

PLANNING APPLICATION REPORT

REF NO:	BR/222/21/PL
LOCATION:	Vincent House 75 Highfield Road Bognor Regis PO22 8PD
PROPOSAL:	Creation of 1 No 1 Bed & 1 No 2 bed Units to roof space of existing block with 2 No new car parking space and revised access provision. This site is in CIL Zone 4 (Zero Rated) as flats.

<b>SITE AND SURROUNDINGS</b>
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DESCRIPTION OF APPLICATION	<p>It is proposed to convert the roof space into 2 flats (one 2 bed &amp; one 1 bed). The elevations show three new rooflights on the front roof elevation, one new window in the second floor southern roof gable, two windows on the rear (west) second floor gable and six new velux windows on the south facing roof plane of the northern half of the rear roof (only visible on the roof plan). The four rooflights on the northern roof plane are already present.</p> <p>The application shows two parking spaces on the road frontage and an extra two in the rear garden accessed from an existing driveway off Highfield Road which the applicant has recently purchased. It is stated the telegraph pole on the front will be relocated to facilitate full access to the second frontage space. The rear garden is shown with three amenity areas and the two rear parking spaces. Bin storage is down the southern side. Cycle storage is not shown but was previously approved in a shed in each garden area.</p>
RESIDENTIAL DEVELOPMENT DENSITY	112 dwellings per hectare.
BOUNDARY TREATMENT	<ul style="list-style-type: none"><li>- 1.9m high wall to the side passage (south west);</li><li>- 1.9m high close boarded fence to no. 77 (north east);</li><li>- 1.7m high close boarded fencing to the rear; and</li><li>- open to the front.</li></ul> <p>The rear garden area has been subdivided using 1.8m high larch lap fencing.</p>
SITE CHARACTERISTICS	<p>Two storey end terraced dwelling with two storey side extension and two storey rear projection occupied as 4, 2 bed flats. The building is 8.5m to the main front ridge and 8.1m to the rear subservient element. Single parking space on the front. The rear garden was previously approved to be subdivided into one private garden area, one communal</p>

## CHARACTER OF LOCALITY

garden area and bin & bike storage areas.

High density residential street. Predominantly terraced dwellings with some semi-detached houses and occasional detached dwelling. There are other houses converted into flats or houses in multiple occupation in the street. On-street parking is at a premium particularly outside of work hours. Neighbouring properties as follows:

- 69 Highfield Road (to the south west) - detached dwelling in the same design/form as other nearby terraced dwellings. No flank windows affected. Rear windows on the affected side consist of an obscure glazed window at ground floor (use not known but assumed also a bathroom) and a bathroom above. There is a 3.4m driveway gap between the application site and this dwelling.

- 77 Highfield road (to the north east) - mid terraced dwelling. Flat roofed rear extension with bedroom above.

RELEVANT SITE HISTORY
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BR/129/19/PL	Conversion of single dwelling to 4 no. flats including rear projection and 1 parking space (resubmission of BR/215/18/PL)	App Cond with S106 18-10-19
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BR/215/18/PL	Conversion & extension of dwelling comprising two existing flats to form 6 No. flats (4 No. new) with associated ancillary services.	Refused 20-02-19
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**Appeal: Dismissed  
07-08-19**

BR/215/18/PL proposed 6 flats and 1 parking space and was refused on grounds of insufficient parking and dismissed on appeal in August 2019. The following is a summary of the main points in the appeal decision notice:

- Highfield Road has double yellow lines in parts and that because of the predominantly terraced housing there is a general lack of off-street parking between the railway bridge and the small parade of shops at the junction with Highfield Gardens;
- The presence nearby of a takeaway and convenience store contribute to parking demand, particularly in the early evening;
- The Inspector acknowledged the appellants parking survey but noted available spaces in the vicinity would be relatively low such that residents would need to park further away. This supported the objection of residents and is in line with the then view of WSCC Highways that parking is currently at a premium along Highfield Road and on-street parking spaces are limited;
- It would not be reasonable for existing residents in the vicinity of the site to have to routinely park further away from their homes in the evening and overnight than they do now; and
- Despite the sustainable nature of the site, there is no guarantee future occupiers of flats would not own a vehicle.

BR/129/19/PL for 4 flats and 1 parking space on the frontage was then approved in October 2019.

Certain elements of the existing development are not in accordance with BR/219/19/PL, these being the location of refuse bins, the velux windows in the northern roof plane, the brick detailing on the southern & western roof gables (where new windows are proposed) and the colour of the brick used in the two storey side extension. These issues have not been reported to the Council and it is not expedient to take action to correct these issues as they do not result in material harm.

## **REPRESENTATIONS**

Bognor Regis Town Council:- object the proposal brings the number of flats to that proposed by the application dismissed on appeal and the two new flats will increase pressure for on-street. Request this be refused for the same reasons as BR/215/18/PL.

### **COMMENTS ON REPRESENTATIONS RECEIVED:**

Parking is discussed in the report's conclusions.

## **CONSULTATIONS**

### **CONSULTATION RESPONSES RECEIVED:**

NATURAL ENGLAND - No objection - require the Local Planning Authority carry out an Appropriate Assessment to assess the impact of increased recreational disturbance arising from the proposal on the Pagham Harbour Special Protection Area (SPA) & Ramsar Site.

