

Recommendation Report for Planning Permission

REF NO: P/70/14/PL

LOCATION: 64 Harbour Road
Bognor Regis

PROPOSAL: Demolition of existing dwelling and the erection of 1 No new dwelling.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

As above. The proposal involves the replacement of the existing bungalow and various outbuildings with a detached chalet style dwelling measuring approximately 9.9 metres in width by 15.8 metres in depth and 6.2 metres to roof ridge height.

SITE AREA

Approximately 530 square metres.

RESIDENTIAL DEVELOPMENT DENSITY

Approximately 19 dwellings per hectare.

TOPOGRAPHY

Predominantly flat, raised patio to the rear of the site.

TREES

None of any significance affected by the proposed development.

BOUNDARY TREATMENT

Low concrete wall to front. Rear garden enclosed by a mix of approximately 2.2 metre high timber fencing and concrete walling.

SITE CHARACTERISTICS

The site is occupied by a detached bungalow dwelling which is flat roofed at the front, with a gable roofed section behind and a further flat roof extension to the rear. There is a detached garage/storage building to the rear.

CHARACTER OF LOCALITY

The site is located on a residential road which is bordered by predominantly detached dwellings in the form of bungalows and chalet style dwellings. Buildings are all set back from the road, at irregular distances. The area is bordered by a flood zone but the site itself is not within the flood zone.

RELEVANT SITE HISTORY

None.

REPRESENTATIONS

Representations received:

Pagham Parish Council

Objection: Members felt, on balance, that the proposal represented an over-development of the site with marginal access gaps between the proposed new build and those adjacent. The recent trend towards larger, higher new builds replacing single-storey dwellings has been a matter of contention in recent times which has seen the largest possible development within constrained curtilage. The creation of first floor accommodation had hitherto been the subject of strict policy control and Members expressed the view that this should be subject to particular scrutiny in the interests of the ASC, character and overlooking/privacy.

Policy Framework:

1. ADC Local Plan 2003 (Saved Policy)
Gen 7"obtrusive, unneighbourly, cramped"
2. Pagham VDS 2007 (Page 5)
point 2. building footprint (excessive)
point 4. single storey replacement
point 5. Preservation of character
point 6. Front boundary contribution to street scene
point 15. Strict control over roof development (viz accommodation/height/character)

Comments on Representations received:

Noted. The footprint of the dwelling is considered to be relatively modest in proportion with that of the overall plot size and, as such, the proposal is not considered to represent overdevelopment. Gaps are maintained between neighbouring properties and the roof slope pitches away from the side boundaries, preserving a clear visual gap between buildings and, as such, spatial characteristics will not be compromised. The height of the building will be similar to that of the neighbouring property No. 62 Harbour Road and it is considered the first floor living space can be accommodated with the outward appearance of the building looking much like a bungalow, due to the lack of roof lights or dormers. There are no concerns regarding overlooking as no first floor level windows will look directly towards adjacent property.

CONSULTATIONS

Consultations responses received:

None.

Comments on Consultation responses:

None.

POLICY CONTEXT

Within Built-Up Area
Area of Special Character

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
	AREA1	Areas of Special Character

Publication Version of the Local Plan (October 2014):	D DM1 Aspects of Form and Design Quality
	D DM2 Internal Space Standards
	D DM3 External Space Standards
	D SP1 Design
	SD SP2 Built-Up Area Boundary
	HER DM4 Areas of Special Character
	ENV DM2 Pagham Harbour

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

SUPPLEMENTARY POLICY GUIDANCE

PDS

Pagham Parish Council's Village Design Statement by PaghamPC

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: Arundel; Barnham & Eastergate; Felpham.

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

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have no materially 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:

The site is located within the built-up area where the principle of development is acceptable, subject to accordance with relevant planning policies. In this instance, the main criteria against which the application will be assessed is contained within Arun District Local Plan Policies GEN7 which seeks to prevent development that would have an adverse impact upon visual and residential amenities. Extra scrutiny will be imposed upon impact upon the character and appearance of the surrounding area due to the fact that the site lies within an area of special character, as per the requirements of Local Plan Policy AREA1.

