

Recommendation Report for Planning Permission

REF NO: BR/79/21/PL

LOCATION: 83 Aldwick Road
Bognor Regis
PO21 2NW

PROPOSAL: Rear extensions and loft conversion to form enlarged HMO (Sui Generis)
(resubmission following BR/206/19/PL).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Mansard roof extension above a two storey rear extension and approximately 10m deep single storey extension to its rear, the conversion of roof above the main building with an insertion of a new flat roofed dormer to its southern roof plane and four roof lights to the north is proposed to form a 16 bedroom HMO. The external staircase is proposed in the between the existing two storey rear extension and the main building. The ground floor commercial unit would be reduced from existing 126 sqm to 44.9 sqm with the existing shopfront and access. The rear garden would provide private outdoor amenity space for the prospective occupiers, recycling/refuse bins (4) would be located along the east elevation of the single storey rear extension and cycle storage for 8 bicycles. The rear garden is accessible through a 0.7m wide passage between proposal property and No 84 Aldwick Road to the west.
SITE AREA	404.00 square metres.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the development.
BOUNDARY TREATMENT	Up to 2m high close boarded fence/timber to both sides and to the rear boundaries.
SITE CHARACTERISTICS	Two storey red brick building with gabled roof on the south side of Aldwick Road between its junction with Neywood Lane and Park Road with two storey flat roof extension to the rear connected to the main building via single storey 'neck'. The ground floor of the main property and extension is in a commercial use with 5 bedrooms at the first floor above. The rear garden area is accessible via a narrow passage between the property and 84 to the west.
CHARACTER OF LOCALITY	Predominantly three storey terraced properties with

commercial uses at ground floor and residential above or within the rear extensions. Buildings are set in medium plots abutting the highway in an urban environment. To the rear residential dwelling alongside with some care-homes are lining Stocker Road.

Aldwick Road to the West of Bognor Regis town centre accommodates a range of local businesses, services with residential. In the surrounding area are 10 properties registered as HMOs which support 58 people. Other permissions in the locality permit the use of single residential households to apartment and maisonettes. The character of the locality has increased density derived from recent conversions of housing stock into smaller household types. Recently approved application on the opposite site of Aldwick Road, for temporary change of use of the former Royal Bay Care Home to temporary accommodation for 58 seasonal agricultural workers.

RELEVANT SITE HISTORY

BR/206/19/PL	Extensions & alterations to shop & HMO to reduce shop & form 8no. self-contained flats.	Withdrawn 06-11-19
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None.

REPRESENTATIONS

Bognor Regis Town Council: Objection.

- Scale of extensions and loft conversion to form an enlarged HMO, with no car parking provision, will contribute to the generation of excessive parking demands or traffic in the area.
- Aldwick Road is an area with a Traffic Regulation Order in place, with waiting restrictions along the road between Park Road/Victoria Road and Nyewood Lane.

2 letters of objection:

- Increased height building will significantly block the views
- Additional windows facing from 83 to 81 in a distance of approximately 5m will negatively impact privacy of these flats.
- Introduction of HMO for 16 single people (16 beds), most likely single, low income, men, will create a serious negative social imbalance in this area.
- The reduced size of the ground floor shop will set a precedent.
- No car parking area is made available for the 16 prospective residents.
- 2/2 bins are insufficient number for 16 tenants.
- This area is already suffering from an over congestion of HMOs which has led to stress on parking, rubbish collection, personal space and respect for others.

COMMENTS ON REPRESENTATIONS RECEIVED:

Impact on highways has been assessed by the Local Highways Authority. The impact of nil parking

provision on on-street car parking from an amenity point of view and other planning issues are addressed in the subsequent sections of this report.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

WSSC, Highways: Does not consider this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the NPPF (para 109), and that there are no transport grounds to resist the proposal.

SOUTHERN WATER: Requires a formal application for a connection to public foul.

