

PLANNING APPLICATION REPORT

REF NO: P/37/19/PL

LOCATION: 10 Harbour Road  
Paghham  
PO21 4TG

PROPOSAL: Demolition of existing structures and the building of a new modern family home

<b>SITE AND SURROUNDINGS</b>
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DESCRIPTION OF APPLICATION	The application seeks to demolish the existing structures on the site to construct a replacement 3 bed family home which would be single storey and constructed of larch. The front of the roof features a screened deck area to the rear of which is a green roof. Car parking is retained to the front of the property.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The boundaries to the east and west and rear consist of fencing approximately 1.8m in height. To the front there is a fence of around 1m.
SITE CHARACTERISTICS	The site consist of various flat roof structures including railway carriages.
CHARACTER OF LOCALITY	The area consist of residential properties of various styles and designs.
None.	

<b>REPRESENTATIONS</b>
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**REPRESENTATIONS RECEIVED:**

Paghham Parish Council

Paghham Parish Council provided an objection stating it represented an overdevelopment of the plot resulting in an overbearing effect on the neighbouring properties. The building footprint significantly increase compared to that which exists.

1 letter of objection from nearby occupier

- There is an outside stairway to a roof terrace. This will lead to my property being overlooked.

**COMMENTS ON REPRESENTATIONS RECEIVED:**

Comments noted.

## CONSULTATIONS

Engineers (Drainage)

### CONSULTATION RESPONSES RECEIVED:

Engineers (Drainage) - There are no conditions to request. Further information regarding the property and the Environment Agency flood mapping has been provided which should be viewed online.

### COMMENTS ON CONSULTATION RESPONSES:

Comments noted

## POLICY CONTEXT

Designation applicable to site:

Area of Special Character

Pagham Harbour Zone A

Built up area boundary

### DEVELOPMENT PLAN POLICES

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

DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design
SDSP2	SD SP2 Built-up Area Boundary
HERDM4	HER DM4 Areas of Special Character
ENVDM2	ENV DM2 Pagham Harbour

### 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
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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.

Pagham does not have a made Neighbourhood Plan but its emerging plan has reached Regulation 14 stage and therefore policies 1 and 3 are relevant.

#### **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 not have a materially adverse impact on the residential amenities of nearby properties nor would it have a significant 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**

As stated in SD SP2 the key policies considered are DDM1, DDM4 and HER DM4 of the Arun Local Plan.

Policy 1 and 3 of the emerging Pagham Neighbourhood Plan are of relevance to the proposal and the proposal complies with these policies. Policy 1 directs development to the built up area and Policy 3 seeks to ensure design reflects and enhances the character of the area. The site is in the built up area and the design, being on an estate of dwellings of differing appearance, enhance the character of the area.

##### **DESIGN AND VISUAL AMENITY**

The proposal seeks to demolish existing structures and construct a modern single storey replacement dwelling.

The area is mixed in appearance, with varied design and scale. The dwelling sits comfortably in the street scene in terms of its scale and massing and is not considered unduly dominant upon the street scene retaining 14m to the front boundary of the property. The dwelling is single storey and does not extend beyond the principle elevation of neighbouring properties at the front. To either side of the dwelling are bungalows which have a higher roofs than the new dwelling. The new dwelling would have a larger footprint than those either side particularly in the "L" shaped rear addition.

The dwelling incorporates design features which give the property a modern character. It is designed with a contemporary appearance and will be constructed of Larch and a variety of sustainable roof types consisting of a green roof and solar panels. The front elevation of the dwelling has a timber decked roof to form a roof garden with a staircase for access to this with a balcony to a height of 1.6m.

The dwelling is considered to improve the appearance of the site. The new dwelling by virtue of its size,

location and design is not considered to give rise to any unacceptable adverse impact on the spatial pattern or character of the area and accord with DDM1 and DDM4 of the Arun Local Plan.

