

Recommendation Report for Planning Permission

REF NO: FP/172/18/PL

LOCATION: Abergail  
Clyde Road  
Felpham  
PO22 7AH

PROPOSAL: Change of use from single dwelling arranged as two units into two self-contained flats with parking.

|                              |
|------------------------------|
| <b>SITE AND SURROUNDINGS</b> |
|------------------------------|

|                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|----------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| DESCRIPTION OF APPLICATION | As above.                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| TOPOGRAPHY                 | Predominantly flat.                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| TREES                      | None of any significance affected by the proposed development.                                                                                                                                                                                                                                                                                                                                                                                                          |
|                            | Officers note that there is a tree to the front of the site along with a hedge. Officers do not consider that the tree and hedge are of significant amenity value. The applicant has proposed the removal of the hedge and wall to front along with the removal of the tree, in order to create 2 parking spaces to front. The applicant has provided tree protection details in the form of a plan. From an assesment of the plan Officers are satisfied.              |
| BOUNDARY TREATMENT         | To the front of the site there is currently a low wall with hedge atop and a low close boarded fence behind. To the common boundary of adjoining property Beachcroft (hotel), there is a low level close boarded fence with hedging to the front garden. To the Common boundary of adjoining property White Horses there is a low level close boarded fence and planting. The rear of the site is enclosed by a close boarded fence.                                    |
| SITE CHARACTERISTICS       | 2 storey semi-detached property (currently used as 2 flats) with red brick elevations, grey tile hanging, and a pitched roof with gable end to the side. The property previously had a carport to rear, but at the time of the Officer's visit the rear portion of the site had been divided off via the use of close boarded fencing. Gate access, both from within the site and from Canning Road, to the aforementioned rear portion (garden) of the site was noted. |
| CHARACTER OF LOCALITY      | Residential and hotel use area. Detached, semi detached and terraced properties in residential and commercial use. Buildings range from two storey to 4 storeys in height and are of various styles. Some properties have off street parking to front.                                                                                                                                                                                                                  |

Officers note that permission was previously granted for conversion of the dwelling into 2 flats, under application ref: BR/183/52/A. Officers note that planning policy has changed since 1952 and as such this current application will be assessed under all current relevant policies set out within the Arun Local Plan 2011-2031 and the Felpham Neighbourhood Plan 2013-2029.

**REPRESENTATIONS****REPRESENTATIONS RECEIVED:**

Felpham Parish Council

Felpham Parish Council: No objection.

**COMMENTS ON REPRESENTATIONS RECEIVED:**

None

**CONSULTATIONS**

Environmental Health

Environment Agency

Engineers (Drainage)

Engineering Services Manager

**CONSULTATION RESPONSES RECEIVED:**

None

**COMMENTS ON CONSULTATION RESPONSES:**

None

**POLICY CONTEXT**

Designation applicable to site:

Within Built-up Area Boundary.

2km Buffer for SSSI - Bognor Reef/Felpham

Within Flood Zone 2

**DEVELOPMENT PLAN POLICES**

|       |                                                         |
|-------|---------------------------------------------------------|
| SDSP2 | SD SP2 Built-up Area Boundary                           |
| DDM1  | D DM1 Aspects of form and design quality                |
| DDM4  | D DM4 Extensions&alter to exist builds(res and non-res) |
| TSP1  | T SP1 Transport and Development                         |
| TDM1  | T DM1 Sustainable Travel and Public Rights of Way       |

[Felpham Neighbourhood Plan 2014 POLICY ESD10](#)

Design details

Felpham Neighbourhood Plan 2014 POLICY ESD11

Increasing the energy efficiency of our buildings

Felpham Neighbourhood Plan 2014 POLICY ESD2 Development in flood sensitive areas  
 Felpham Neighbourhood Plan 2014 POLICY ESD4 New dwellings - code for sustainable homes

**PLANNING POLICY GUIDANCE:**

- NPPF National Planning Policy Framework
- NPPG National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2011-2031, 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. 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).

