

Recommendation Report for Planning Permission

REF NO: BR/76/19/PL

LOCATION: Alloways
33 Shelley Road
Bognor Regis
PO21 2SN

PROPOSAL: Conversion of existing house into 2 No. 3 bed semi detached properties.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Planning permission is sought for the conversion of the existing semi-detached dwelling, known as 33 Shelley Road, to 2 dwellings. 33 Shelley Road would continue to be accessed via the existing door in the front elevation, while from an assesment of the attached plans it is considered that the proposed dwelling would be accessed via the existing door in the side elevation of the rear extension.
SITE CHARACTERISTICS	Semi-detached 2 storey dwelling with white render and red roof tiles.
CHARACTER OF LOCALITY	Predominantly residential.
Noted.	

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

Bognor Regis Town Council
No objection

5 letters of neighbour representation have been received, objecting to this application. Their comments are summarised as follows:

Concern will become worse than it already is as a result of proposal.

Will be an accident if more cars park in this area.

Concern with loss of bay window to allow cars to park. Will ruin character of dwelling.

Loss of light to our kitchen would be substantial.

Kitchen is the most important and used room in the house.

The loss of light would severely impact our use and enjoyment of the property.

Financial loss if we try to sell property due to loss of light to kitchen.

Question whether there would be enough space to exit second vehicles.

Restricting terraced house to two bedrooms would likely reduce the number of vehicles required by the household when it changes ownership, and thus go some way in mitigating increases to on street parking.

Compromise would be to reduce first floor extension.

The side path to the proposed front door of the new end-terraced house appears to be oversized on the Block Plans.

As a blue badge Holder I would find it frustrating to not be able to park outside my own house.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted and taken into account within the assesment made within the Conclusions section below.

Officers note the objection where it is considered that there would be financial loss if we try to sell property due to loss of light to kitchen. Financial matters are not considered to be a material planning matter and as such can and will not be taken into account.

Objection has been raised that the side path to the proposed front door of the new end-terraced house appears to be oversized on the Block Plans. From an assesment of the Council's mapping Officers believe the separation distance shown on the applicants plans to be correct.

CONSULTATIONS

Engineering Services Manager
Engineers (Drainage)
WSCC Strategic Planning
Environmental Health
Natural England

CONSULTATION RESPONSES RECEIVED:

Highways Officer: Does not object:

Follow-up Comments:

Do not consider that the proposal would have a severe impact on the operation of the highway network and that it would therefore not be contrary to the NPPF.

The site lacks a dropped kerb and would therefore require a Vehicle Crossover (VCO) Licence.

Consider that as part of the property frontage does not meet this minimum distance a VCO would not be granted.

Initial Comments:

Do not consider that the proposal would have a severe impact on the operation of the highway network and that it would therefore not be contrary to the NPPF.

Notes shortfall of 1 space base on WSCC Parking Guidelines. 4 spaces provided, 5 required.

Overspill Parking would be required on street LPA/Planning Officer to asses.

Recommends 2 conditions be imposed upon any grant.

Natural England: Do not object. Gives standard advice.

Drainage Officer: Does not object:

As application is conversion of existing and no change in footprint, no conditions to recommend.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted and taken into account within the assesment made within the Conclusions section below.

POLICY CONTEXT

Designation applicable to site:

Within Built-up Area Boundary

Within 2km Buffer for SSSI - Bognor Reef

Within Pagham Harbour Access Management Zone B

DEVELOPMENT PLAN POLICES

[Arun Local Plan 2011 - 2031:](#)

SDSP2	SD SP2 Built-up Area Boundary
SDSP1	SD SP1 Sustainable Development
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
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
ENVDM2	ENV DM2 Pagham Harbour

PLANNING POLICY GUIDANCE:

NPPG	National Planning Practice Guidance
NPPF	National Planning Policy Framework

POLICY COMMENTARY

The Development Plan consists of the Arun 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.

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 Bognor Regis Neighbourhood Development Plan policies that are relevant.

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 comply 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, nor would it 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

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 and provided it is in accordance with other policies of the Local Plan, in this case D DM1, D DM2, D DM4 and T SP1 and T DM1. There are no Bognor Regis Neighbourhood Development Plan Policies that are relevant to this application.

Policy SD SP1 of the Arun Local Plan 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 (NPPF)." 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.

While the proposal only leads to the net increase of one additional dwelling, it leads to the creation of 2 dwellings where there was previously 1. Therefore this assessment will take into account both dwellings.

CHARACTER OF THE AREA AND DESIGN AND VISUAL AMENITY:

Policy D DM1 of the Arun Local Plan 2011-2031 requires that the Council have regard to certain aspects including character, density and scale.

Paragraph 127 of the NPPF states that "Planning policies and decisions should ensure that developments: (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)."

This application seeks the conversion of the existing dwelling (33), to enable the creation 1 3 bed, attached, dwelling. The creation of the new attached dwelling would, result in the creation of a total of 2 dwellings.

