

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

REF NO: P/74/13/

LOCATION: 2 Lagoon Road
Pagham

PROPOSAL: Extend front dormer. Rear dormer and rear conservatory. Detached garage and new wall on rear boundary.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Extend front dormer to a width of approximately 5m, depth of 3.5m with a maximum height of 2.4m. Rear dormer measures approximately 5m in width, depth of 3.5m with a maximum height of 2.4m. The proposed rear conservatory measures approximately 7m in width, 4.8m in depth and 3.1m in height. The detached garage measures approximately 4m in width, depth of 6m with a maximum height of 3m. The rear boundary wall has a length of 12m and 1m in height with timber gates 1m in height.
SITE AREA	Approximately 720 square metres.
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Front has temporary mesh fencing approximately 1.8m in height, east side boundary has close boarded fencing + trellis approximately 2m in height, west side boundary has wall + close boarded fencing approximately 1.8m-2m in height, rear has fencing 2m in height.
SITE CHARACTERISTICS	Detached two storey dwelling with front dormer. Caravan and shed in rear garden. The elevations are painted white, yellow window frames with asphalt roof.
CHARACTER OF LOCALITY	Area of Special Character. Detached single storey properties of various styles and designs, some of which were former railway carriages.

RELEVANT SITE HISTORY

P/91/12/

Retention of a fence to the rear of the property

Refused

29-01-2013

**Appeal: Dismissed
07 10 2013**

The above application was dismissed and the Inspector stated that the fence by virtue of its height and construction had a detrimental impact on the character and appearance of the surrounding street scene and Area of Special Character.

REPRESENTATIONS

Representations received:

Pagham Parish Council

No objection

Members resolved to offer no objection to this proposal but suggested that when addressing the aspect of a creation of a dormer at the rear, whilst removal of the boundary tree and bramble growth had opened up the rear aspect this could be adequately addressed by the installation of obscure glazing to that dormer in the interest of privacy and respect for properties to the rear. The building is already dwarfed by that adjacent, which has cathedral glazing to its apex. Members also suggested that detail of boundary walling be agreed, and an element of replacement landscape tree screening be a condition in accord with the natural environment of the Area of Special Character. Detail glazing of the dormers at front and rear should be in accord and matching that of the ground floor in appearance.

Members noted the significant restoration and stabilisation of the basic structure which has been carried out by the current owner. This also included demolition and clearance of the sheds, garage outbuildings and wild scrub growth in the rear garden fronting Well Road. This is a large plot, and members noted the significant separation of the dwelling from both Lagoon and Well Roads.

Number 2 Lagoon Road (Waverley) has significant historic background. The record of its original construction and occupation predates the second world war. Historically it was the sole legitimate two-storey building on the Beach Estate. During the war it was requisitioned by the Brigadier commanding the Canadian Troops who were billeted in the surrounding local bungalows. The cookhouse facility was located immediately opposite on The Dell. The former owners (Jessie Booth) archive dossier is currently lodged at WSCC County Archives Department.

Having regard to the history of this property it will be the intention of the Pagham Neighbourhood Plan Steering Group to nominate this property for inclusion in its listing of structures of character.

2nd Consultation from Pagham Parish Council

The Parish Council's do not object to this application but their comments already made when first considering this application still stand and they would like the following to be taken into account when reaching a decision on the application:

Before consideration of this item the Chairman invited the member of the public, a resident at the rear of the property in question to make a representation on this proposal which she did, after which the Chairman requested the Clerk to circulate the plans and documents to members.

Councillor Huntley proposed that the Committee should object to the extension of the dormer to the rear of the property. Cllr Radmall proposed no objection but to impose a condition that obscure glass should be used. In the light of differing opinions the Chairman proposed that members should be offered a vote on both proposals.

Two members voted to oppose this application and 4 members voted to allow the development but with the proposed condition of obscure glass. The Chairman declared that the No Objection proposal should therefore be put to the Committee.

6 Letters of Support (2 from same address)

The proposed works will make an old building of character a lovely place to live.