CHARACTER & APPEARANCE:

The proposed scheme will replace the existing bungalow dwelling with a chalet style building. The slope angle of the roof will be 30° and will therefore be in keeping with the shallow pitched roofing that is a prevailing characteristic on neighbouring dwellings and a key feature of the Area of Special Character. It is noted that the Pagham Village Design Statement discourages first floor accommodation at dwellings on Harbour Road. However, whilst dwellings on Harbour Road are generally single-storey only, it is considered that the first floor living space within the proposed dwelling is accommodated discretely, with no dormer windows present whilst the overall height of the building will be comparable to that of nearby bungalows, including the neighbouring dwelling to the north.

The building will be set back a similar distance from the road as neighbouring dwellings. Gaps will be maintained to the side of the dwelling and the roof will pitch away from side boundaries. It is therefore considered that the sense of spaciousness within the surrounding environment will not be breached and that the building will be in keeping with the surrounding area.

INTERNAL & EXTERNAL SPACE:

The proposed dwelling has a general internal floor area in excess of the amount that is required for a four bedroom house under policy D DM2 of the emerging local plan. This ensures that the house will provide a satisfactory living environment for future occupants. Policy D DM3 of the emerging local plan maintains that the minimum depth of a garden should be 10 metres and the overall area of the garden should be at least 100 square metres. The footprint of the dwelling is relatively modest in proportion with the size of the plot and the garden will have a depth of some 16 metres. As such, there is a more than adequate provision of external space.

RESIDENTIAL AMENITIES:

The proposed dwelling will be of a similar height to No. 62 Harbour Road and it will not appear overbearing towards it. Whilst the dwelling would be greater in height than the other adjacent property, No. 66 Harbour Road, it will be positioned a sufficient distance from that dwelling to prevent it from appearing oppressive. The dwelling will be positioned broadly in line with the adjacent properties and will not face directly towards any windows at No. 62 and only secondary windows at No. 66. The elevation walls of the dwelling will not intersect any line drawn at 45° from primary windows at neighbouring properties. It is therefore considered that the dwelling will not result in any undue levels of overshadowing towards neighbours.

All views from ground floor windows towards adjacent properties will be interrupted by existing site boundary treatment. The first floor window to the front will look out towards the road. Direct views from the rear facing first floor window will be orientated towards the far end of the site and any views into neighbouring gardens will be at an acute angle and partially obstructed by boundary treatment. As such, it is not considered that the proposed dwelling will allow for invasive views towards neighbouring properties.

PERMITTED DEVELOPMENT RIGHTS:

It is considered prudent to withdraw Permitted Development rights for extensions and alterations to the proposed dwellings. This is to ensure features such as dormers or roof lights, which will emphasise the fact that the building has first floor accommodation and would appear incongruous amongst the surrounding bungalows, are not installed. This will also prevent an unacceptable loss of external amenity space by way of extensions.

SUMMARY:

The proposed dwelling will not adversely impact upon the character and appearance of the neighbouring area nor will it detract from the amenities of neighbouring residents unduly.

It is therefore recommended that the application is approved, subject to the following conditions.

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 for 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 it has been determined that its approval would result in a neutral impact 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).

As such, there is no requirement for mitigation measures to be adopted.

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:-

BD535 LP01;
BD535 BP01;
PP01-1 (existing floor plan);
PP01-1 (proposed floor plan);
PP01-2;
PE01 - 1,2,3,4;
PSE01-1 / ESE01-1;

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

- 3 No development shall be carried out unless and until a schedule of materials and finishes to be used for external walls and roof of the proposed building has been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the building.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with policy GEN7 of the Arun District Local Plan.

- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, the building shall not be extended or altered in any way unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of the amenities of adjoining residential occupiers and the locality in general

in accordance with policy GEN7 of the Arun District Local Plan.

- 5 INFORMATIVE: Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. 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.