The relevant Neighbourhood Plan is the Felpham Neighbourhood Plan. The following policies would apply:

- ESD2: Development in flood sensitive areas.
- ESD4: New dwellings
- ESD10: Design details
- ESD11: Increasing design efficiency

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 significant 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:

Officers note that his application only includes existing first and second floor plans as this application is seeking to regularise the existing change of use from single dwelling into two units (flats). A proposed first floor plan has been provided as in order to regularise the existing situation off-road parking has to be provided and the plans indicates the proposed cycle parking.

This site is located within the built-up area boundary where the principle of development is acceptable subject to other policies within the local plan. The key Policy considerations in the determination of this application are deemed to be SDSP2, D DM1, D DM4 and T SP1 the Arun Local Plan and Policies ESD2, ESD4, ESD10 and ESD11 and of the Felpham Neighbourhood Development Plan.

Policy SD SP2 of the Arun Local Plan states that Built Up Area Boundaries are defined for the main towns and villages in the District and shown on the Policies Maps. Development should be focused within the Built Up Area Boundaries and will be permitted, subject to consideration against other policies of this Local Plan.

#### SUSTAINABILITY/ENERGY EFFICIENCY :

Paragraph 8 of the NPPF sets out the three dimensions to sustainable development - the economic, social and environmental roles. In order to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.

Paragraph 11 of the NPPF Plans and decisions should apply a presumption in favour of sustainable development:

For decision-taking this means approving development proposals that accord with an up-to-date development plan without delay.

Policy ESD4 of the Felpham Neighbourhood plan sets out that all new dwellings will be designed to have a predicted water discharge of no more than 80 litres of water per person per day in line with Level 5 of the national Code for Sustainable Homes, unless it can be shown that achieving this standard would be impracticable.

Policy ESD11 The Plan will support development which contributes to both mitigating and adapting to climate change and to meeting the national targets to reduce carbon emissions through incorporating measures which are strongly linked to the measures set out in the Code for Sustainable Homes.

The Code for Sustainable Homes (CSH) has been withdrawn, however Policy ESD4 and ESD11 are still part of the Felpham neighbourhood Plan and have not been deleted. Officers will consider the overall aims for these policies.

The site is in a sustainable urban location and is within walking distance of various local amenities including shops, schools and public houses. These walking routes also use adopted street pavements which are predominantly flat and have street lighting. It is therefore considered the proposal is environmentally sustainable as residents will not need to rely on the private car to access basic services & facilities. This environmental factor weigh in the scheme's favour.

As the proposal is for a conversion of an older building rather than new Officers are satisfied that the 2 new flats have been created in a sustainable location and that energy efficiency has been taken into account.

#### 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 ESD10 of the Felpham Neighbourhood Development Plan sets out The following criteria that must be considered early in the design process and integrated into the overall scheme. These are:

- bin stores and recycling facilities
- cycle stores
- meter boxes
- lighting
- flues and ventilation ducts
- gutters and pipes
- satellite dishes and telephone lines

The proposal has already been carried out and this application seeks to regularise the development. While this application does not propose any external alterations to the existing building.

Officers note that the proposal includes the creation of a parking area for 2 cars to the front of the application site. Off-road parking features along Clyde Road . Also the proposal shows the division of the rear garden by a the use of a close boarded fence, however the wall to the rear boundary remains. Therefore the proposal would not have a detrimental impact on the street scene along Clyde Road to the front and Canning Road to the rear.

Having regard to the Felpham Neighbourhood Plan Officers consider that, having regard to the fact that this application makes alterations to an existing building, the criteria set out as part of Policy ESD10 of the Felpham Neighbourhood Plan have been appropriately considered and integrated into the design of the proposal.

As such it is considered that the proposal would comply with policy D DM1 of the Arun Local Plan and Policy ESD10 of the Felpham Neighbourhood Plan.

