

Recommendation Report for Planning Permission

REF NO: BR/65/18/PL

LOCATION: The Claremont
Scott Street
Bognor Regis
PO21 1UH

PROPOSAL: First floor extension. This application affects the character & appearance of The Steyne, Bognor Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The extension is to the rear and will sit above the existing flat roofed single storey extension which projects from the rear of the public house. The extension will add a further 2.3m of height (total height of 5.5m). It will be flat roofed and includes three west facing windows serving two new bedrooms and a new kitchen/dining room. It will also have two east facing windows but none on the rear/northern elevation. It is proposed to tile hang the extension and then have a similar flat felt roof.
SITE AREA	330 square metres.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	Not applicable - extension to existing accommodation above public house.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	1.5m part wall/part fence to the northern rear boundary. The existing single storey projection is built right onto the boundary with Elm Court and as such the only boundary to Elm Court is a small section of rendered wall/timber fence to a total height of 1.8m at the very northern end.
SITE CHARACTERISTICS	A traditional public house close to the town centre in Bognor Regis with living accommodation at first floor level. The pub is predominantly two storey but with some single storey elements and a mix of flat & pitched roofs. The rear extension is white rendered with a brick course on top. The pub is attached to the adjacent property to the west, Elm Court, and also attached to Flats 1& 2 Arlington Mews to the rear. No off-street parking.
CHARACTER OF LOCALITY	The locality is a mixed use area. Scott Street is a predominantly terraced residential street just beyond the town centre area of Bognor Regis. There are also a number of shop and businesses within 20 metres to the east of the site on West Street (B2166) which is a local traffic route. The front section of the public house is located within the "Steyne and

Waterloo Square" Conservation Area. The building is also designated as a local Building of Character.

Neighbouring properties consist of:

- No 3 Basset Road to the north is a two storey house with south facing ground floor principal and first floor bedroom windows;
- The blank rear wall of Arlington Mews to the east (no windows); and
- The rear of Elm Court to the West with a ground floor flat with principal window and a flat above with principal window and balcony.

RELEVANT SITE HISTORY

BR/234/16/PL	Fire exit steel staircase & alterations - This application affects the character and appearance of The Steyne and Waterloo Square Conservation Area.	ApproveConditionally 28-11-16
BR/240/14/PL	Front and side elevation window alterations from PVCu to hardwood pine. This application affects the character and appearance of The Steyne and Waterloo Square Conservation Area.	ApproveConditionally 10-12-14

Noted.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bognor Regis Town Council
"No objection"

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted

CONSULTATIONS

Conservation Officer

CONSULTATION RESPONSES RECEIVED:

CONSERVATION AREA ADVISORY COMMITTEE (CAAC) - "Objection: Out of character with the Conservation Area"

ADC CONSERVATION OFFICER - No objection. Note that the proposal is only just visible via a narrow alley to the eastern side and to the rear of the property and therefore had no specific comments to make.

COMMENTS ON CONSULTATION RESPONSES:

The objection of CAAC is noted but regard is had to the fact that the proposed extension is not to a part of the building that is within a Conservation Area and will also have little to no visibility from the Conservation Area.

POLICY CONTEXT

Designations applicable to site:

Within the Built Up Area Boundary;
Conservation Area (The Steyne and Waterloo Square);
No Public Sewer; and
Building of Character.

DEVELOPMENT PLAN POLICES

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design
ECCSP2	ECC SP2 Energy and climate change mitigation
HERDM3	HER DM3 Conservation Areas
HERSP1	HER SP1 The Historic Environment
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
TSP1	T SP1 Transport and Development
WDM3	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 2011-31, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

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.

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.

Where the building is located in a Conservation Area, Section 71(1) of the Act states:
In the exercise, with respect to any buildings or other land in a Conservation Area of any powers (under the Planning Acts), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

The proposal is considered to comply with these criteria in that it is not considered to materially affect the setting of the Conservation Area.

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 lies within the built up area boundary where development is acceptable in principle in accordance with policy SD SP2 of the Arun Local Plan (ALP) and provided it is in accordance with other policies of the Local Plan covering such issues as impact on heritage assets, design, residential amenity and parking. Furthermore, this application only seeks to extend the existing residential accommodation associated with the public house - i.e. it does not seek to create a new dwelling.

Regard should also be had to policy SD SP1 of the ALP which states that: "When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework." It is considered that the site is in a sustainable location within walking and cycling distance of a range of shops, facilities and services including bus stops, a large food superstore, the beach and the railway station.

IMPACT ON HERITAGE ASSETS:

Arun Local Plan policy HER DM3, sets out the following (relevant) criteria in respect of development affecting Conservation Areas:

- (b) Alterations or additions to existing buildings are sensitively designed, constructed of appropriate materials and are sympathetic in scale, form and detailing and retain or emphasise the features and qualities of the existing buildings, townscape or streetscape in the area;
- (d) Unsympathetic features are removed and missing features are restored or reinstated; and
- (f) It does not harm important views into, out of or within the Conservation Area.

In addition, policy HER DM2 is relevant due to the local designation of the building as a "Building of Character". This states that:

"Proposals for the alteration or extension of buildings on the Local List will be expected to relate sensitively to the building or structure and its setting and respect its architectural, landscape or historic interest. The Local Planning Authority will seek to preserve features of such buildings which contribute to that interest."

The National Planning Policy Framework (NPPF) has recently been updated. Paragraphs 184-202 now cover the historic environment. The NPPF is a material consideration in this determination but it is not considered that it indicates that the application should be determined differently to the policies of the Development Plan.

It should be noted that this part of the building does not fall within the Conservation Area and it is not considered that the extension will even be visible from public viewpoints within the Conservation Area to the south and east of the site. Furthermore, the Councils expert on heritage issues has raised no objection.