PRIVATE SECTOR HOUSING: Bedrooms on second floor to the North side only have skylights/roof casements available. They appear to be the only source of light and ventilation in these rooms. Full comments are online. Housing standards, including room sizes and facilities must be complied with.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Pagham Harbour Access Management Zone B;
Built-up Area Boundary
CIL Charging Zone 4

DEVELOPMENT PLAN POLICIES

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

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
ENVDM2	ENV DM2 Pagham Harbour
ENVDM5	ENV DM5 Development and biodiversity
HSP4	H SP4 Houses in multiple occupation
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QESP1	QE SP1 Quality of the Environment
RETDM1	RET DM1 Retail development
SDSP2	SD SP2 Built-up Area Boundary
TSP1	T SP1 Transport and Development
WMDM1	WM DM1 Waste Management

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
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POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans 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 are no policies contained within the Bognor Regis Neighbourhood Plan that implicate upon 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 does not comply with relevant Development Plan policies in that the creation of a 16 bedroom HMO results in a development that would adversely affect the character of the area and result in excessive parking demands in the area. The second floor rear extension results in adverse harm upon amenity of neighbouring properties by way of significant loss of sunlight, privacy and outlook.

OTHER MATERIAL CONSIDERATIONS

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

The submission details that the Council's absence of a 5 year housing land supply comprises a material consideration of substantial weight in the consideration of the development. A proposal for a HMO in a sui generis use class and contributes a single additional dwelling towards the Council's annualised housing targets. The benefits delivered in accordance with the additional supply of housing have been considered in this context.

CONCLUSIONS**PRINCIPLE**

The site is in the built up area boundary where development is acceptable in principle in accordance with policy SD SP2 of the Arun Local Plan 2011-2031 provided it accords with other policies of the Local Plan covering such issues as the change of use, visual/residential amenity, highway safety and parking.

RET DM1 protects retail units as singular units and does not afford protection to net floor space. RET DM1 does not prevent the part change of use from retail. The intent behind RET DM1 is to maintain the

retail offering throughout the District. In this case almost 2/3 of retail floor space would be lost however the retail unit would be retained. The partial loss of retail floor space would be permitted under Policy RET DM1 of the Local Plan and paragraph 85 of the NPPF.

RET SP1 of the Local Plan supports development in Bognor Regis that forms the major focus for residential development throughout the plan period. Policy RET SP1 accords with para 8 of the NPPF in achieving the environmental role of sustainable development by guiding housing to sustainable built up locations. Para 68(c) of the NPPF requires planning authorities to support the development of windfall sites through their policies and decisions - giving great weight to the benefits of using suitable sites within existing settlements for homes.

The site forms part of an undefined retail frontage within the suburban centre of Aldwick with a varied mix of shops, local Tesco store, takeaways, estate and letting agents and other uses like private business offices and a showroom.

The Council is unable to demonstrate a 5 year Housing Land Supply. Paragraph 11(d) of the NPPF makes clear that where the policies which are most important for determining the application are out-of-date permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

As a starting point, all development should accord with the three strands of sustainable development that they deliver the economic, social and environmental objectives. In this instance, the development would ensure that a sufficient land of the right type is available in the right place (economic) which will support nearby businesses. The development will ensure that a sufficient number and range of homes are provided to meet the needs of the present and future generations (social objective) and would also utilise a previously development site making an effective use of land (environmental role).

Whilst the proposal accords with the three strands of sustainable development in paragraph 11(d), the paragraph 11(d)(ii) makes clear that the Framework does not support development where any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when taken as a whole. An assessment of the benefits and any adverse impacts and the weights attributed to each are provided below.

Paragraph 85 of the NPPF makes clear that planning policies and decisions should support the role that town centres play at the heart of local communities. Policy RET DM1 mirrors paragraph 85 of the NPPF and makes clear that change of use from retail will not be permitted for shops which are located outside the defined Town Centres and Local Service centres.

