possible to walk or cycle to Bognor Regis train station or to the Morrison's supermarket in Bognor Regis (both 1.14km).

There are also shops and services on Aldwick Road such as a Tesco Express opposite the site. Bognor Regis Health Centre is a walk or cycle of only 930m and there are schools within a similar distance. It is therefore considered that the proposal is environmentally sustainable as residents will not need to rely on the private car to access basic services & facilities. These environmental factors weigh in the scheme's favour.

It is considered the proposal will result in localised economic benefits through the need to employ people to carry out the building/conversion works. The proposal will also result in a net gain of 3 new dwellings and so an increase in Council tax receipts and new homes bonus payments. In addition, the new dwellings could bring new people into the area who could then spend money on local goods & services. These economic factors weigh in the scheme's favour. It is also considered that the proposal will have social benefits by providing new housing to meet local needs. This also weighs in the scheme's favour.

It is considered the proposal is sustainable development and would benefit from the NPPF presumption in favour of sustainable development. This report now considers the proposal against the relevant policies of the development plan.

IMPACT ON RETAIL PREMISES:

It is partly proposed to change the use of the ground floor from use as ancillary space/facilities to the drycleaners to a use as a studio flat.

The site is outside of the designated Town Centre boundary and is not within a designated primary or secondary retail frontage. However, Arun Local Plan policy DEV30 would apply. This states that

"Change of use from retail will not be permitted for shops which are located outside the defined Principal Shopping Areas. An exception may be made where it can be demonstrated that retailing is no longer a viable use, particularly where the premises have remained vacant for a long period and that reasonable attempts have been made to market the premises for retail purposes."

Emerging Local Plan policy RET DM1 states in respect of sites outside of the defined Town Centres and Local Service centres, that changes of use which result in a loss of retail will not normally be permitted. An exception may be made where it can be demonstrated that retailing is no longer a viable use, particularly where the premises have remained vacant for a long period and where reasonable attempts have been made to market the premises for retail purposes. The Council will require evidence that the unit has not been made deliberately unviable, that marketing has been actively conducted for a reasonable period of time and that alternative retail uses have been fully explored.

No such evidence has been provided. However, the proposal retains all of the existing retail floor space, which itself is a large space (and will retain some element of storage). It is not considered that the accommodation to be lost is essential to the operation of a retail use and it is not considered that this loss will adversely affect the viability of the retail floor area.

DESIGN & CHARACTER:

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. Emerging Local Plan policy D DM1 is similar to GEN7. It requires that the Council have regard to certain aspects including:

(1) Character - "Make the best possible use of the available land by reflecting or improving upon the character of the site and the surrounding area, in terms of its scale, massing, aspect, siting, layout, density, building materials (colour, texture), landscaping, and design features.";

(2) Appearance/attractiveness - "Demonstrate a high standard of architectural principles, use of building materials, craftsmanship and hard and soft landscaping to reflect the local area."; and

(14) Scale - "The scale of development should keep within the general confines of the overall character

of a locality unless it can be demonstrated that the contrary would bring a substantial visual improvement."

Furthermore, policy D SP1 "Design" states that:

"All development proposals must make efficient use of land and reflect the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details. Development proposals should have been derived from: a thorough site analysis and context appraisal; adherence to objectives informing sustainable design (inclusivity, adaptability, security, attractiveness and usability, health and wellbeing and climate change mitigation); and the influence these objectives have on the form of the development. All development proposals must reflect the efficient use of land, layout, landscape and its setting, density, mix, scale, massing, character, materials, finish, architectural details and nearby habitats of the site and local area."

Policy D DM4 of the eLP sets out guidance in respect of extensions & alterations to existing building. Unlike, the existing policy in the ADLP, this also covers non-residential buildings. In respect of design, this requires that:

- "(a) the extension or alteration sympathetically relates to and is visually integrated with, the existing building in siting, massing, design, form, scale and materials;
- (b) the extension or alteration is visually subservient to the main building and provide a high standard of amenity;
- (d) in streets characterised by relatively small gaps at first floor level between buildings, any extension or alteration at first floor level does not come to within a minimum of one metre of the side boundary and;
- (e) the extension or alteration does not compromise the established spatial character and pattern of the place but is instead a positive addition."

