

PLANNING APPLICATION REPORT

REF NO: BR/67/24/PL

LOCATION: Flat 1
4 Nelson Road
Bognor Regis
PO21 2RY

PROPOSAL: Proposed front extension (remodelling of existing built front extension to accord with approved application BR/158/19/PL).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks part retrospective planning permission for the construction of a front extension. The works would include the remodelling of existing built front extension to accord with approved BR/158/19/PL.
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RELEVANT SITE HISTORY

BR/66/24/PL	Part-retrospective application for the erection of a single storey front/side extension, following demolition of detached garage.	Refused 03-09-24
BR/166/23/PL	Retention of front extension with change in front window and roofline only from approved BR/158/19/PL. This application is in CIL Zone 4 (Zero Rated).	Refused 10-10-23
BR/158/19/PL	Proposed front extension	ApproveConditionally 23-07-19

Planning permission for a single storey front extension was approved conditionally by BR/158/19/PL. Further planning permission for a revised single storey front extension was refused in 2023 and 2024 under BR/166/23/PL and BR/66/24/PL as the changes to the approved front extension would result in unacceptable harm to the character of the street scene. The current proposal is of the same design and scale as the originally approved extension.

REPRESENTATIONS

Bognor Regis Town Council - Objection. There appears to have been no new plans submitted showing the dimensions of the extension and it cannot, therefore, be demonstrated where the elevations sit in proximity to the boundary line. In only being able to go by the previous plans (BR/66/24/PL), Members

consider the extension to be in breach of the Arun Design Guide owing to its proximity with the boundary line, and feel that the proposal causes adverse harm by way of lost external amenity.

1 no. representation received from nearby occupiers.

- Breach of local planning byelaws with the original application.
- Original application did not show any dimensions as to the close proximity to boundary wall.
- Should have been 900mm/3ft spacing for an extension of this nature.
- Side extension has never been completed adjacent to shared boundary with neighbour as it can't be accessed and rainwater downpipes have never been connected to the soakaway.
- The soakaway was put in some 900mm away from the corner of the side elevation.
- Rainwater for flat roof has been discharging onto the ground causing damp problems to neighbouring property.
- The extension is more than 4m high.
- The extension looks out of place with the rest of the building and local area.
- Open enforcement case.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted and will be addressed in the conclusion. ADC Drainage Engineers were consulted on the original BR/158/19/PL and raised no objection. The details regarding drainage and soakaways would be further addressed by Building Control.

CONSULTATION RESPONSES RECEIVED:

None.

COMMENTS ON CONSULTATION RESPONSES:

None.

POLICY CONTEXT

Within Built-Up Area.
2km Buffer to SSSI.

DEVELOPMENT PLAN POLICIES

[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

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD13	Arun District Design Guide (SPD) January 2021
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OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

BACKGROUND

BR/158/19/PL approved the construction of a single storey front extension, measuring 9.2m wide and 6m deep (projecting 2.5m from the front elevation). The design of this extension was determined to be acceptable, due to the area being varied in style and design, and so it would have no adverse impact on the spatial pattern of the street scene, or its character. It was concluded that it would have no adverse harm to residential amenity in terms of overbearing, overshadowing, or overlooking.

BR/166/23/PL and BR/66/24/PL refused planning permission for the retention of the partly constructed front extension with changes to front window and roofline. The extension constructed has not been built in accordance with the approved plans, the main changes being that of the southern window and front roofline. The applications were refused as the changes to the roofline and window of the front elevation resulted in material alterations to the visual appearance and character of the structure to that approved (BR/158/19/PL), which result in adverse harm to the visual amenity of the property and the surrounding area. The extension resulted in unacceptable harm to the character of the street scene. An Enforcement Notice was served for the breach of planning control in November 2023. This has been appealed and the outcome is awaited from the Planning Inspectorate.

The current proposal is identical to approved application BR/158/19/PL.

DESIGN AND VISUAL AMENITY

The extension is to the front of the dwelling and is visible from the street scene.

The extension extends to the front and western side of the property and has a width of 9.2m and a depth of 6.2m. The extension is set in 0.4m from the western boundary.

The proposal, in terms of its scale, massing and location was approved under BR/158/19/PL, and this aspect of the proposal is acceptable and will remain so. The extension currently has a maximum height of 4m to the turret style posts, which is higher than the 3.7m height approved by BR/158/19/PL. The current application seeks to reduce the height of the extension as constructed, to a height of 3.7m with two turret style posts either end of the extension, as approved under the original 2019 planning permission.

Whilst the extension is large in scale, and is highly visible within the streetscene, the alterations to the extension to reduce the height and amend the design to reduce the number of turret style posts would result in the extension having the same height, scale and appearance as the originally approved extension. Furthermore, the window within the front of the extension would be altered such that it would be larger, consistent with the previously approved window, which would better reflect the proportions of the building.

The extension would not result in adverse harm to the visual amenity of the property and the surrounding area. Notwithstanding this, it is noted that the extension as existing does not benefit from the relevant planning permission, and the design and appearance of the extension has resulted in harm to the visual amenity of the streetscene in addition to harm to the character and appearance of the host building. As such, it is reasonable to attach a condition to any granted consent to require the proposed alterations to the extension commence within 12 months from the date on which planning permission is granted.

The development is in accordance with policies D DM1 and D DM4 of the Arun Local Plan, and Part M of the Arun Design Guide.

RESIDENTIAL AMENITY

The extension is to the front and western side of the property and retains a spacing of approximately 0.4m to the boundary to the west.

There is a door to the neighbouring property (4a) facing the host dwelling however there was a garage positioned to the western boundary which was removed following approval of the original permission. Whilst the extension is taller than the structure previously in place, the extension would not result in any additional overbearing or overshadowing impacts to those approved by BR/158/19/PL.

One window is to the south, another to the east, patio doors to the north and a roof lantern. These do not give rise to adverse overlooking, with views predominately over the street scene and 15m to the eastern boundary fencing.

The Arun Design Guide states that developments should not negatively impact, and instead protect, neighbouring amenity in terms of privacy and overshadowing, considering the positioning of neighbouring buildings, and respond to existing elevations through the size and positioning of doors and windows. The extension as amended would be in accordance with this.

Due to the siting of the extension to the front and side of the dwelling, the works do not result in any adverse additional harm to neighbouring amenity by way of overbearing, overshadowing, or overlooking to that already approved under BR/158/19/PL. The extension is in accordance with policies D DM1 and D DM4 of the Arun Local Plan, and the Arun Design Guide.

SUMMARY

The extension as amended is in accordance with the relevant development policies and as 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), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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.

CIL DETAILS

This application is not CIL liable.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The alterations to the extension hereby permitted shall be begun before the expiration of 12 months 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 and Block Plan
Proposed South and North Elevations
Proposed Floor Plan and West Elevation
Pre-Existing and Proposed East Elevation

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.

- 3 The materials and finishes of the external walls and roof of the building hereby permitted shall match in colour and texture those of the existing building.

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

- 4 Based on the information available, this permission is exempt from the requirement to provide a biodiversity gain plan under Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990. The following exemption applies:

This planning permission is for development which is a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

- 5 **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)

BR/67/24/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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