The development utilises a site which provides a mix of retail and residential and would deliver a 16 bed HMO. As mentioned above, a proposal for a HMO in a sui generis use class contributes a single additional dwelling towards the Council's annualised housing targets in a period where a shortage of housing land has been identified. The development would deliver these additional bedrooms on a previously developed site which is sustainably located. Such an approach is supported by policy RET SP1 of the Arun Local Plan and paragraph 68(c) of the NPPF.

Policy H SP4 (ALP) states where applications for houses in multiple occupation are not covered by permitted development rights, they will be favourably considered where proposals contribute to the creation of sustainable, inclusive and mixed communities and meeting the detailed criteria.

In applying this criteria to development proposals, para 12.5.1 of the Local Plan makes clear that 'it is important to ensure that mixed and balanced communities are developed so that situations where

existing communities become unbalanced by the narrowing of household types towards domination by a particular type, such as shared housing, are avoided.'

Paragraph 12.5.5 of the Local Plan also makes clear that 'larger households tend to generate more refuse, regardless of whether the property is occupied by a single family or in multiple occupation.'

There is a significant number of HMOs in the area and recently has been approved a temporary change of use of the Former Royal Bay Care Home to accommodate 58 seasonal agricultural workers on the opposite of the proposal site. Therefore the provision of a further HMOs which could support a further 16 persons would result in an increase of population in an already densely populated area; owing to the housing mix in contrast to the aims of criterion (a) of Policy H SP4 of the Local Plan.

The result of this increase in population adversely affects the character of the area. Each HMO room functionally operates as its own self-contained residential unit of accommodation. It would generate its own waste requirements, own deliveries from couriers and own food deliveries.

It is noted, and assessed in following sections below, that no wider adverse highways impacts would result and no objection has been raised by WSCC Highways. However, the LPA is required to assess any impacts upon amenity deriving from the parking demands created.

The LPA acknowledges that no parking capacity survey has been undertaken detailing adequate parking and the preference of users will be to seek free on-street parking where available as close to the property as possible. This would result in increased pressures, in terms of amenity, in the nearby area.

The LPA, owing to local knowledge of the District, and supplemented by photographic evidence provided by third parties through the consultation period, is aware that on-street parking in the local road network are severe. On the basis of the above, the LPA considers the development results in the generation of excessive parking demands resulting in demonstrable harm to the amenity of the locality; contrary to criterion (b) of Policy H SP4 of the Local Plan.

The development includes a small area of private amenity space to the rear. The area of private amenity space would be used for the cycle and bin storage. The character of this space would be one of a functional thoroughfare used for occupant's parking up their bikes. The area would not provide a secluded, quiet and tranquil area which the character of private amenity space should provide. However, the development seeks for approximately 16 persons to occupy the building as such some usable amenity space of private value would be provided. Therefore the development would be in a general conformity with criterion (c) of Policy H SP4 of the Local Plan.

On the basis of the above, the development is in conflict with Policy H SP4 (criteria a,b) of the Local Plan.

DESIGN AND CHARACTER

Policy D DM1 of the Arun Local Plan 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.";

(13) Density - "The density of new housing will make efficient use of land while providing a mix of dwelling types and maintaining character and local distinctiveness. Higher densities will be more appropriate in the most accessible locations. Proposals should take into account the density of the site and its surroundings. The density of large sites should be varied to guard against uniformity"; and

(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."

Policy D DM4 of the Local Plan requires accordance with 5 point criteria when assessing applications for extensions and alterations to existing buildings.

Policy D SP1 "Design" states: "All development proposals should seek to make efficient use of land but reflect the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details.

The Arun Design Guide Supplementary Planning Document (SPD) adopted on 25th January 2021 is a material consideration in the determination of applications. Part M which deals with Extensions requires the scale, massing and positioning of extensions should be visually subservient to the existing property in order to ensure that the latter remains the dominant form; privacy can be maintained by locating and designing windows to prevent overlooking. Extensions should preserve the amenity of the original and neighbouring properties in terms of privacy and overshadowing.

Para 127 of the NPPF states: "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)."