## RESIDENTIAL AMENITY

Policy D DM4 sets out criteria for which applications relating to extensions and alterations of existing buildings must be assessed against. They generally seek to minimise the impact of the proposal on the character of the host dwelling, its neighbours and the locality.

There are windows within the rear elevation, at both ground a first floor levels, which would serve bedrooms. Given the available boundary screening to the rear, close boarded fencing, officers consider that no detrimental overlooking would occur from the ground floor windows in the rear elevation. With regard to the first floor windows, Officers note that some overlooking would occur toward the rear of adjoining property the White Horses bed and breakfast. Some views would be available over the primary amenity space directly to the rear of the White Horses b and b. However it is noted that views from the windows in the rear of the adjoining White Horses b and b and the side and rear windows in the Beachcroft Hotel.

Additionally, it is noted that given the brickwork details windows are likely to have been always been in place at first floor level in the rear elevation. Therefore views out toward adjoining and neighbouring properties are not considered to be new. therefore Officers consider the views out toward the dwelling house to the rear of White Horses b and b to be acceptable as the views were likely already occurring

when permission was given for the dwelling (under permission ref: FP/118/16/PL - conversion of studio)

It is therefore considered that no detrimentally harmful overlooking would occur to the occupiers of adjoining and neighbouring properties.

Officers consider that the proposal would not have a detrimental impact on the occupiers of adjoining and neighbouring properties with regard to, overlooking, overshadowing, overbearing effect and loss of light/sunlight.

As such it is considered that the proposal would comply with policies D DM1 and D DM4. of the Arun Local Plan 2011 - 2031.

#### **PARKING AND HIGHWAY SAFETY.**

Policy T SP1 of the Arun Local Plan applies which 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.

2 off-road parking spaces are being provided in order to serve the 2 flats within the application building. Having regard to the West Sussex County Council guidance on parking provision 2 spaces are required. Therefore, the proposal would comply with WSCC guidance on parking provision.

The applicant proposes to provide 2 secure bicycle parking spaces. West Sussex County Council guidance requires 2 cycle spaces per dwelling. Officers note that the 2 Cycle parking spaces is a shortfall of 2. However having regard to the location of the application site and it being considered to be within a sustainable location, Officers consider that the proposed levels of cycle parking as shown on the submitted plan entitled Proposed Ground Floor Plan would be acceptable.

The proposals would not have a detrimental impact on the operation of the highway network and therefore is not contrary to the NPPF. As such, it is considered that the proposal would comply with Policy T SP1 of the Arun Local Plan.

#### **SPACE STANDARDS.**

Policy D DM2 of the ALP 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". 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 two houses are suitable for residential use.

The applicant has e-mailed to state that the ground floor flat is an 5 bed space flat with 2 x double bedrooms and 1 x single bedroom, with the first and second floor flat being an 8 bed space flat with 4 x 2 double bedrooms as such the properties have been considered as such.

For a 3 bedroomed, 5 bed space property the national space standards state a required minimum gross internal floor area of 86 metres squared including a minimum of 2.5 metres allocated as built in storage. From an assessment of the submitted floor plans the ground floor flat, would have a gross internal floor area of approximately 96.0848 metres squared, (not including space within front bay window) more than is required.

The proposed 1x3 bedroomed ground floor flat would provide a minimum of approximately 2.953 metres of built in storage space (figures include the cupboard shown underneath the stairs outside the ground floor flat) This would comply with the standards.

Officers note that the rear bedrooms in the ground floor would not meet the minimum space standards required for a double bedroom and a single bedroom. However, Officers would not seek to refuse the application on the grounds that they do not comply with the internal space standards for a 2 bed space bedroom and a 1 bed space bedroom.

From an assesment of the submitted plans, against the internal space standards, Officers consider that the 4 bedroomed first and second floor flat has 4 double bedrooms (8 bed spaces), which all meet the relevant space standards. Therefore Officers consider this flat to be a 4 bedroomed 8 bed space property (over 2 floors), as confirmed by the applicant, where the national space standards state a required minimum gross internal floor area of 124 metres squared including a minimum of 3.0 metres allocated as built in storage.

