Recommendation Report for Planning Permission

REF NO: **BR/72/12/**

LOCATION: 2 Argyle Circus
Bognor Regis

PROPOSAL: 1st floor extension

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposed first floor extension measures approximately 4.2m in width, depth of 3m with a height of 2.9m with lantern roof light maximum height of 3.4m.
SITE AREA	Approximately 45 square metres.
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Front is open to the highway, sides flank walls of neighbouring properties.
SITE CHARACTERISTICS	Terrace of five properties. No 2 is positioned in the middle which is currently occupied as an office on ground and first floor. The property has smooth rendered walls painted white, tiled roof with white window frames.
CHARACTER OF LOCALITY	Town Centre location with a mixture of commercial and residential properties. Within immediate vicinity are terraced properties, flats to west of site, car park to east of site.

RELEVANT SITE HISTORY

BR/528/89	Proposed refurbishment of 3 No ground floor lock up shops with first floor meeting hall to 3 No 2 storey lock up shops each with small ground floor extension.	Approve Conditionaly 22-01-1990
BR/80/91	Proposed change of use from 3no.lock-up shops and first floor meeting room to 2no.self-contained office units (Class B1) and 1no.self-contained shop unit (Class A1).	Approve Conditionaly 13-05-1991
BR/259/86	Alterations and refurbishment to form 3 no shop units with 3 no flats over from 5 no exis - ting shop units with 1 flat	Approve Conditionaly 01-09-1986

REPRESENTATIONS

Representations received:

Bognor Regis Town Council

No objection.

Comments on Representations received:

None.

CONSULTATIONS

Economic Regeneration

Consultations responses received:

Economic Regeneration
Awaited

Comments on Consultation responses:

None

POLICY CONTEXT

Designation applicable to site:

Built Up Area Boundary
Class A Road

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

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 it would have a materially adverse effect on the residential amenities of the adjoining properties and have an adverse impact upon the established character of the surrounding 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

The middle terraced property which is sited within walking distance of Bognor Regis Town Centre is currently used as offices on the ground and first floor by Southern Fire Alarms and the application seeks to construct a first floor extension on the rear of the property.

The property has an existing flat roof extension and the proposed extension will be constructed above this structure and accessed through a new opening at the top of the staircase which is currently a window. The proposed extension will cover the existing structure with a window opening on the rear and to provide additional light a lantern roof light will be installed which will have a maximum height of 3.4m.

There is limited space within the site as the existing flat roof extension has been constructed to the rear boundary. The neighbouring property to the rear No 50 Steyne Street has a conservatory on the rear and this is sited approximately 3m away. The adjoining property No 1 is curently used as offices and there are no windows on the rear elevation. No 5 is curently a restaurant and there is a small window on the west side elevation of the building at first floor level. No 3 is a residential dwelling and on the rear elevation at first floor level there is a landing window and a bedroom window. To the west above above No 1 and 2 The Parade there is a flat with two windows at first floor level on the rear which front the proposal, one serves a living room and the other a bathroom. Due to the position of the living room window this will be approximately 3m away from the proposal. The extension has a window on the rear although there are no windows on the side elevation of the extension. Whilst it is accepted that there are no windows on the side elevation of the extension due to its size and height it is considered that the extension by reason of its bulk and close proximity to residential properties would have an overbearing appearance with loss of outlook. It would also create overshadowing to the adjoining residential property No 3 and the rear window would have the potential for overlooking onto the neighbouring conservatory and amenity area of No 50 Steyne Street.

Whilst it is appreciated that the applicant wishes to expand the existing business the proposal by reason of its size and height does not outweigh the material harm which has been identified and it is therefore recommended that the application be refused for the following reasons.

HUMAN RIGHTS ACT

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 for private and family life) and 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 no impacts (negative, Neutral or positive) 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).

RECOMMENDATION

REFUSE

1 Having regard to the limited area of the site and its relationship to existing residential properties the proposal would give rise to an unneighbourly form of development which would be prejudicial to the amenities and environment of the locality in conflict with policy GEN7 of the Arun District Local Plan.

2 The proposed first floor extension, by virtue of its size and height would have an overbearing impact and would result in an unacceptable loss of light and outlook to the adjoining residential property in conflict with policy GEN7 of the Arun District Local Plan.