There is also guidance on design and character in the National Planning Policy Framework (NPPF).

The building is already partly in a flat use and there are other flat buildings in the locality including both neighbouring buildings. As such, there is no objection to the principle of flats in this location.

It is noted that the proposal does not seek to exceed the height of the existing building, instead finishing with a flat roof approx. 1m below the existing roof. Further similar coloured materials and window designs are proposed to the extension. It is therefore considered that the extension will be subservient to the existing and will sympathetically relate to/integrate with the host building. The extension being to the rear of the property also means that it will not be visible in the streetscene and is not therefore considered to compromise the spatial character of this area.

In general, it is not considered that the extension itself will be harmful to the character or appearance of the area and as such is not considered to conflict with any of the above listed policies.

RESIDENTIAL AMENITY:

A local resident considers that the extension will result in harmful overlooking of the windows and private garden of 10 Stocker Road.

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. One of the 'core planning principles' of the NPPF is to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings (paragraph 17).

Emerging Local Plan policy D DM1 is similar to GEN7. It requires that the Council have regard to certain aspects including: (3) Impact - "Have minimal impact to users and occupiers of nearby property and land. For example, by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance."

Policy D DM4 of the emerging Local Plan sets out guidance in respect of extensions & alterations to existing building. Unlike, the existing policy in the Arun District Local Plan, this also covers non-residential buildings. In respect of amenity, criteria (c) requires that: "the extension or alteration does not have an adverse overshadowing, overlooking or overbearing effect on neighbouring properties;"

The proposed extensions are to be above an existing single storey flat roofed rear projection and will add an extra 5.8m of height for a depth of 10.6m. It is noted that both of the adjoining properties have residential flats on their upper floors and there are several south or east facing first/second floor residential windows on these adjoining buildings.

It is largely not considered that there will be any harmful loss of light to these windows as they either face to the south or serve non-principal rooms. However, there are two large principal first/second floor windows on the rear of no. 79 (one of which also has a balcony). These will be only 4m in from the start of the extension and will lose existing sunlight within the morning hours. Indeed, due to the shape of the rear of 79 (with a projecting wall immediately to the west of the windows) these windows will then only have a very narrow window of sunlight around lunchtime. It is considered that there will therefore be a significant impact on the amenity of these occupiers in respect of sunlight and overshadowing.

It is also necessary to consider the impact of the proposal in terms of the outlook of local residents and whether the extension would have an overbearing impact on these residents. Although the previous assessment was that the only loss of light impact would be on the two nearest first & second floor windows within 79, it is considered that a greater number of adjacent windows would have their outlook adversely affected in that they will either face a three storey wall or have a three storey wall extending out on one side of their window. This will have an overbearing impact on the amenity of residents of these windows.

Furthermore, regard needs to be had to the potential for overlooking from the new extension. On both of the two new floors, there will be a new rear facing principal window as well as new flank (west) facing kitchen, hall and stair windows. Firstly, it is necessary to consider the views from these new flank windows towards the two rear facing large principal windows on the rear of 79 (those that will be affected by a loss of sunlight). Although these views will be at an oblique angle, the close distance between these windows means that there will be a loss of privacy to the existing residents. Secondly, there will be overlooking between these new windows and existing flank east facing windows on the neighbouring buildings. This impact is not likely to be significant as the windows affected appear to serve bathrooms and have obscure glazing. Furthermore, the addition of obscure glazing to the new flank windows would likely mitigate this impact.

Thirdly, it is necessary to consider the impact of the two proposed principal windows on the residents of Stocker Road. These new windows will be only 8.7m from the rear boundary. Beyond this rear boundary lies private garden to 10 Stocker Road and a parking area to 14/16 Stocker Road. It is considered that there is sufficient distance to the rear elevations of these two properties (25m to 14/16 & 29m to 10) to ensure that overlooking impact is not significant. However, the new windows will look down on 10's rear garden at a very close distance and it is considered that the privacy of this residential garden will be compromised.