#### RESIDENTIAL AMENITY

The dwelling has 3 main living areas with a narrow structure forming a corridor between the main dwelling and single storey rear addition. The dining/living area fronting the street scene has a depth of 6.3m and a width of approximately 9m retaining approximately 1m to side boundaries. It has a maximum height of 5.25m with 1.6m of that forming a timber railing for the roof garden. A staircase will be positioned to the rear of this for access to the roof garden.

The dwelling then increases in depth a further 6.5m and serves bedrooms. The height will reduce to approximately 3.6m and will have a green roof.

To the north western elevation the dwelling continues to run along the boundary to form a linking corridor. It is 3m high and 2m wide and connects to a rear structure which has a sloping roof with solar panels to a maximum height of 3.75m and width of 9.7m. There is approximately 3m retained to the rear boundary. An inner garden is formed between the main dwelling and rear connecting structure.

Whilst the dwelling extends beyond that of neighbouring properties it is of a modest height and an outbuilding could be constructed up to 4m at this distance from the boundary without permission. It is not considered the rear addition of the dwelling results in any adverse impacts upon the neighbours to this elevation additional to that which could be built under permitted development.

The height of the dwelling sits below the ridge heights of neighbouring properties at No.12 and No.8 which are bungalows and, as a result, is not considered to give rise to any adverse overbearing or overshadowing impacts upon neighbouring occupiers. There are additional windows and doors however none are in a position that are considered to give rise to any adverse overlooking upon neighbouring amenity with fencing along all boundaries and trees to the rear.

The timber balcony encloses the front, side and rear elevation of the timber decked roof situated at the front of the property and as a result of its siting with views to the south of the street scene and the neighbouring properties at single storey, it is not considered to provide adverse overlooking with no direct views into neighbouring properties.

The development is not deemed to harm neighbouring amenity by way of overshadowing, overbearing or overlooking and accord with DDM1 and DDM4 of the Arun Local Plan.

#### AREA OF CHARACTER

The dwelling is located in an Area of Character. The proposal creates a dwelling individual in style with the use of non-traditional materials which is not out of character in the area and Pagham Beach Estate and as a result the proposal is not considered to give rise to any harm upon the character of the area and accords with HERDM4 of the Arun Local Plan.

The property is located in Pagham Harbour Special Protection Area. The proposal seeks to replace a dwelling and does so with only a small increase in footprint. It will not result in the introduction of residential occupiers and therefore has only a minimal effect on the local environment. There is no requirement for a contribution towards the Pagham Harbour SPA in accordance with the policy adopted at Cabinet on 10th April 2017

#### PARKING

There will be an additional paved area to the front of the dwelling however 14m is retained to the road frontage and it is not considered that the proposal will give rise to any parking or highway issues.

## SUMMARY

The proposed development is deemed to accord with the relevant development policies and 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

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 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 - 295- DWG- 001
- Area Location Map - 295- DWG -004
- Block/Site Plan and Side Elevations Proposed - 295- GA-01 Rev D
- Plans Proposed - 295- GA-03 Rev A
- Elevations - External Proposed - 295- GA-04 Rev A
- Elevations - Internals/Sections Proposed - 295 GA- 05 Rev B
- Roof Plan and Section Proposed - 295- GA -02 Rev A

Reason: For the avoidance of doubt and in the interests of amenity and the environment in

accordance with policy DDM1 of the Arun Local Plan.

- 3 The balcony roof screening shall be constructed to the balcony/timber deck as shown on plan 295-GA-05 Rev B to a height of 1.6m and retained in its entirety in perpetuity. The balcony/timber deck shall not be used until the balcony screening is completed.

Reasons: In the interests of amenity of neighbouring dwellings in accordance with policies DDM1 of the Arun Local Plan.

- 4 The green roof area shown on the approved plans shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the Local Planning Authority.

Reason: To safeguard amenities of occupiers of adjoining property in accordance with policy D DM4 of the Arun Local Plan.

- 5 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 District Local Plan.

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

## **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/37/19/PL - Indicative Location Plan (Do not Scale or Copy)**  
**(All plans face north unless otherwise indicated with a north point)**



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