

Recommendation Report for Planning Permission for Works or Extension to a Dwelling

REF NO: P/139/25/HH

LOCATION: The Old Boathouse
68A East Front Road
Pagham
PO21 4ST

PROPOSAL: Proposed boundary retaining wall and install steps.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
----------------------------	-----------

RELEVANT SITE HISTORY

P/74/25/HH	Retention of canopy over external terrace to the rear, front extension, increase roof ridge height and alterations to fenestration (approved under P/66/24/HH) and provision of mezzanine floor, screened terrace to the front and alterations to rooflights.	ApproveConditionally 12-08-25
P/66/24/HH	Single storey front extension, increase roof ridge height and alterations to fenestration.	ApproveConditionally 02-09-24

REPRESENTATIONS

Pagham Parish Council - Objection, on the basis of overbearing and overshadowing of neighbour to the north east.

Pagham Beach Holdings Ltd - No objection, notice drawn to condition in place; pedestrian access should be maintained at all reasonable times without charge, between East Front Road and the beach foreshore, by Order of Chichester County Court.

No representation received from nearby occupiers.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Coastal Engineers - No response received.

POLICY CONTEXT

Built-Up Area Boundary.
 Prone to Groundwater Flooding.
 Flood Zone 3.
 Area of Character.
 Pagham Harbour Zone A.
 Pagham Interim Development Framework.
 Within 200m Mean High Water.
 2km Buffer for Site of Special Scientific Interest.

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
HERDM4	HER DM4 Areas of Character
WDM2	W DM2 Flood Risk
WDM4	W DM4 Coastal Protection

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

PDS	Pagham Parish Council's Village Design Statement by PaghamPC
SPD13	Arun District Design Guide (SPD) January 2021

CONCLUSIONS

DESIGN AND VISUAL AMENITY

The site is a detached dwelling along East Front Road. This application seeks planning permission for the construction of a retaining boundary wall and replacement steps. The works would be partially visible from the street scene.

The proposed boundary retaining wall would run the full length of the north-east (side) boundary. The proposed boundary treatment would comprise a low wall with fence above. At its maximum height, the boundary treatment would measure 3.4m, approximately 1m higher than the existing boundary treatment. There are several examples of similar boundary treatments along East Front Road, as such the proposal would not appear incongruous in the street scene.

Overall, the proposed development would not harm the character and visual amenity of the property or the surrounding area in accordance with policy D DM1 of the Arun Local Plan and the Arun Design Guide (ADG).

NEIGHBOURING AMENITY

The proposed retaining wall would have a height of 1.8m from the existing floor levels and would have a maximum height of 3.4m, 1m taller than the existing maximum height of the boundary treatment, where the land levels change forward of the dwelling. The highest part of the fence would extend alongside the existing detached outbuilding of the neighbour to the north east, and as such, the proposed boundary

treatment would not result in overshadowing or overbearing impacts to this neighbour.

The development will not result harmful overbearing, overlooking, or overshadowing impacts and is in accordance with D DM1 and D DM4 of the Arun Local Plan, the Pagham Village Design Statement, and the Arun Design Guide.

AREA OF CHARACTER

The property falls within the Pagham Beach Estate Area of Character. This is defined as a non-designated heritage asset under the NPPF. All works within this area should aim to preserve and enhance the special character and significance of the non-designated heritage asset. Policy HER DM4 sets out the criteria which proposals within Areas of Character must meet to be acceptable and requires new development to preserve and enhance the special character of these areas. Para 202 of the NPPF states that for proposals within Areas of Character, 'the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'

The character of the area is derived from the height and scale of the buildings, which are generally single storey and the varied appearance of the street scene in terms of the design and materials present on properties.

The proposed boundary wall and steps do not disrupt any dominant building line when viewed from the beach. Furthermore, there are several examples of boundary treatment running the full length of their plots as such, the proposal would not appear out of keeping. The proposal does not significantly impact the character of the area and is acceptable in accordance with policy HER DM4 of the Arun Local Plan.

The works are suitable for their context and do not negatively harm the visual appearance or character of the property to any material degree. The proposal will result in no harm to the non-designated heritage asset and as such is acceptable. The works are in accordance with HER DM4 and HER SP1 of the Arun Local Plan, and the NPPF in that it will preserve the significance of the Area of Special Character.

FLOODING

The proposal is within Flood Zone 2 and 3, is prone to groundwater flooding, and is at risk of flooding from rivers and sea. The nature of the proposal is such that it would not increase the vulnerability nor the risk of flooding elsewhere in the District.

The proposal is in accordance with policy W DM2 of the Arun Local Plan.

COASTAL PROTECTION

The site lies within the Pagham Beach Estate where the Pagham Interim Development Framework applies. The proposed development would fall within category 5 of the Framework (Non-habitable development) and is permitted in accordance with policy W DM4 of the Arun Local Plan.

SUMMARY

The proposed development is in accordance with the relevant development policies and as such is recommended for approval subject to the following conditions and informatives.

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

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 not CIL liable.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

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

Location Plan.
Proposed Site Plan 302.
Proposed Plans and Elevations 304 REV A.

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

- 3 Based on the information available, this permission is exempt from the requirement to provide a biodiversity gain plan under Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990. The following exemption applies:

This planning permission is for development which is a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Reason: In accordance with Schedule 7A of the Town and Country Planning Act 1990 (as amended).

- 4 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). 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 NPPF.