

Recommendation Report for Planning Permission

REF NO: BR/95/15/PL

LOCATION: Rear of 22 Stocker Road
Bognor Regis

PROPOSAL: Demolition of existing garages & erection of a two storey 4 No. studio apartment block.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The proposed building will be two storeys in height with a flat roof. It is orientated to face southwards with no windows in the other elevations except for two roof level sky lights. The plans appear to show an area 6.5m deep in front of the building as being within the curtilage but do not specify whether this is for parking or amenity space or both.

SITE AREA

0.02 hectares

RESIDENTIAL DEVELOPMENT DENSITY (NET)

Proposed Site - 200 dwellings per hectare.
Whole Site (Existing & Proposed) - 250 dwellings per hectare.

TOPOGRAPHY

Predominantly flat.

TREES

1 small tree in the north eastern corner of the rear car park.

BOUNDARY TREATMENT

* 1.2m wall to 24-28. Behind this is the side wall of an extension which runs the entire length of the boundary;
* 1.8m close boarded fence to 18/20; and
* Buildings currently form the rear boundary.

SITE CHARACTERISTICS

Existing 4 space car park hardstanding located at the rear of 22 also with a single storey part pitched roof, part flat roofed building comprising a double garage & store. There were two cars parked in the rear parking area at the time of the site visit. Tenants present at the time suggested that only 2 cars were parked there overnight

22 is a two storey detached building also with accommodation in the roof (and two front flank dormers). It is rough rendered in pink (front) and white (rear & sides). The front garden is

CHARACTER OF LOCALITY

landscaped and there is a driveway down the side between 22 and 24-28.

Residential. Predominantly 2.5 storey detached dwellings with dormers. 24-28 is a nursing home. There is on street parking but the road is heavily parked and there seems to be limited spare capacity.

Both nos. 22 and 18-20 have rear principal windows at ground, first & roof floors. The side/rear extension to 24-28 has no ground floor flank windows abut does have a few single storey pitched roof level velux windows.

RELEVANT SITE HISTORY

BR/102/93	Conversion of property to 2 no 2 bedroom and 4 no 1 bedroom flats	ApproveConditionally 17-06-1993
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Application BR/102/93 allowed for the conversion of 22 into 2 x 2 bedroom, and 4 x 1 bedroom flats. It was approved with a layout plan showing 6 parking spaces to the rear, the double garage and a further 2 spaces within the front garden. The permission included a condition to enforce the parking provision. It is clear however, that the two front garden spaces were not implemented.

REPRESENTATIONS

Representations received:

Bognor Regis Town Council

"OBJECTION on the grounds of overdevelopment in an already overcrowded area"

Comments on Representations received:

Noted.

CONSULTATIONS

Engineers (Fluvial Flooding)
Engineering Services Manager
Environmental Health
WSCC Strategic Planning

Consultations responses received:

WSCC Highways - "From inspection of the plans and information available, the site is currently not offering off-road parking for the new units. However, the site is situated within a sustainable location with good access links to public transport; therefore potential occupiers may not have to rely on a private vehicle. Whilst there are no highway safety concerns in this, the proposals may lead to an increase demand in on-street parking within the area which the LPA may wish to consider from an amenity aspect. The site will also offer cycle storage which should be secure and covered and capable of holding up to 4 cycles. No concerns wished to be raised to this application from a highways perspective subject to condition securing cycle parking."

ADC Engineers - "The applicant states that surface water is to be disposed of through soakaways.

Please apply standard conditions ENGD2A."

ADC Environmental Health (HMO Officer) - "no comments offered".

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designation applicable to site: Within Built Up Area Boundary.

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#) [GEN2](#)
[GEN7](#)
[GEN9](#)
[GEN12](#)

[Publication Version of the Local Plan \(October 2014\):](#)

Built-up Area Boundary
The Form of New Development
Foul and Surface Water Drainage
Parking in New Development
D DM1 Aspects of Form and Design Quality
D DM3 External Space Standards
D SP1 Design
ECC SP2 Energy and Climate Change Mitigation
H DM1 Housing Mix
T SP1 Transport and Development
SD SP2 Built-Up Area Boundary
W DM3 Sustainable Urban Drainage Systems

PLANNING POLICY GUIDANCE

NPPF
NPPG

National Planning Policy Framework
National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place on 30th October 2014 for six weeks.

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 and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Angmering; Arundel; Barnham & Eastergate; Bersted; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; and Yapton.

The Bognor Regis Neighbourhood Plan has recently been out to consultation and will now be reviewed prior to submission to Arun District Council.

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 provide insufficient amenity space, insufficient internal space, damage the character of the area and residential amenities of nearby dwellings.

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

PROPOSAL, PLANNING HISTORY & PRINCIPLE

This application seeks planning permission for the demolition of the existing single storey double garage & shed located at the rear of the site and replace it with a two storey flat roofed building comprising of 4 studio flats. It is unclear as to (a) whether the external space included within the red edge is for parking or amenity space and (b) what the space left at the rear of 22 will be used for.

Application BR/102/93 allowed for the conversion of No. 22 into 2 x 2 bedroom, and 4 x 1 bedroom flats. It was approved with a layout plan showing 6 parking spaces to the rear, the double garage and a further 2 spaces within the front garden although these do not appear to have been implemented.

The site is within the built up area boundary where development is acceptable in principle subject to normal development control criteria being satisfied such as visual and residential amenity. Indeed, paragraph 49 of the National Planning Policy Framework (NPPF) states with regard to housing that: "Housing applications should be considered in the context of the presumption in favour of sustainable development".