It is therefore considered that the proposal would conflict with policy GEN7 of the Arun District Local Plan, policy D DM4 of the emerging Local Plan and the guidance on amenity in the National Planning

Policy Framework

INTERNAL & EXTERNAL SPACE STANDARDS:

It is necessary to assess the proposal against the internal space standards as set out in the Government's new Technical Housing Standards (Nationally Described Space Standard). The stated requirement for a studio flat with a shower not bathroom is 37m². All three flats comply with this standard (each calculated as 37.4m²) and there is therefore no objection.

In respect of external garden standards, the current modified version of the emerging Arun Local Plan proposes to delete policy D DM3 in favour of inclusion within a future design guide. It is not therefore considered appropriate to now refer to this policy. However, regard is had to paragraph 17 of the NPPF which seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings. The proposal retains communal garden space to the rear of the building and this will be available to residents. This is considered to represent an appropriate solution and as such there is no conflict with policy.

PARKING PROVISION:

A local resident considers that the parking demand generated by this proposal will result in increased parking on local roads, such as Stocker Road causing conflict with existing residents.

Policy GEN7 (vii) requires that new development allow for the safe movement of pedestrians and vehicles, giving priority to pedestrians. Regard should also be had to paragraph 32 of the National Planning Policy Framework which states that: "Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe".

Arun Local Plan policy GEN12 refers to the need to provide sufficient off-street parking. However, the standards within the appendices to the Local Plan which it refers to have been superseded by the West Sussex (Residential) Parking Demand Calculator. This indicates a total demand for the proposed three flats of two parking spaces. If the existing two flats are factored in then the demand rises to 4 spaces.

The property does not benefit from any existing off-street parking provision and there is no space for any new parking to be provided. Instead vehicles would need to park on local road as per the existing situation. It is recognised that this causes conflict with local residents but the location of the site is such that residents will not need to own a car to access basic facilities, shops, services, public transport or places of work. On this basis (and noting the cycle storage provision), it is acceptable to not require any car parking. Therefore, it is not considered that there is any conflict with the above referenced policies.

PAGHAM HARBOUR:

The application is accompanied by a signed legal agreement relating to a payment of £1,742 towards the mitigation of the impacts of the development on the Pagham Harbour Special Protection Area.

Emerging Local Plan (Arun Local Plan 2011-2031 Publication Version showing Modifications) policy ENV DM2 states that all new residential developments within a 400m to 5km distance ('Zone B') of Pagham Harbour make a financial contribution towards the provision of accessible natural open green spaces to serve the area. A contribution of £1,275 per new residential unit was agreed by the Council's Cabinet on 20 July 2015. The report to Cabinet stated that:

"The access management measures identified are referred to as Strategic Access Management and Monitoring (SAMMs). As these do not include the allocation of specific land, they are not classified as

physical infrastructure, and are not included under the definition of infrastructure within Section 216 of the Planning Act 2008, meaning the pooling restrictions as set out under Regulation 123 of the CIL Regulations (2010) as amended, does not apply. It is common practice by many other authorities (for example Elmbridge) that contributions towards SAMMs are gathered through S106 planning obligations. This approach has also been confirmed within Counsel advice sought by the Council. As a contribution is required to make the development acceptable in planning terms, it is therefore in compliance with the tests under Regulation 122 of the CIL Regulations (2010) as amended"

The Councils Cabinet subsequently approved a reduction in the tariff from £1,275 to £871 as of the 10th April 2017.

Paragraph 014 (Reference ID 23b-014-20160519) of the Planning Practice Guidance describes tariff style contributions. It clearly states that these consist of contributions to pooled funding 'pots' intended to fund the provision of general infrastructure in the wider area. The Council accepts that the Pagham Harbour contribution is based on a tariff. However, the contribution is required to fund strategic access management and monitoring measures (SAMMs) which are necessary to meet the requirements of European law (transposed into English law through the Conservation of Habitats and Species Regulations 2010). Essentially this requires the Council to maintain, if not improve, the existing condition of the site.

