

Recommendation Report for Planning Permission

REF NO: BR/93/21/PL

LOCATION: 22 Neville Road
Bognor Regis
PO22 8BN

PROPOSAL: Erection of a single storey one bed dwelling house with private amenity space, car parking space and refuse / recycling store

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks to construct 1No. dwelling. This will include parking and private amenity space.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The site has fencing to a height of around 1.7m to the side and rear boundaries.
SITE CHARACTERISTICS	The site is occupied by a detached two storey building which serves 2 flats. To the rear of the site there is amenity space for the flats.
CHARACTER OF LOCALITY	The area is predominately residential.
None	

REPRESENTATIONS

Bognor Regis Town Council provided no objection.

6 letters of objection from nearby occupiers.

- It would set a precedent for people building in their gardens.
- Prevents the residents from using the garden.
- The building would not enhance the area.
- It will affect house prices.
- It goes against the Local Plan.
- The position and size results in the dwelling appearing out of keeping with the area.
- It results in the removal of existing residential garden for the occupiers of the flats.
- Provide an inadequate living environment.
- Overintensification of the plot.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted and addressed in conclusion.
House prices are not a material consideration.

CONSULTATION RESPONSES RECEIVED:

None.

COMMENTS ON CONSULTATION RESPONSES:

None.

POLICY CONTEXT

Built up area boundary.

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCSP1	ECC SP1 Adapting to Climate Change
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QESP1	QE SP1 Quality of the Environment
SDSP2	SD SP2 Built-up Area Boundary
TSP1	T SP1 Transport and Development
WDM2	W DM2 Flood Risk
WMDM1	WM DM1 Waste Management

PLANNING POLICY GUIDANCE:

NPPDG	National Design Guide
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.

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 upon the established character of the surrounding area.

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, highways/traffic and space standards.

PRINCIPLE

The site is in the Built-Up Area Boundary in accordance with policy SD SP2 of the Arun Local Plan (ALP). Whilst the area is suitable for residential development in principle, being in the built up area boundary, such development should comply with the policies in the development plan. The key policies are D SP1, D DM1, D DM2, T SP1 and W DM2 of the Arun Local Plan.

Bognor Regis has a made Neighbourhood Plan however none of the policies are relevant to this proposal.

NPPF at paragraph 117 highlights that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

In paragraph 122 (d) NPPF states that planning policies and decisions should support development that makes efficient use of land, taking into account the desirability of maintaining an area's prevailing character and setting (including residential gardens).

Paragraph 11 of the Framework confirms the presumption in favour of sustainable development and advocates in section d) that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites) granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

The Council acknowledges it cannot currently demonstrate a five-year supply of deliverable housing sites (3.3 years). Consequently, Paragraph 11(d) of the National Planning Policy Framework is engaged. The proposal would deliver a dwelling in a sustainable location, nevertheless, the development for one dwelling on site would make only a minimal contribution to the shortfall in housing supply. The associated social and economic benefits would be very limited and this benefit has limited weight.

Consequently the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits when considered against the policies in the Framework as a whole.

DESIGN AND VISUAL AMENITY

Policy D DM1 sets out 13 design aspects of which applications should be assessed against. These include: Character, Appearance, Impact, Innovation, Adaptability, Crime Prevention, Trees, Public realm, Layout, Public Art, Density and Scale.

Policy D SP1 of the ALP states that development should seek to make efficient use of land but reflect the characteristics of the site and local area.

The proposal seeks to construct 1No. dwelling to the rear garden of an existing detached two storey property which serves a ground floor and first floor flat. The property is accessed via an existing driveway that runs between No.22 and No.24 and as such views from the wider area are limited.

The proposed dwelling would be single storey with a flat roof which will have a height of 2.7m. The dwelling will have a depth of 8m and a width of approximately 7m. Materials proposed will match the host dwelling. The proposal retains around 1m to the front and side boundary and appears slightly cramped in appearance due to its location at the rear end of the plot.

The surrounding properties are varied in style and design however it is deemed the proposal would result in an overly cramped development. Whilst the height has been kept relatively low, the development appears out of character with the area, due to the position of the site and would not reflect the general pattern of development in the locality, with no similar backland within the vicinity.

