

Recommendation Report for Planning Permission for Works or Extension to a Dwelling

REF NO: BR/63/21/HH

LOCATION: 2A Merchant Street
Bognor Regis
PO21 1QH

PROPOSAL: First floor rear extension

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION As above.

RELEVANT SITE HISTORY

BR/19/06/	Proposed change of use from vacant ground floor store to bedsit & alterations.	ApproveConditionally 27-02-06
BR/264/04/	Dormer window to rear roof pitch, velux to front.	ApproveConditionally 23-09-04
BR/358/01/	Change of use from light commercial premises, 2 offices & large store to large store and 1x1 bedroom residential flat.	ApproveConditionally 25-01-02

REPRESENTATIONS

Bognor Regis Town Council: No objection

No response from nearby occupiers.

CONSULTATION RESPONSES RECEIVED:

None

POLICY CONTEXT

Designation applicable to site:
2km Buffer from Site of Special Scientific Interest
Pagham Harbour Zone B
Within the Built Up Area Boundary

DEVELOPMENT PLAN POLICIESArun Local Plan 2011 - 2031:

DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design

PLANNING POLICY GUIDANCE:

NPPDG	National Design Guide
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

CONCLUSIONS**PRINCIPLE**

The key policies considered are D DM1 and D DM4 of the Arun Local Plan.

Policy D DM1 sets out 13 design aspects of which applications should be assessed against. These include: Character, Appearance, Impact, Innovation, Adaptability, Crime Prevention, Trees, Public realm, Layout, Public Art, Density and Scale.

Policy D DM4 sets out criteria for which applications relating to extensions and alterations of existing buildings must be assessed against. They generally seek to minimise the impact of the proposal on the character of the host dwelling, its neighbours and the locality.

There are no policies in the Neighbourhood Plan that are deemed relevant to this application.

DESIGN AND VISUAL AMENITY

Due to the siting of the development at the rear, there will not be views of the development from the public realm.

The development appear well integrated with the host dwelling, and subservient to its built form. Resultant of these factors, the proposed development is not considered to result in any significantly harmful impact upon the character of the host dwelling or its locality.

Furthermore, through section M of the Arun Design Guide which refers to householder extensions. Extensions should respond to and complement the existing character and appearance of the building and wider townscape in terms of scale, massing. It is considered this is achieved, with the addition appearing well integrated and sympathetic in design to the host dwelling.

The development is considered to be in accord with D DM1, D DM4(a) and (b) of the Arun Local Plan.

NEIGHBOURING RESIDENTIAL AMENITY

The development has a significant impact on the residential amenities of neighbouring dwelling. The proposed construction would be located on the boundary causing overshadowing and an unacceptable overbearing impact. This is due to the window of the neighbouring dwelling being close to the boundary which would have all light blocked out.

The new building would fail to meet the 25 degree rule when measured from the rear of 2 Merchant Street contrary to Part M of the Arun Design Guide.

There is 11.8m from the rear boundary and 0.85m from the northern boundary. The proposed window is sited on the rear elevation not gaining a view of any neighbouring dwellings. As the proposal is on the first floor and development of this scale being 2.9m in depth mitigates any potential for loss of privacy however, the extension is deemed to break the 45 degree ruling as the extension runs along the boundary. The neighbouring property has a window located close to the boundary and the proposed development would then cast a shadow over said opening. The extension would impact on the enjoyment of the neighbouring property and thus is not considered to not be in accordance with D DM1(3) and D DM4(c) of the Arun Local Plan.

SUMMARY

The proposed development is deemed to accord with relevant development plan policies and as such is recommended for approval subject to 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.

CIL DETAILS

This application is not CIL Liable.

RECOMMENDATION

REFUSE

- 1 The first floor extension, by virtue of its siting, size and proximity to the boundary will have an unacceptable overbearing impact upon the neighbouring property, 2 Merchant Street, in conflict with policies D DM1 and D DM4 of the Arun Local Plan as well as Section M of the Arun Design Guide.

- 2 **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 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 meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.