The extension is considered to be of an appropriate design and is not considered to be harmful to either the Conservation Area or the integrity of this Building of Character (which in itself is best appreciated from the front (from Scott Street). In respect of materials, hanging tiles are proposed and these do not match with either the host building or neighbouring buildings. However, it is considered that a hanging tile has the potential to contrast well with the existing render and therefore would not be detrimental to the appearance of the building.

It is therefore considered that the proposal complies with Arun Local Plan policies HER DM2 & HER DM3 and with the guidance on heritage assets within the NPPF.

DESIGN:

Policy D DM1 of the Arun Local Plan 2011-2031 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";
- (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 DM4 refers to extensions to existing buildings. It states that:

"When considering applications for extensions and alterations to existing buildings, the Council will require 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."

Paragraph 127 of the NPPF states that "Planning policies and decisions should ensure that developments: (b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; and (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)."

The extension is considered to be of an appropriate design and would be not only subservient to the host building but also integrate well with the different parts of the building. The proposal would conflict with criteria (d) but this is acceptable as the intention of (d) is to avoid the creation of a terracing effect within the streetscene and (i) the extension is not visible from the front; and (ii) the building is already attached to the neighbouring building. In respect of materials, hanging tiles are proposed and these do not match with either the host building or neighbouring buildings. However, it is not considered that this would be harmful to the appearance of the building or the character of the area.

It is therefore considered that the proposal complies with Arun Local Plan policies D DM1 & D DM4 and with the guidance on design within the NPPF.

RESIDENTIAL AMENITY:

Arun Local Plan 2011-2031 policy D DM1 requires that the Council have regard to certain aspects when considering new development 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." Furthermore, part (c) of policy D DM4 requires that extensions/alterations do not have an adverse overshadowing, overlooking or overbearing effect on neighbouring properties.

ALP policy QE SP1 is also relevant and states that: "The Council requires that all development contributes positively to the quality of the environment and will ensure that development does not have a significantly negative impact upon residential amenity". Paragraph 127(f) of the NPPF requires that new development create places that have a high standard of amenity for existing and future users.

It is not considered that the extension would impact on either Arlington Mews to the east or Bassett Road to the north. This being as a result of an appropriate interface distance coupled with a lack of overlooking. However, it is considered that there will be a harmful impact on the rear elevations of the flats within Elm Court to the west. It was noted during a site visit undertaken during the afternoon of the 27th May that the adjacent ground floor flat on the rear of Elm Court was already quite dark due to its

north facing position and the presence of the single storey rear projection (approximately 13.5m long) on the application site.

In respect of house extensions, a 45 degree angle is drawn from the centre of the neighbours closest principle window and if an extension travels further to the rear than the extent of the splay then it is generally considered to likely have an adverse impact on residential amenity due to overshadowing and being overbearing. Clearly, in this case there already exists an intrusion into a 45 degree angle splay and this has to be accepted. However, it is considered that the act of raising this extension by another 2.3m would not only compound the existing unsatisfactory relationship with the ground floor flat but also result in a new impact to the rear windows & balcony of the adjacent first floor flat.

It is also necessary to consider privacy as the proposed windows on the west facing elevation will allow for oblique angle overlooking of the existing balconies and rear windows of Elm Court - and also direct overlooking of the rear communal amenity space (although this space is already overlooked from Bassett Road). It would be possible to insist (i.e. impose a condition) on the kitchen/dining room window being obscure glazed and fixed shut to overcome the issue. However, this would not be acceptable for the two bedrooms.

It is therefore considered that the proposal would conflict with Arun Local Plan policies D DM1, D DM4 and QE SP1 as well as the guidance on amenity within the NPPF.

PARKING:

Arun Local Plan policy T SP1 seeks to ensure that development: provides safe access on to the highway network; contributes to highway improvements & promotes sustainable transport, including the use of low emission fuels, public transport improvements and the cycle, pedestrian and bridleway network. In respect of parking, it states that:

"The Council will support transport and development which: incorporates appropriate levels of parking in line with West Sussex County Council guidance on parking provision and the forthcoming Arun Design Guide taking into consideration the impact of development upon on-street parking"

Regard should also be had to paragraph 109 of the NPPF which states that: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

The site does not currently benefit from any off-street parking either for the public house use or the residential accommodation. Furthermore, there are four existing bedrooms and this extension would add two more. However, the site lies in a highly sustainable town centre location and it is not necessary to own a car to access shops or services. The zero parking provision is therefore not considered inappropriate and the proposal is therefore considered to comply with policy T SP1.

SUMMARY:

There is no in principle objection to the extension to this public house being as it is within the built up area and it is considered that the proposal complies with development control criteria concerning parking, impact on heritage assets and design. However, it is considered that the proposed first floor extension will result in overshadowing and an overbearing impact on the amenity of the existing rear windows of the adjacent flats in Elm Court (nos. 1 & 4). Furthermore, Elm Court's rear windows will also be overlooked by the three proposed first floor west facing windows. It is not considered possible to design out this harm and therefore no amendments to the design have been sought. It is recommended that the application be refused for the following reason.

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.

RECOMMENDATION

REFUSE

- 1 The proposed first floor extension will result in overshadowing and an overbearing impact on the amenity of the existing rear windows of the adjacent flats in Elm Court (nos. 1 & 4). Elm Court's rear windows will also be overlooked by the three proposed first floor west facing windows. This will result in a materially harmful impact on the living conditions of the adjacent residential flats and the proposal is therefore contrary to policies D DM1, D DM4 & QE SP1 of the Arun Local Plan and paragraph 127(f) of the National Planning Policy Framework.
- 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, clearly setting out the reason 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.