The Arun Design Guide is a supplementary document that was adopted in 2021. Part P refers to infill development and requires any proposed scheme to accord with the following criteria;

- The development should be in harmony with the prevailing character, building pattern and architectural style of the area
- That it is developed in a site that is large enough to accommodate proposed uses and vehicular access, parking and turning, while retaining gardens and open spaces of an adequate size.
- Provides a cohesive and unified response to the existing scale, form, massing and design details of surrounding development.
- Ensures that any deviations from the prevailing character of the area form a high quality design response which complements its surroundings and is appropriate to the scheme's location in the existing street hierarchy.
- Avoids tandem developments as a matter of principle.

Given the siting and size of the plot the proposed development is cramped and does not integrate successfully in terms of layout with existing residential development and does not accord with the Design Guide.

The proposed development by virtue of its siting and size is considered to have a cramped and unacceptable impact upon the established character and pattern of development within the locality of the site in conflict with policies D SP1 and D DM1 (1) of the Arun Local Plan.

RESIDENTIAL AMENITY

Policy QE SP1 states that the Council requires development does not have a significantly negative impact upon residential amenity

Paragraph 127 of the NPPF ensures that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

The dwelling will be 2.7m high, with a flat roof and due to the height, which is of a smaller scale than the neighbouring properties, is not considered to appear adversely overbearing.

To the northern elevation, there will be 2 windows which are shown on the plan as obscured glazed, as not to give rise to overlooking upon the rear of 22 Neville Road. There is also 1 window to the east which again is obscured glazed. The plan also shows a 3m high landscape belt would be constructed along

part of the western boundary to ensure neighbouring amenity is protected.

To the rear elevation there would be a set of doors which open out on to the private amenity space. With a fence along the southern boundary, its not considered views from the private garden would result in an increase in overlooking additional to that which is already achieved from the its existing communal use.

The property would be visible from the rear elevation of No 22 and its first floor windows however its not considered the design is such that it would result in an unduly dominant impact by way of overbearing or overshadowing in accordance with policy D DM1 and QE SP1.

The construction of the property would however result in the removal of an area currently used as garden space for the occupiers of the existing flats.

AMENITY SPACE

Policy D DM2 of the ALP states: "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". It is therefore necessary to assess the proposal against the internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard) in order to determine whether the proposed dwelling is suitable for residential use.

The dwelling has an internal layout depicting; 1 storey, 1 bedroom, 2 persons. The space standard for this provision is 50m². The floor area measures approximately 50.05m² and therefore complies with guidance and is acceptable.

There are no requirements for external space standards however Section H.04 of the recently adopted Arun Design Guide SPD advises that outdoor amenity spaces should be of an appropriate size and shape and be usable and enjoyable. It states that rear gardens should have a minimum depth of 10.5 metres and buildings should be set back by 2m from the plot boundary to mark defensible space.

The site plan demonstrates that there would be a garden depth of 4.8m by 9.8m. Whilst this does not technically comply with the guidance, the external amenity space provided is adequate in size, however it does reduce the amount of amenity space available for the existing residents of the flats at No.22.

PARKING

Arun Local Plan 2011-2031 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.

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 proposal allocates 1 parking space for the dwelling. The number of spaces provided complies with Arun Parking Standards and it is not considered to result in harm upon the highway or parking in the area which is accessed via an existing driveway.

Cycle storage should be also be provided for at least 1 cycle in accordance with guidance and this is demonstrated on the site plan.

The parking allocation complies with T SP1 of the Arun Local Plan.

FLOOD RISK

Arun Local Plan policy W DM2 sets out the requirements for development in areas at risk of flooding, including; the need for the sequential test, an FRA, adaptation and mitigation measures, flood warning and evacuation plans and site drainage plans.

The site is located in Flood Zone 1 (low risk of flooding) and as such no flood mitigation measures would be required.

Due to the location any alterations to surface water drainage can be constructed in accordance with building regulations. It is therefore the case that the proposal is in accordance with policy WDM2.

SUMMARY

The site by virtue of its size combined with the design of the dwelling would result in development which is unduly cramped and out of character with its surroundings, with no similar backland development within the vicinity. It is therefore recommended that permission be refused for the following reasons.

All other relevant planning considerations have been taken into account but none are of sufficient weight to warrant the recommendation being amended. This includes para 11d of the NPPF

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.

CIL DETAILS

This application is CIL Liable therefore developer contributions towards infrastructure will be required (dependant on any exemptions or relief that may apply)

RECOMMENDATION

REFUSE

- 1 The proposal would have the appearance of an unduly cramped form of development which is out of character and would have an unacceptable impact on the established pattern of development in the locality in conflict with policies D DM1 and D SP1 of the Arun Local Plan and Part P of the Arun Design Guide.