The 1 x 4 bedroomed flat would have a gross internal floor area of 109.4112 metres squared. This is a shortfall of 14.5888 metres squared and would not provide the required 3.0 metres of internal space standards. While the first and second floor flat doesn't comply with the national internal space standards, Officers note paragraph 13.3.4 of the Arun Local Plan which states that:

"There might be occasions where development schemes cannot comply with all the space standards required (such as the conversion of an existing building, or where compliance with the standards may harm the historic character of a building). Arun District Council will consider these on a case-by-case basis.

This is a conversion of an existing building. The floor space is only 5.4533 metres less than required and the bedrooms are quite large where storage could be provided by built in wardrobes and/or other standalone furniture within these and other rooms." Therefore Officers consider the provided internal space standards to be acceptable.

There are no Policies regarding the provision of external amenity space in the Arun Local Plan. It is considered that as there are parks and the beach in very close proximity along with some outdoor space to the rear of the flats, that there is sufficient provision of good quality outdoor space.

Officers note that the proposal would not meet the internal space standards as set out. However, given that this is a conversion and Officers consider the provided internal space standards to be acceptable it is considered that the the proposal would comply with Policy D DM2 of the Arun Local Plan.

#### FLOODING AND FLOOD RISK:

The site is shown to lie partly in Flood Zones 1 and 2 on the Environment Agency's flood map.

The following Policies apply:

Policy W DM2 of the Arun Local Plan states that envelopment in areas at risk from flooding, identified on the latest Environment Agency flood risk maps and the Council's Strategic Flood Risk Assessment (SFRA) , will only be permitted where all of the following criteria a-f have been satisfied.

Policy ESD2 of the Neighbourhood Development Plan seeks to ensure that all developments in flood sensitive areas, including new green spaces, will be designed and constructed to reduce the level of

flood risk when compared to current use.

The Environment Agency have been consulted but have not commented.

The applicant has stated in their submitted Flood Risk Statement that the dwelling is sited on land with an average level of 3.95m Above Ordnance Datum (AOD). With regards to coastal (sea) flooding there are nearby defences which are currently in place here to a top level of approximately 5.3m AOD with rear splash walls at around 5.9m AOD. With regard to fluvial flooding, from the Aldingbourne Rife, where flood levels of around 2m AOD can be expected. The floor level of the dwelling is at 4.11m AOD, well above the aforementioned flood levels of 2m. Therefore Officers consider that the proposal would not have a detrimental impact with regard to flooding or flood risk.

As such it is considered that the proposal would comply with Policy W DM2 of the Arun Local Plan and Policy ESD2 of the Felpham Neighbourhood Plan.

#### IMPACT ON THE SSSI - Bognor Reef/Felpham:

The application site falls within the 2km Buffer for SSSI - Bognor Reef/Felpham. Due to the addition of an additional residential unit the proposal would not have a detrimental impact on the SSSI.

#### SUMMARY:

It is recommended that, having regard to the above assessment, the planning application is granted subject to appropriate and reasonable conditions.

#### HUMAN RIGHTS ACT

##### 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.

|                       |
|-----------------------|
| <b>RECOMMENDATION</b> |
|-----------------------|

**APPROVE CONDITIONALLY**

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

Site plan  
 Existing Plot Plan  
 Proposed Plot Plan  
 Existing Ground Floor Plan  
 Proposed Ground Floor Plan  
 Existing First Floor Plan  
 Existing Second Floor Plan  
 Tree Constraints Plan 1039 - 5400  
 Tree Protection Plan 1039- 5401

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

- 2 The car parking and bicycle parking as approved shall be constructed in accordance with the approved plans and shall be constructed within 3 months of the date of this approval. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking and cycle parking spaces in accordance with policies T DM1 and T SP1of 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.