

PLANNING APPLICATION REPORT

REF NO: P/71/23/S73

LOCATION: 57 Harbour Road  
Paghham  
PO21 4TF

PROPOSAL: Application under section 73 of the Town and Country Planning Act 1990 to vary condition 2 - materials on P/90/06 to state ' The materials used in the construction shall be as follows: Roof tile Marley Interlocking concrete tiles in slate grey; plinth bricks-Staffordshire blue bricks; windows-slate grey uPVC, rainwater services all black uPVC. The wall (except of plinth) will be white render with a vertical cedar board cladding to gables.'

SITE AND SURROUNDINGS
-----------------------

DESCRIPTION OF APPLICATION	<p>This application seeks to vary condition 2 of P/90/06 (which approved a replacement dwelling with a single storey 3-bedroom bungalow).</p> <p>Condition 2 states: '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 have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the building.'</p> <p>The proposal seeks to vary the wording to change the schedule of materials and finished originally approved. This wording is to be changed to: 'The materials used in the construction shall be as follows: Roof tile Marley Interlocking concrete tiles in slate grey; plinth bricks-Staffordshire blue bricks; windows-slate grey uPVC, rainwater services all black uPVC. The wall (except of plinths) will be white render with a vertical cedar board cladding to gables.'</p>
SITE AREA	380sqm.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	26 dph.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the development.
BOUNDARY TREATMENT	Fencing and mature hedges.
SITE CHARACTERISTICS	A corner plot covered with grass and bushes with some ground works of the dwelling.
CHARACTER OF LOCALITY	Residential area characterised by detached dwellings, single storey bungalows and converted carriages of mixed design. The beach estate is a recognised area of character.

## RELEVANT SITE HISTORY

P/90/06/ Replacement dwelling (Resubmission following P/57/05) ApproveConditionally  
27-09-06

## REPRESENTATIONS

Pagham Parish Council: Objection.

- Proposed materials would not be in keeping with other properties in the area and were not in keeping with the wider beach estate, which is a recognised area of character.

One letter of support:

- Happy to support the minor alterations. Change from red to slate grey is appropriate.

### COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

### CONSULTATION RESPONSES RECEIVED:

None.

### COMMENTS ON CONSULTATION RESPONSES:

The change of materials used in the construction was checked and agreed with agent.

## POLICY CONTEXT

Designation applicable to site:

Built Up Area Boundary

Flood Zone 3a climate change 2111

Area of Character Pagham Beach Estate

Pagham Harbour Access Management Zone A

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
SDSP2	SD SP2 Built-up Area Boundary

### 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

**POLICY COMMENTARY**

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan 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.

**DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND**

Section 73 provides for the determination of applications to develop land without compliance with conditions previously attached. It only provides for the variation of conditions attached to an existing permission; it does not provide a means of varying the development permitted (other than through the imposition of new/varied conditions). Given the previous permission, the principle of the development is considered to be acceptable.

**OTHER MATERIAL CONSIDERATIONS**

There are no other material considerations to be weighed in the balance with the Development Plan.

**CONCLUSIONS**

**PRINCIPLE**

P/90/06 was implemented within the original three year deadline. The form states works commenced in July 2009 and this is supported by Building Control records. The policies of the Arun Local Plan are different to the time of the original decision. The only aspect to consider under this application is whether the wording of condition 2 imposed to P/90/06 in order to change the schedule of materials and finished approved can be varied.

**SUMMARY**

The applicant provided information and the photos of materials to be changed:

- Marley interlocking tiles - slate grey.
- Plinth bricks - Staffordshire blue bricks.
- uPVC window frames - slate grey.
- uPVC rainwater goods - black.

Materials relating to the original condition 2 (bold roll red/orang Mediterranean tiles, white render and red stock brick with window frames and rainwater goods) were approved by exchange of email in April 2009.

Arun Local Plan policy D DM1 expects new buildings to be harmonious with their surroundings and successfully integrate with the surrounding environment.

Policy HER DM4 (ALP) sets out a 3-point criteria against which development should be assessed. Such criteria include the preservation and enhancing the special character of these areas.

The Arun Design Guide Supplementary Planning Document (SPD) advocates that new designs should respond to the frontages of existing buildings in their immediate surroundings.

The Village Design Statement seeks to exercise strict control over any roof development, including garages, in accordance with previous development guidelines and to maintain special unspoiled character of The Beach Estate and preserve character of the area.

The approved plans show concrete interlocking tiles and half round ridges for the roof (colour to be approved) and walls through colour and low-level brick plinths with vertical cedar board cladding to gables. The colour of fenestration and rainwater goods is not specified.

There is a mix of single storey properties on Harbour Road characterised by roofs with red and grey tiles. The proposed materials would not detract from the character of the area and acceptable. The dwelling would integrate with the immediate streetscape and would maintain character of The Beach Estate.

#### **NON-DESIGNATED HERITAGE ASSETS (NDHA)**

The site is in the Area of Character and consideration must be given to para 203 of the NPPF as these are NDHA's. The change of materials would not be out of character with the area and there is no harm caused to the NDHA. For the same reason the proposal complies with policy HER DM4.

#### **OTHER MATTERS**

As this is a Section 73 application any new permission sits alongside the original permission, which remains intact and unamended. Government guidance states that for the purpose of clarity conditions imposed on earlier permissions that continue to have effect should be re-imposed. As the original permission commenced in July 2009 a time condition will not be added.

It is not necessary to impose a condition relating to surface water drainage because details of this were submitted prior to commencement of the development and were deemed to be acceptable in writing by the Environment Agency.

#### **CONCLUSION**

Having considered the new materials in the context of the character of the area it is recommended that planning permission 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 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 materials used shall be: Roof tile Marley Interlocking concrete tiles in slate grey; plinth bricks-Staffordshire blue bricks; windows-slate grey uPVC, rainwater services all black uPVC. Walls (except plinths) will be white render with vertical cedar board cladding to gables.

Reason: In the interests of amenity in accordance with policies D DM1 of the Arun Local Plan.

- 2 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking or re-enacting this Order) no extensions (including porches or dormer windows) to the dwelling houses shall be constructed or buildings shall be erected within the curtilage unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To safeguard the privacy and amenity of adjoining occupiers, maintain adequate amenity space and safeguard the cohesive appearance of the development in accordance with policy D DM1 of the Arun Local Plan.

- 3 Finished floor levels should be set at 4.5m AODN or 600mm above existing ground levels (whichever is the highest). The measure detailed above shall be retained and maintained thereafter throughout the lifetime of the development

Reason: To protect the development from flooding in accordance with requirement of policy W DM2 of the Arun Local Plan and relevant paragraphs of the NPPF.

- 4 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority 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 set out in the NPPF.

## BACKGROUND PAPERS

[The documents relating to this application can be viewed on the Arun District Council website by going to https://www.arun.gov.uk/weekly-lists and entering the application reference or directly by clicking on this link.](https://www.arun.gov.uk/weekly-lists)

**P/71/23/S73 - Indicative Location Plan (Do not Scale or Copy)**  
**(All plans face north unless otherwise indicated with a north point)**



Based on the Ordnance Survey mapping with permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Arun District Council 100018487. 2015