Totally in keeping with both the character of the property and Lagoon Road.

The rear plans will improve the ramshackle and horrendous closely built up appearance of Well Road.

An original property from Pagham's Beach Estate which the owner is trying to keep instead of demolishing it as some buyers were considering.

Only legal two storey house on the estate which has the style of a chalet bungalow.

The neighbourhood should be generally pleased that someone has come along who wants to preserve the original character of the building and take the time and trouble to restore it.

5 Letters of Objection

The rear dormer would infringe on the privacy of Nos. 2b and 2c Well Road.

Pagham PC Village Design seeks to restrict roof development in this area.

Area of Special Character where if this rear dormer were to be permitted the local Planning would find it difficult to resist similar proposals in this area.

The adding of modern extensions alters the appearance of the building and subsequently loses some of the original character.

The wall appears to follow the same line as the recently constructed fence which is the subject of a planning appeal.

Leaving a strip of land between the road and new boundary would be more pleasing.

The proposed replacement of this fence by a hard wall is an insensitive boundary treatment inappropriate to the special character of the beach estate where soft boundaries are verges colonised by wild beach estate flora.

The method of surface water disposal should be clarified.

Natural England should be consulted as the area is designated as a Site of Special Scientific Interest.

The rear boundary is sited on land outside the applicant's ownership and control and on land in the ownership of Pagham Beach (Holdings) Ltd.

The application does not define the vehicular access to the garage.

Comments on Representations received:

Parish Council comments noted and Objection comments noted

The applicant has confirmed that the site is within his ownership. The garage will be accessed from the rear in Well Road. The existing property is the only two storey property in the area and already has rooms in the roof so "Permitted Development Rights" have not been removed. The Pagham Village Design Statement with regard to rooms at first floor level only applies to new development. The method of surface water disposal will be considered under Building Regulations legislation. It is considered that the proposed extensions still retain the original features of the building and do not detract from the character and appearance of the Area of Special Character. Natural England have been consulted and have raised no objection to the proposal. It is accepted that the dormer to the rear serving bedroom accommodation may create some overlooking to neighbouring

properties in Well Road. However, with a distance of approximately 25m-28m to these properties it is not considered that any perceived overlooking would be of an unacceptable level to impose a condition for obscure glazing.

CONSULTATIONS

Engineering Services Manager
Natural England

Consultations responses received:

Engineering Services Manager
Awaited

Natural England

Statutory nature conservation sites - no objection

This application is in close proximity to the Pagham Harbour and Bognor Reef Site of Special Scientific Interest (SSSI). Pagham Harbour SSSI forms part of the Pagham Harbour Wetland of International Importance under the Ramsar Convention (Ramsar Site) and Special Protection Area (SPA)

Natural England advises your authority that the proposal, if undertaken in strict accordance with the details submitted, is not likely to have a significant effect on the interest features for which Pagham Harbour has been classified. Natural England therefore advises that your Authority is not required to undertake an Appropriate Assessment to assess the implications of this proposal on the site's conservation objectives.

In addition, Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the Pagham Harbour and Bognor Reef SSSIs have been notified. We therefore advise your authority that these SSSIs do not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(I) of the Wildlife and Countryside Act 1981 (as amended), requiring your authority to re-consult Natural England.

Comments on Consultation responses:

Natural England comments noted

POLICY CONTEXT

Designation applicable to site:

Built Up Area Boundary
Area of Special Character
Private Street
Protected Coastal Area
Art 4 Direction
No Public Sewer

DEVELOPMENT PLAN POLICIES

Arun District Local Plan: [AREA1](#)
[DEV19](#)
[GEN2](#)
[GEN7](#)

Areas of Special Character
Extensions to existing residential buildings
Built-up Area Boundary
The Form of New Development

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

SUPPLEMENTARY POLICY GUIDANCE

PDS

Pagham Parish Council's Village Design
Statement by PaghamPC

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

The Development Plan consists of the Arun District Local Plan 2003.