There are no significant changes proposed to the external appearance to the front of the building and , it is only relevant to consider the impact of the proposed use on the established character of the area. The area is predominantly residential and that along Shelley Road the majority of properties are detached. There are 2 or so semi-detached dwellings along Shelley Road, one of which is the application dwelling. However within the wider area there are a larger buildings in the form of some blocks of flats. Also a number of dwellings have been joined together, along Richmond Road to the rear of the application site, to form a larger property that is used as a care home.

Whilst the proposal would lead to the creation of a terrace of 3 dwellings, the front elevation of the dwelling would not be altered. it is considered that the resultant terrace would not be of a size, scale, massing and design which would appear out of keeping within the streetscene or wider area.

It is therefore considered that the proposal complies with Arun Local Plan policies D DM1 & D SP1 and with the guidance on character 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."

Arun Local Plan 2011-2031 policy D DM4

Furthermore, policy QE SP1 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, the natural environment or upon leisure and recreational activities enjoyed by residents and visitors to the District."

Officers note the objections raised, in particular by the occupiers of adjoining property 31, where there is concern that there would be detrimental loss of light to their kitchen as a result of the rear first floor extension.

While the proposal would allow views out toward over the rear gardens of adjoining properties 31 and 33, views would be at an angle out over the rear portion of the gardens and as such would not be detrimental to the occupiers of these dwellings. With regard to the properties to the rear of the site, it is noted that overlooking already occurs from the existing first floor windows in the rear elevation. While the proposal would, bring the first floor windows closer to the dwellings by approximately 2.0 metres, it is considered that there would still be longer separation distances such that any overlooking would not be detrimental.

It is considered that no detrimental overlooking out toward the occupiers of adjoining properties, or the properties to the rear of the site along Richmond Avenue would occur as a result of the proposal.

While some loss of light would occur to the kitchen at number 31 as a result of the first floor extension, it is considered that as the depth of the existing rear extension would only be increased by approximately 0.18 of a metre, any additional loss of light would be limited. loss of light to kitchens is not considered to be a reason for refusal as they are not considered to be habitable rooms.

It is considered that the proposed resultant 2 storey rear extension would have an impact on the occupiers of adjoining properties 31 and 33 also part of this application. Particular regard should be had with impact of the proposal on the occupiers of adjoining property 31, where it is considered that the proposed rear extension would have an overbearing impact particularly when viewed from the windows (kitchen) in the side elevation of number 31. It is considered that while the rear extension (1st floor) would have an overbearing impact upon the occupiers of adjoining properties, given its depth and separation distance, it would not be to such a level that refusal of the proposal would be warranted. Therefore, it is considered that the proposal is acceptable.

It is therefore considered that the proposal complies with Arun Local Plan policy D DM1 and D DM4.

INTERNAL & EXTERNAL SPACE STANDARDS

Arun Local Plan policy D DM2 states that: "The planning authority will require internal spaces to be of an appropriate size to meet the requirements of all occupants and their changing needs. Nationally Described Space Standards will provide guidance".

From an assesment of the Technical Housing Standards (Nationally Described Space Standard) Officers consider that bedroom 3 of the proposed end of terrace dwelling would have an internal floor space of 6.91 metres squared and a width of 2.09 metres wide. Therefore Bedroom 3 would not be considered to comply with the Technical Housing Standards (Nationally Described Space Standard) and can not be considered to be a single bedroom. However, it is considered that the other bedrooms, of the proposed end of terrace dwelling, would comply with the internal space standards and would be considered 1 single bedroom and 1 double. Officers consider that the dwelling would have a gross internal floor area of approximately 93.8 metres squared. It is therefore considered that the dwelling would comply with the Technical Housing Standards (Nationally Described Space Standard) for a 2 bed (1 single and 1 double) 3 bed space (person) dwelling

With regard to the proposed mid terrace property it is considered that it would also comply with the Technical Housing Standards (Nationally Described Space Standard).for a 3 bed (2 double and 1 single) 5 bed space (person) dwelling.

Since the above assesment, regarding internal space standards, the applicant/agent has confirmed that:

'I have drawn a poly line around each room internally on AutoCAD which then calculates the measurements using the list control, giving me the measurements specified, all of which conform to the national government space standard.'

Therefore Officers consider that the proposal would broadly comply with the Technical Housing Standards (Nationally Described Space Standard).

There are no Polices stipulating external space standards. However Officers consider that the amenity space to the rear would be sufficient.

As such, it is considered that the proposal would comply with Policy D DM2 of the Arun Local Plan

CAR PARKING & HIGHWAY SAFETY:

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

"The Council will support transport and development which: Explains how the development has been designed to: (i) accommodate the efficient delivery of goods and supplies; (ii) give priority to pedestrian and cycle movements and have access to high quality public transport facilities; (iii) create safe and secure layouts for traffic, cyclists and pedestrians whilst avoiding street clutter."

