

Recommendation Report for Planning Permission

REF NO: BR/73/22/PL

LOCATION: 83 Aldwick Road
Bognor Regis
PO21 2NW

PROPOSAL: Installation of bicycle and refuse/recycling store within rear garden, install window at end of eastern side retain, replace windows to west and east side elevations and install glazed French doors and windows to southern rear elevation. This application is in CIL Zone 4 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Permission is sought for the installation of bicycle and refuse/recycling store in the rear garden of 83 Aldwick Road together with alterations to the existing fenestration of the two storey rear projection. The existing door on the southern elevation would be replaced with a casement window and a new pair of French doors would be inserted at ground floor level. Ground floor windows on the eastern and western elevation of the rear projection would be replaced with new casement windows.
SITE AREA	400sqm
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the development.
BOUNDARY TREATMENT	Up to 2m high close boarded timber fence to both sides and to the rear boundaries.
SITE CHARACTERISTICS	The building is a two-storey red brick structure with gable-ended pitched roof and shop front and clock in between first floor windows. It is on the south side of Aldwick Road between the junction with Neywood Lane and Park Road. To the rear of the building is a sizeable two storey rear addition with flat roof and a link structure between the main building and the addition. The ground floor of the main property and extension is in commercial use with 5 bedrooms at first floor. There is no vehicle access to the rear of the property.
CHARACTER OF LOCALITY	Predominantly three storey terraced properties with commercial uses at ground floor and residential above or within rear extensions. Buildings are set in medium plots abutting the highway in an urban environment. To the rear residential dwellings along with some care-homes are lining Stocker Road. Aldwick Road accommodates a range of local businesses, services and residential uses.

RELEVANT SITE HISTORY

BR/79/22/PD	Prior Notification under Schedule 2, Part 3, Class M for the change of use from shop (Use Class E) to 1 No dwelling house (Use Class C3).	Objection 06-06-22
BR/4/22/PL	Enlargement of existing HMO (Sui Generis). Single storey rear extension, rear roof dormer, front and rear rooflights (resubmission following BR/79/21/PL).	Refused 03-03-22
BR/79/21/PL	Rear extensions and loft conversion to form enlarged HMO (Sui Generis) (resubmission following BR/206/19/PL).	Refused 18-05-21
BR/34/11/	Change of use from first floor offices (B1) to residential flat (C3)	App Cond with S106 30-03-11

In their cover letter the applicant stated this application only seeks permission for external alterations and is submitted in conjunction with a separate application for Prior Approval for change of use from commercial (Use Class E) to one flat under Schedule 2, Part 3, Class G. BR/79/22/PD has been refused.

REPRESENTATIONS

Bognor Regis Town Council: No Objection.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATION RESPONSES RECEIVED:

None.

COMMENTS ON CONSULTATION RESPONSES:

N/A

POLICY CONTEXT

Designation applicable to site:

Pagham Harbour Access Management Zone B;
Built-Up Area Boundary.

DEVELOPMENT PLAN POLICIESArun Local Plan 2011 - 2031:

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
QESP1	QE SP1 Quality of the Environment

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

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.

There is no relevant policy in the Bognor Regis Neighbourhood Plan to the determination of this application.

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 complies with relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties and it is not considered that it would have an adverse impact upon the character of the surrounding area.

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

It is considered that there are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS**KEY ISSUES**

The key issues are principle, design and visual amenity, residential amenity and impact on Pagham Harbour.

PRINCIPLE

The proposal seeks permission for the installation of bicycle and refuse/recycling store in the rear garden of 83 Aldwick Road and alterations to fenestration of a two storey rear projection in the Built-Up Area Boundary (BUAB). The key policies considered are SD SP1 and SD SP2 of the Arun Local Plan.

Policy SD SP1 of the Arun Local Plan advocates that the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF). Policy SD SP2 which seeks to focus new development in the BUABs.

The policies most relevant for the determination of the application are not out of date. The proposal is acceptable in principle under these policies.

VISUAL IMPACT

ALP policy D DM1 looks at aspects of form and design quality, including character, appearance, density, scale, innovation, adaptability, residential amenity impact, trees and crime prevention.

The cycle store would measure 1.8mx1.8mx1.65m (w/d/h), would be covered with black corrugated aluminium and would accommodate 4 bicycles. Refuse/recycling store would measure 1.3m x 0.7m x 1.12m (w/d/h) would contain 2 x 120L bins and would be covered with wood effect panels.

The stores would serve would be sited away from public views and they would not harm the character and appearance of the area and it would comply with Arun Local Plan policy D DM1 and with the guidance on character within the NPPF.

NOISE & RESIDENTIAL AMENITY:

Arun Local Plan policy D DM1 indicates permission will only be granted for schemes displaying high quality design and layout and it takes into account impact on adjoining occupiers, land, use or property by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance. The Council requires in policy QE SP1 all development to contribute positively to the quality of the environment and ensure that development does not have a significantly negative impact upon residential amenity.

Para 130(f) of the NPPF states decisions should ensure that developments create places with a high standard of amenity for existing and future users.

There are no additional habitable windows at the first floor level, all the changes to fenestration are at the ground floor level. Given the position of the property, an existing boundary treatment and the character of locality it is not considered the proposal would cause unacceptable loss of privacy to users and occupiers of nearby properties.

The cycle and refuse stores would be of a small scale and would be within the rear garden of 83 Aldwick Road therefore there would be no adverse impact on the amenity of neighbouring properties.

The proposal would not have an impact to users and occupiers of nearby properties considered to result in adverse harm upon the neighbouring amenity by way of overshadowing, overbearing or overlooking

and as such accords with D DM1, QE SP1 of the Arun Local Plan and par 130(f) of the NPPF.

SUMMARY

This proposal is for a provision of cycle and refuse/recycling storage and some changes to fenestration at the ground floor level of the rear projection. It would not compromise the visual amenity of the area amenities of neighbouring residential occupiers.

The scheme is acceptable when applying the Local Plan policies and in accordance with para 11c of the NPPF it is recommended that permission is granted subject to 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 in CIL Zone 4 (Zero Rated) as other development.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby approved shall be carried out in accordance with the following approved plans:

Dwg No 06, Bin Store Plan and Elevations;
Dwg No 05, Cycle Store Plan and Elevations;
Dwg No 04B, Proposed Ground Floor Plan, Section and Elevations.

Notwithstanding the other changes shown on the above Dwg No 04B, this approval is solely for the installation of cycle and refuse/recycling stores and replacement of two ground floor windows (one on the eastern elevation of an existing 2-storey rear projection and one on the western), replacement of an existing door on the southern elevation with casement window and insertion of new French doors.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.

- 3 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 assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.