Paragraph 214 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. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following publication. The Council published the Draft Arun Local Plan in July 2012 and this is a material consideration in the determination of this planning application. A pre-submission Plan has yet to be endorsed and published. Following publication of a pre-submission draft, there is required to be a formal public consultation, resolution of objections, examination and formal adoption. At this time, the emerging Local Plan is afforded very limited weight in terms of the decision making process.

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 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 lies within the built up area boundary and an Area of Special Character where development should make a positive contribution to the area of special character.

HISTORY OF SITE

Part of the application is to consider the rear boundary wall. A previous application P/91/12 for the retention of a 2m high fence to the rear had been refused on the basis that the height and method of construction represented an incongruous and obtrusive addition to the street scene. The fence

had been erected for security reasons to prevent unauthorised access by the general public and was a temporary measure while the dwelling was being renovated. The applicant appealed against the refusal and this was subsequently dismissed on the basis that the fence by virtue of its height and construction had a detrimental impact on the character and appearance of the surrounding street scene and Area of Special Character.

PROPOSAL

The chalet style property which pre-dates the second world war is the only two storey property on the Pagham Beach Estate and is in need of modernisation. It currently has bedroom accommodation at first floor level with a front dormer. The proposal is to extend the front dormer and construct a new dormer on the rear. The proposed conservatory is to be positioned on the rear of the dwelling with bi-folding doors. A detached garage is to be constructed in the rear garden with the replacement of the 2m fencing on the rear with a wall.

VISUAL AMENITY

The proposed new dormer on the rear will mimic the appearance in size and height of the front enlarged dormer with the windows being of the same appearance as the existing dwelling. The dwelling is set well back into the site both to the front and rear and it is considered that both dormers are of an appropriate size in relation to the roof plane. The proposed conservatory which will be sited in the middle of the dwelling is of a style and appearance that is considered to be visually subservient to the main dwelling.

The proposed detached garage will be set back from the rear boundary by approximately 5m with access from Well Road and the external appearance will be of render matching the host dwelling. The proposed wall which is 1m in height will be constructed of blockwork and rendered white to match the host dwelling and this will replace the existing 2m fencing which has recently been dismissed on appeal.

RESIDENTIAL AMENITY

It is not considered that the enlargement of the front dormer would create any additional overlooking than currently exists to the properties to the front in Lagoon Road. The rear dormer would be sited approximately 25m-28m from the properties to the rear Nos 2b & 2c Well Road. Whilst it is noted that the dormer which serves bedroom accommodation may have the potential for overlooking to the properties to the rear it is not considered that this would be of an unacceptable level to recommend refusal having regard to the wide separation distance. There are many properties in Lagoon Road that have garages to the rear with access from Well Road so it is not considered that the garage would create a loss of outlook to properties in Well Road. The proposed conservatory on the rear will be sited approximately 6m from the neighbouring property to the west No 4 Lagoon Road. In view of its single storey height it is not considered that this would create a loss of outlook to the occupiers of No 4.

SUMMARY

The proposal will not greatly change the appearance of the dwelling or result in any loss of visual or residential amenity. The replacement of the existing rear fencing with a wall and hedging will be a great improvement on the existing and more in keeping with the Area of Special Character and surrounding area.

It is therefore recommended that the application be approved, subject to 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 a neutral impact has 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).

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 1:1250, Block 1:500, Ground Floor 1:100, Front & Rear Elevations/Rear Wall 1:100 Drg No GRA180403, Side Elevations 1:100, Garage 1:100 received on 3rd September 2013.

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 The materials and finishes of the external walls of the conservatory and garage hereby permitted shall match in colour and texture those of the existing dwelling.

Reason: In the interests of amenity in accordance with policies GEN7 and DEV19 of the Arun District Local Plan.

- 4 The rear boundary fence shall be removed and the wall constructed as per the submitted details on or before the expiration of the period ending on 13th May 2014.

Reason: To enable the Local Planning Authority to control the development in detail in

report

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.