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"

Paragraph 108 of the NPPF states that: "In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that: (b) safe and suitable access to the site can be achieved for all users". Regard should also be had to paragraph 109 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 Highways Officer has commented on the proposal and does not object. They conclude that they do not consider that the proposal would have a severe impact on the operation of the highway network and that it would therefore not be contrary to the NPPF.

Highways Officers note that the proposal, would require 5 parking spaces and that there is a shortfall of 1 as only 4 are proposed. Officers do not consider a shortfall of 1 space a reason for refusal in this case.

The Highways Officer notes from a visit to the site (when considering the resultant mid terrace dwelling) that the site lacks a dropped kerb and would therefore require a Vehicle Crossover (VCO) Licence. In order for a VCO to be approved the property frontage must have a depth of 4.8 metres (from the back edge of the pavement to the front of the dwelling. They, consider that as part of the property frontage does not meet this minimum distance a VCO would not be granted. Therefore Officers consider that the 2 cars shown on the block plan would have to park on the highway. Officers also note the 1 space shortfall as aforementioned. Therefore 3 spaces would have to be provided elsewhere. Officers note that there are, at the time of writing, no parking restrictions along Shelley Road. Therefore, it is considered that the parking for the mid terrace dwelling can be provided on road.

Having regard to the latest amended parking plans received on the 04/07/19 Officers consider there to be sufficient parking to the front of the mid- terrace property for the parking of 2 cars with depth of at least 4.8 metres (from the back edge of the pavement to the front of the dwelling. Therefore only 1 parking space would need to be accommodate on-road. Should there be a reason that a VCO Licence is not granted Officers consider, as aforementioned that these spaces could be satisfactorily provided on road.

Officers note the objection received regarding the lack of parking on site and that there will be an

accident if more cars park in this area. It should be noted that the Highway Officer does not consider that the proposal would have a 'severe' impact on the operation of the highway network and that it would therefore not be contrary to the NPPF. Additionally, Officers do not consider that the parking of extra vehicles on road would in itself lead to an accident.

It is considered that while the plans do show cars parked to the front of the proposed end of terrace property side by side, it would be quite tight getting in and out. However, Officers consider the car parking spaces as shown are broadly acceptable and are not such that the application should be refused.

Objection has been raised that as a blue badge holder they would not be able to park outside their house if more cars were to park on road. While it would be preferable for residents, especially blue badge holders, to be able to park outside their own house, the highway is public and owning or occupying a house gives you no special right to claim the road outside.

As such, it is considered that the proposal would adhere to Policy T DM1 AND T SP1 of the Arun Local Plan.

PAGHAM HARBOUR:

The application is accompanied by a signed legal agreement relating to a payment of £872 towards the mitigation of the impacts of the development on the Pagham Harbour Special Protection Area.

Arun Local Plan 2011-2031 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.

The application site lies within the designated Zone B and accordingly it was necessary to apply this requirement. The net increase of two dwellings resulted in a contribution of £872 at the current rate and it is this that is secured by the signed legal agreement.

OTHER:

The application site falls within the 2km Buffer for SSSI - Bognor Reef . It is not considered that the proposal would have a detrimental impact upon it.

SUMMARY:

The new dwelling represents an efficient use of urban land and does so without compromising the visual amenity of the area, the amenities of existing neighbouring residential occupiers or the safety of the public highway. It is recommended that the planning permission be granted subject to the following conditions and the agreed legal agreement.

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.

SECTION 106 DETAILS

This decision will be granted in conjunction with a Section 106 legal agreement relating to a contribution of £872 towards the Pagham Harbour Access Management Mitigation Measures.

RECOMMENDATION

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

Location/Block Plan as received 04/07/19
Existing Elevations
Existing Ground Floor Plan
Proposed Ground Floor Plan
Proposed Elevations

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.
- 2 No part of the development shall be first occupied until full details of covered and secure cycle parking spaces have been submitted to and agreed in writing by the Local Planning Authority and provided in accordance with the approved plan.

Reason: In the interests of providing a sustainable form of development in accordance with policy T SP1 and T DM1 of the Arun Local Plan
- 3 No part of the development shall be first occupied until the car parking for the end of terrace dwelling has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use and in accordance with policy T SP1 of the Arun Local Plan.
- 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 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.

5 **INFORMATIVE: Vehicle Crossover - Minor Highway Works**

The applicant is advised that in addition to obtaining planning permission that they must also obtain formal approval from the highway authority to carry out the site access works on the public highway. The granting of planning permission does not guarantee that a vehicle crossover licence shall be granted. Additional information about the licence application process can be found at the following web page:

<https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/>

Online applications can be made at the link below:

<https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/vehicle-crossover-dropped-kerb-construction-application-form/>

Alternatively please call 01243 642105.