The second floor mansard roof would be approximately 3.6m high and would be above the existing rear extension. Two large windows are proposed to the rear elevation and one to the east, facing to flank wall of No 81 with habitable room windows at 3 floor levels. A similar coloured materials palette and window design that accord with the main building are proposed. Proposed single storey rear extension would extend the existing extension to the rear by 10m and would be 3m high with a flat roof. A new flat roofed dormer to the rear roof plane of the main building and 4 roof-lights to the front would be inserted. The proposed extensions would be subservient to the host building and being to the rear of the property also means that it will not be visible in the street-scene. Therefore it is not considered to compromise the spatial character of the area.

The extension would not be harmful to the character or appearance of the area and as such is not considered to conflict with the relevant parts of policies D SP1, D DM1 and D DM4 of the Arun Local Plan and paragraphs 127 and 131 of the National Planning Policy Framework.

RESIDENTIAL AMENITY:

Arun Local Plan 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."

Policy QE SP1 states: "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."

Policy QE DM1 seeks to protect against the impacts of new noise generating development. It states that: "Developers proposing new noise generating development must seek advice from an early stage to determine the level of noise assessment required."

Para 123(c) of the NPPF makes it clear that where there is a shortage of land for meeting identified

housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site. In these circumstances authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site. This presumption is caveated on the basis that the resulting scheme would provide acceptable living standards.

Para 127(f) of the NPPF states decisions should ensure that developments create places with a high standard of amenity for existing and future users. Paragraphs 117, 123(c) and 127(f) are consistent with Arun Local Plan policies in that they seek to deliver appropriate development without being to the detriment of existing residential amenities.

The proposal seeks the conversion of a large part of the store floor space at ground floor to the rear of 83 Aldwick Road. This conversion would be encompassed in the confines of building and would not result in any impacts upon neighbouring amenity.

The second floor rear extension would comprise approximately 3.6m of additional height with two large windows facing to the south and one to the east, facing to the west elevation of neighbouring property No 81 Aldwick Road with habitable windows at 3 floor levels within a distance of less than 5m resulting in a direct overlooking and violating the privacy of occupiers of this property and the prospective residents of the proposal property. In addition, the proposed extension due to its position to the west from No 81 and its proximity would result in significant loss of sunlight and outlook of occupiers of No 81. The distance between rear windows and an existing habitable windows of properties along Stocker Road would be more than 20m.

Taking into account the above, the ground floor extension would be deemed acceptable and in accordance with the policies contained within the Development Plan. The second floor extension would result in significant and demonstrable harm to nearby existing residential property and is considered contrary to the policies contained within the Development Plan.

Paragraph 123(c) makes clear that when building at higher densities, the resulting scheme should provide acceptable living standards; though in the absence of such information the Local Authority have been unable to assess acceptability in terms of sunlight/daylight. For the reasons outlined in this report it has been made clear the scheme would fail to provide acceptable living standards in terms of significant and demonstrable harm to neighbouring residential amenity.

Both paras 117 and 127 of the NPPF require the decision maker to give weight to achieving acceptable living standards to existing and future occupants of residential accommodation. The NPPF supports developments of higher densities unless significant and demonstrable harm is demonstrated (paragraph 11(d)(ii)).

In this instance, the level of harm and cumulative nature of the impacts upon nearby property, significantly outweighs the limited benefits associated with the proposed development and compliance with the policies in the 2019 Framework.

Taking the above into account, the proposed second floor extension would result in a loss of sunlight, privacy and outlook of residents at No 81 Aldwick Road by virtue of its height, location, proximity and detailed design that would impact upon their private amenities and living conditions, contrary to policies D SP1, D DM1, D DM4 and QE SP1 of the Local Plan and paragraphs 11(d)(ii), 117, 123 and 127 of the NPPF(2019).

HIGHWAYS, TRAFFIC AND PARKING

Policy T SP1 (ALP) requires development to reduce the need to travel by car by identifying opportunities to improve access to public transport services whilst making provision for safe access to the highway network. Policy T SP1(f)(iv) requires development to incorporate facilities for charging electric and plug-in hybrid vehicles. Policy H SP4(b) makes clear the provision of HMOs should not contribute to the generation of excessive parking demands or traffic in the area.

