

Recommendation Report for Planning Permission

REF NO: P/2/19/PL

LOCATION: 7 Webb Close
Pagham
PO21 4XB

PROPOSAL: Variation of condition 2 imposed under P/107/16/PL relating to approved plans.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This is an application to modify condition 2 of planning permission P/107/16/PL which states "The development hereby approved shall be carried out in accordance with the following approved plans". The condition then lists the approved plans. The intention of the application is to allow the creation of the third bedroom by converting the existing roof space to the habitable room of the approved pair of semi-detached dwellings. The external amendment is an insertion of two roof-lights to the north-eastern and one to the south-western of each unit.
SITE AREA	0.04382ha
RESIDENTIAL DEVELOPMENT DENSITY (NET)	45 per hectare
TOPOGRAPHY	Predominantly flat.
TREES	No trees within site but there is a fir adjacent to southeast corner. TPO for three trees within western side of 7 Webb Close.
BOUNDARY TREATMENT	Originally bordered by 2m high close boarded fence.
SITE CHARACTERISTICS	Part of the garden of 7 Webb Close.
CHARACTER OF LOCALITY	Residential cul-de-sac comprising 1960's open plan estate of linked bungalows and two storey terraced dwellings with mono-pitched roofs to the north-east and two storey terraced dwellings with an associated garages to the north-west.

RELEVANT SITE HISTORY

P/107/16/PL	2No. semi detached 2 bed dwellings	App Cond with S106 12-12-16
P/20/18/DOC	Approval of details reserved by conditions imposed	DOC Part Approved

under P/107/16/PL relating to conditions 3-surface water 03-07-18
drainage, 4-schedule of materials & finishes, 5-
landscape scheme, 6-screen wall/fence details, 8-site set
up during construction, 10-storage of waste & recycling
details , 11-placement of 2 No. nesting opportunities for
birds & 14-external lighting details.

P/107/18/DOC	Application for approval of details reserved by conditions imposed on planning reference P/107/16/PL relating to condition 3 (Surface Water Drainage), 5 (Landscaping) & 14 (External Lighting)	ApproveConditionally 20-12-18
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Site history noted - the previous permission is for two bed dwellings.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Pagham Parish Council

Concerns regarding potential overlooking due to the height of the building and the velux windows in the roof but on balance was not minded to object to the variation proposed.

Two letters of objection:-

Planning approved for 2 x 2 bedroom semi-detached houses with 2 parking spaces on site for each house. The original roof elevation plans do not show the provision of velux windows in the roof space.

1. I am concerned that my privacy will be even more invaded; the new houses will have a direct view through my small bedroom window at the back of the house to the front.
2. If permission is granted, the houses could have at least 6 persons and not the 4 originally planned for. This will have a detrimental effect on the parking provision within the area of Mulberry Court which at times is very congested.
3. More cars means more hassle for me to be able to use my garage in which to keep my car. At times it is extremely difficult to park the car in the garage and to safely come out of the garage. If parking is permitted on the road in front of the 2 new properties, it will severely restrict access to the garages opposite, as well as limiting access to the rear of Mulberry Court to larger vehicles, ie refuse collection vehicles, fire engines, ambulances.
4. I believe noise will also be an issue, especially in the summer months when the velux windows will be open.
5. The plans indicated an opaqued window to the side of the new houses particularly facing Mulberry Court. I see that this window, as fitted, opens which removes the privacy that would have been provided by a fixed window.

COMMENTS ON REPRESENTATIONS RECEIVED:

With regards to the increase of demand on parking spaces the additional bedroom for each unit would unlikely have an impact on the parking conditions within the area since parking provision has been supplied which allows for 2 spaces for each dwellings off street. The additional bedrooms would be

unlikely to result in the further requirement for an additional parking space.

The flank windows have been proposed under the original application P/107/16/PL and the privacy has been secured by condition 17 Obscure Glazing.

The proposed velux windows would unlikely give rise to any significant additional overlooking due to the angle of the windows and their position and there are windows at first floor level in the original approval which have a greater impact. With regards to the noise, given the proposed use of the roof-space, it is considered that the proposed bedrooms would not have a substantial impact on the amenity of the neighbouring properties.

CONSULTATION RESPONSES RECEIVED:

None

COMMENTS ON CONSULTATION RESPONSES:

None.

POLICY CONTEXT

Designation applicable to site:

Within built up area boundary

Pagham Harbour Zone A

No public sewer

TPO

PD restriction/open plan condition

Flood Zone 1

DEVELOPMENT PLAN POLICES

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

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM2	ENV DM2 Pagham Harbour
ENVDM4	ENV DM4 Protection of trees
WDM1	W DM1 Water supply and quality
WDM3	W DM3 Sustainable Urban Drainage Systems
WDM2	W DM2 Flood Risk

PLANNING POLICY GUIDANCE:

NPPG	National Planning Practice Guidance
NPPF	National Planning Policy Framework

SUPPLEMENTARY POLICY GUIDANCE:

PDS	Pagham Parish Council's Village Design Statement by PaghamPC
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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.

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 Pagham Neighbourhood Plan has reached Reg 14 stage and the relevant plans will be considered.

It is considered that the following policy to be relevant to this application: Policy 3: Housing Design

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 materially adverse effect on the visual amenities of the locality or on the amenity of the adjoining residential properties.

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:

The site is located within the built up area boundary where the principle of new development is considered to be acceptable subject to other policies in the development plan.

This application is for a variation of condition 2 imposed under P/107/16/PL for a pair of 2 bed semi-detached dwellings proposing the third bed for each dwelling within a roof space involving 3 roof-lights on the roof planes of both dwellings.

VISUAL AMENITY & CHARACTER:

The proposal would not result in a different appearance of the dwellings except of the insertion of new rooflights on the each roof plane of both dwellings as such it is considered that proposal would not have an unacceptable impact on the visual amenity and character of the area.

RESIDENTIAL AMENITY

The proposed roof-lights would unlikely result in an increase of the noise since they would serve the proposed bedrooms in the roof area.

The issue of potential overlooking from the first floor flank windows serving the internal stairs has been secured by the condition 17 under P/107/16/PL to prevent any loss of privacy.

The proposed velux windows to the roof would unlikely give rise to any significant overlooking above that which already exists due to their position and the angle which allows to get the light to these bedrooms and improve the ventilation.

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 three storey, 3 bedroom, 6 person dwelling is 108m² and both of the proposed bungalows are 97m² in size and therefore there would not comply with this standard, however in this particular case it is not the creation of the new space but the change of use of an existing roof space to a habitable use.

Policy D DM3 of the Arun Local Plan states the planning authority will require internal spaces to be an appropriate size, having regards to the exceptions that may apply as referred to in paragraph 13.3.4.

SUMMARY:

This application seeks permission to create an additional bedroom within roof space involving the insertion of 3 roof-lights on each of the proposed units. The propose pair of semi-detached dwellings would not be different in size and materials. It is not considered that the addition of the new roof-lights will give rise to a material increase in any existing visual or residential harm and for this reason, the application is recommended for approval subject to the following conditions.

The development has commenced so it is not necessary to impose a time limit condition..

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.

RECOMMENDATION

APPROVE CONDITIONALLY

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

Site Plan: 17017 - 101

Proposed Elevations: 17017 - 501

Proposed Plans: 17017 - 401

Received on 11/01/2019

Proposed Section A - A

Received on 21/05/2019

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

- 2 INFORMATIVE: All of the conditions imposed on P/107/16/PL shall remain in force except for conditions 4,6, 8,10,11 which have been discharged by application P/20/18/DOC and condition 3,5,14 by application P/107/18/109/DOC.