DESIGN, VISUAL AMENITY AND CHARACTER OF THE AREA:

The building itself is a simple two storey rectangular form with a flat roof which has a modern appearance and is only marginally higher than the ridge of the existing double garage roof (although substantially bulkier than the existing roof). However, the building is located within existing rear 'garden' land and the proposal is therefore considered to represent a form of back land development. Back land development is typically not considered to be in character with the traditional residential pattern & form of the district.

In the case of the local area, although there are instances of garden buildings (such as the existing garage/store within the site), it is not considered that there are other instances of residential dwellings within the rear gardens of nearby plots. Furthermore, although the proposed building is some 32 back from Stocker Road, it will be glimpsed in the streetscene (via the access drive) and will also be very noticeable to the occupiers of 22 and the neighbouring plots.

RESIDENTIAL AMENITY:

As noted above there are ground, first and second floor principal windows in the rear of 22 which look out over the site. The proposed flatted building would have south facing principal windows located a distance of only 12m from these existing windows. This is considered to be an unacceptable distance and would therefore result in overlooking between the occupiers of the two building and a detrimental loss of privacy to the existing flats. although the Council currently has no standards on interface distances between dwellings, Policy D DM3 of the Emerging Local Plan (Publication Version) requires a minimum rear garden length of 10m and this is partly to ensure an interface distance of 20m between the backs of dwellings. The proposed interface distance is significantly shorter than this standard.

There are no concerns with the use of the existing access which runs between 24-28 & 22. This is an existing access which could be used by up to 7 cars and it is not considered that the proposal would intensify this existing impact to an unacceptable degree.

PARKING PROVISION:

Although West Sussex Highways have not raised any objection and consider the location to be sustainable, they do comment that the proposal will likely lead to an increased demand for on-street parking within the area. It is clear that there is already high demand for on-street parking in Stocker Road and it is considered that the introduction of a further 4 flats with the loss of up to 7 existing parking spaces will result in a detrimental impact to the amenity of nearby streets. It

should be noted that the West Sussex Parking Demand Calculator indicates a total demand for the whole site (i.e. 10 flats) of 7 off-street spaces.

Although it may be the intention of the proposal to provide parking in the area between the new building and the rear of 22, this is not clear and in any case, any new parking would need to be provided for the use of both properties. Furthermore, this would be at the expense of private amenity space for both properties.

INTERNAL & EXTERNAL SPACE STANDARDS:

It is necessary to assess the proposal against the internal space standards as set out in the Governments new Technical Housing Standards (Nationally Described Space Standard). The requirement for a single storey, 1 bed, 1 person dwelling is 37m² but the proposed studios are only 24m² in size. This shortfall is considered to be significant and as such, it is not considered that the standard can be relaxed.

In respect of external standards, it is necessary to have regard to Policy D DM3 of the emerging local plan (publication version) which has been approved by the Council for development management purposes and which will shortly be heard at an Examination in Public. The requirement for a 1 bed flat is a private outdoor space of 4m². It is not clear as to whether the external space associated with the proposal is for parking or communal space and there is a further concern as to the impact of the proposal on the rear space currently afforded to no. 22 (which although currently hardstanding, is underused and does allow for sitting out in nice weather). It is therefore considered that an objection should be raised with regard to this policy.

SUMMARY:

There are considered to be a number of issues with the application all of which result from the fact that the proposal will lead to an overdevelopment of the plot. Although the applicant could clarify how the area between the two buildings will be used and this could part resolve the parking and amenity space issues, the buildings are still essentially too close together and the back land nature of the proposal is considered to be out of character with the surrounding residential area. It is therefore considered that this application should be refused subject to the following 4 reasons.

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.

RECOMMENDATION

REFUSE

- 1 Both the proposed external amenity space and the resulting amenity space for the existing flats are considered to be unsatisfactory in size and would give rise to an unsatisfactory living environment and unacceptably small amenity spaces for future occupiers in conflict with the good design principles in the National Planning Policy Framework, Policy GEN7 of the Arun District Local Plan and the external space standards set out in Policy D DM3 of the Publication Version of the Emerging Arun District Local Plan (October 2014).
- 2 The proposed internal living accommodation is considered to be unsatisfactory in size and would give rise to an unsatisfactory living environment and unacceptably small habitable rooms for future occupiers in conflict with the good design principles in the National Planning Policy Framework, Policy GEN7 of the Arun District Local Plan and the internal space standards set out in Policy D DM2 of the Publication Version of the Emerging Arun District Local Plan (October 2014).
- 3 The site by virtue of its backland location is considered to be unsuitable to accommodate 4 dwellings, private amenity space and parking satisfactorily without damaging the character of this established residential area contrary to policy GEN7 of the Arun District Local Plan and Policy D DM1 of the Arun Local Plan (2011 - 2031) Publication Version (October 2014).
- 4 The proposal will result in the loss of the parking spaces for the existing flats and also does not provide any parking spaces for the new flats. The end result would be a site comprising of 10 flats with zero parking spaces. This is not considered to comply with the Councils parking standards and would lead to increased on street parking on Stocker Road to the detriment of local amenity and the proposal is therefore contrary to policies GEN7 & GEN12 of the Arun District Local Plan and T SP1 of the Publication Version of the Emerging Arun District Local Plan (October 2014).
- 5 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 of existing residential properties by reason of overlooking and as such is in conflict with policy GEN7 of the Arun District Local Plan and

Policies D DM1 & D DM3 of the Arun Local Plan (2011 - 2031) Publication Version (October 2014).

- 6 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 discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.