Paragraph 108 of the NPPF states that in assessing specific applications for development it should be ensured that safe and suitable access to the site can be achieved for all users. Paragraph 109 (NPPF) states 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.

Nil parking is proposed and no parking survey has been undertaken. Due to a proliferation of smaller household typologies (and commensurate increase in population density) demand for parking has increased considerably which has led to amenity issues deriving from parking demands. Such amenity issues have involved anti-social blocking of driveways and overspill parking on roads which have prevented emergency service vehicles from using nearby streets.

The Arun Parking Standards 2020 have no specific category for HMO use but at Table 3.1 shows the Expected level of Parking provision for residential development. In Zone 4 it is one parking space for a 1 bed unit with one to 3 habitable rooms.

Whilst Local Plan policies require a balanced judgement to be taken in regard to impacts deriving from parking upon public amenity, the LPA acknowledges there is no technical objection in terms of highways safety or parking capacity therefore the proposal is in a general conformity with Policy T SP1 of the Local Plan.

BIODIVERSITY:

Policy ENV DM5 of the Local Plan requires development scheme shall seek to achieve a net gain in biodiversity and protect existing habitats on site. They shall also incorporate elements of biodiversity including green walls, roofs, bat and bird boxes as well as landscape features minimising adverse impacts on existing habitats (whether designated or not).

The Site Plan details a large area of the rear garden would be covered with 10m deep extension and no ecological survey has been submitted to show a potential impact of the development on potential wildlife with details of measures to be incorporated into the development scheme to avoid loss of the species.

Taking the above into account, the development failed to deliver biodiversity and habitat net gains; contrary to policy ENV DM5 of the Arun Local Plan.

IMPACT ON PAGHAM HARBOUR

Policy ENV DM2 requires that 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. A contribution of £1,275 per new residential unit was agreed by the Councils Cabinet on 20 July 2015. The Councils Cabinet subsequently approved a reduction in the tariff from £1,275 to £871 as of the 10th April 2017.

The application site lies within the designated Zone B and accordingly it was necessary to apply this requirement. The net increase in 11 bedrooms resulted in a contribution of £1742 at the current rate. The applicant has failed to provide a signed Section 106 legal agreement to this effect. Therefore it is

considered that the application should be refused on this basis.

SUMMARY

This report has assessed the development against the policies against the Development Plan in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended). It has found that the development would result in adverse impacts upon public and neighbouring amenities contrary to Policies D DM1, D DM4, H SP4 and QE SP1 of the Arun Local Plan. The level of harm associated with these impacts is considered to be of such significance that it outweighs the benefits of the proposal. It follows that planning permission should be refused.

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.

SECTION 106 DETAILS

A Section 106 agreement towards providing a financial contribution of £ 1,742.00 towards offsetting recreational impacts upon the Pagham Harbour SPA has not been provided by the applicant.

CIL DETAILS

This application proposes an increase in floor space and would therefore subject to Arun District Council's Community Infrastructure Levy.

RECOMMENDATION

REFUSE

- 1 The development results in an intensification of use that adversely affects the character of the area which would affect public and neighbouring amenities, would result in the generation of

excessive parking demands which would harm nearby public amenity; contrary to Policies H SP4, QE SP1 and T SP1 of the Arun Local Plan.

- 2 The second floor extension above the rear extension of No 83 Aldwick Road will result in a significant loss of sunlight, privacy and outlook of occupiers at No 81 Aldwick Road. The proposal is therefore contrary to policies D SP1, D DM1, D DM4 and QE SP1 of the Arun Local Plan and the National Planning Policy Framework.
- 3 The applicant failed to provided a completed Section 106 legal agreement relating to contribution of £1,742 towards the cost of delivering measures to avoid or mitigate to an acceptable level, the harm cased to Pagham Harbour by the Development.
- 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 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.