As these SAMMs do not include the allocation of specific land, they are not classified as physical infrastructure, and are not included under the definition of infrastructure within Section 216 of the Planning Act 2008, meaning that the pooling restrictions as set out under Regulation 123 of the CIL Regulations (2010) as amended, do not apply.

Therefore, it is considered that the Council is able to seek these contributions despite the guidance in PPG Paragraph 031 (Reference ID: 23b-031-20160519009). This has also been tested at appeal on several occasions. For example, APP/C3810/W/16/3146804 which concerned a single dwelling in nearby Aldwick.

Furthermore, it should be noted that this policy has a basis in the current development plan in that Local Plan policy AREA13 "Sites of International Importance for Nature Conservation" which states that: "Where development is permitted, the use of conditions or planning obligations will be considered in order to secure any compensatory or mitigation measures and appropriate management that may be required."

The application site lies within the designated Zone B and accordingly it was necessary to apply this requirement. The net increase in 3 dwellings resulted in a contribution of £2,613 at the current rate and it is this that is secured by the signed legal agreement.

SUMMARY:

There is no in principle objection to the increase in residential occupation of this site within the built up area and it is considered that the proposal complies with development control criteria concerning protection of retail premises, design/character, parking and internal & external space standards. However, notwithstanding, it is not considered that the addition of two floors of residential accommodation is acceptable having regard to the amenity of residential flats on either side and the garden of 10 Stocker Road to the rear.

The Council cannot currently demonstrate a 5 year housing land supply and the policies of the development plan relating to housing supply are considered to be out of date. As a result, paragraph 14 of the National Planning Policy Framework (NPPF) is engaged and this states that planning permission

should be granted unless (a) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole or (b) specific policies in the Framework indicate development should be restricted.

In this case, it is not considered that the tilted balance in favour of sustainable development would apply as the proposal would result in adverse impacts to the amenity of adjacent residential occupiers. It is therefore recommended that the application be refused for the following reasons.

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.

SECTION 106 DETAILS

The application is accompanied by a signed/complete legal agreement relating to a payment of £2,613 towards the mitigation of the impacts of the development on the Pagham Harbour Special Protection Area.

RECOMMENDATION

REFUSE

- 1 The scale of the proposed two additional floor extension to the rear of 77 Aldwick Road will result in an overbearing impact on - and loss of outlook to - the amenity of the existing windows of residential flats in the rear of 73-75 Aldwick Road to the east and 79 Aldwick Road to the west. In addition, there will be a harmful loss of sunlight and overshadowing of the two large residential windows on the closest part of the rear of 79. The proposal is therefore contrary to policy GEN7 of the Arun District Local Plan; the National Planning Policy Framework; and policies DDM1 & DDM4 of the Arun Local Plan 2011-2031 Publication Version showing Modifications.
- 2 The new first and second floor studio windows will look out towards the rears of Nos. 10 &

14/16 Stocker Road at a distance of only around 8.8m. This will result in a loss of privacy to number 10's private residential garden and the proposal is therefore contrary to policy GEN7 of the Arun District Local Plan; the National Planning Policy Framework; and policies DDM1 & DDM4 of the Arun Local Plan 2011-2031 Publication Version showing Modifications.

- 3 The new first and second floor kitchen, hall and stair windows will face towards the flank residential windows of 79 Aldwick Road, resulting in a loss of privacy to these windows and a harmful effect on the amenity of existing occupiers. The proposal is therefore contrary to policy GEN7 of the Arun District Local Plan; the National Planning Policy Framework; and policies DDM1 & DDM4 of the Arun Local Plan 2011-2031 Publication Version showing Modifications.
- 4 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.
- 5 **INFORMATIVE:** Refusal reason 3 could be overcome through the addition of obscure glazing to the new first and second floor kitchen, hall and stair windows.