WSCC HIGHWAYS - No objection subject to conditions to secure car parking, cycle storage and electric vehicle charge points. Comment that:

- no apparent visibility issues with the existing points of access on to Highfield Road;
- the parking bays are suitably sized;
- on-site turning appears achievable for the parking bays situated to the rear of the site;
- cars exiting bays fronting the site may have to do so in a reverse gear but this will not result in a highway safety concern;
- the site as a whole (6 flats) generates a requirement for 6 spaces so the shortfall would have to be accommodated on-street;
- whilst on-street parking is limited in the area, there are comprehensive parking restrictions in place prohibiting vehicles from parking in places that would be a detriment to highway safety;
- the LPA may wish to consider potential impacts on on-street parking from an amenity point of view; and
- the site is in a sustainable location in walking/cycle distance of local services & amenities including bus stops and a railway station.

### **COMMENTS ON CONSULTATION RESPONSES:**

NATURAL ENGLAND - An Appropriate Assessment (AA) was issued to Natural England for review on the 21st October and no response has yet been received. It is likely Natural England will advise that subject to the contribution being secured, there will be no adverse effect on the integrity of the European Site in view of its conservation objectives. A copy of the AA is on the website. Should a response be received then this will be reported to members by way of a report update.

WSCC HIGHWAYS - a condition requiring electric charge points is not appropriate as the Arun Parking

Standards SPD require only 0.8 charge points for 4 parking spaces but 1 charge point has already been provided through the discharge of condition 9 imposed by BR/129/19/PL.

## POLICY CONTEXT

Designations applicable to site:

Within the Built Up Area Boundary;

Pagham Harbour Zone B;

Within 2km buffer zone of Bognor Reef Site of Special Scientific Interest (SSSI);

Within 2km buffer zone of Felpham Site of Special Scientific Interest (SSSI);

WSSC Waste Consultation Area (Alderton's Yard, Town Cross Avenue site);

CIL Zone 4; and

Current/Future Flood Zone 1.

## DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM1	ENV DM1 Designated Sites of Biodiversity or geographical imp
ENVDM2	ENV DM2 Pagham Harbour
ENVDM5	ENV DM5 Development and biodiversity
QESP1	QE SP1 Quality of the Environment
SDSP2	SD SP2 Built-up Area Boundary
TSP1	T SP1 Transport and Development
TELSPI	TEL SP1 Strategic delivery of telecomms infrastructure

## PLANNING POLICY GUIDANCE:

NPPDG	National Design Guide
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

## SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
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. There are no relevant Bognor Regis Neighbourhood Plan policies.

## 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 the Arun Local Plan in that it would not cause demonstrable harm to the character of the area, to the amenity of neighbouring residents, to the amenities of future residents, to the integrity of the Pagham Harbour Special Protection Area (SPA) or result in a severe impact on the local highway.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

(2) in dealing with an application for planning permission the authority shall have regard to -

- (a) the provisions of the development plan, so far as material to the application,
- (aza) a post examination draft neighbourhood development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

## OTHER MATERIAL CONSIDERATIONS

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

## CONCLUSIONS

### PRINCIPLE:

The site lies in the built up area boundary where development is acceptable in principle as per policy SD SP2 of the Arun Local Plan (ALP) provided it is in accordance with other policies covering such issues as character/design, highway safety/parking, residential amenity, space standards, biodiversity and climate change.

NPPF para 120(d) and 124 support the development of under-utilised land and buildings particularly where this results in new housing and require that planning decisions avoid homes being built at low densities, with higher densities encouraged for locations that are well served by public transport.

### HIGHWAYS & PARKING:

ALP policy T SP1 seeks to ensure development provides safe access on to the highway network; contributes to highway improvements (where appropriate) and promotes sustainable transport. Schemes should accommodate the efficient delivery of goods and supplies; give priority to pedestrian and cycle movements, be accessed by high quality public transport facilities, create safe and secure layouts for traffic, cyclists and pedestrians and provide appropriate levels of parking.

Para 110 of the NPPF states: "In assessing .. specific applications for development, it should be ensured that: (b) safe and suitable access to the site can be achieved for all users". Para 111 states: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

WSCC Highways comments are set out in full on the website and summarised above. They do not object and recommend conditions. The parking requirement (according to the Arun Parking Standards SPD) is one space per new flat (so two spaces). The application exceeds this as it proposes an additional three spaces. However, the two flats will be part of a flatbed building with the parking shared between all the flats and so it is appropriate to assess the whole building again. The requirement for 6 flats is 7 spaces (including 1 visitor space) and the overall on-site provision would be 4 spaces leaving a shortfall of 3.

It is material that this proposal is different to the refused scheme at that application proposed 6 flats and 1 parking space. The approved scheme was for 4 flats with 1 space and the submission included a Parking Capacity Survey which demonstrated that in the Highfield Road area, there were at least 16 spaces available overnight. As the previous application was approved on the basis of 4 flats, 1 off-street space and with overspill on local roads, it follows that an application for 2 more flats but three more parking spaces is acceptable. A refusal based on a shortfall of 3 (when the approved scheme had the same shortfall) would not be defensible.

Whilst there could be cases where additional residents try to park on surrounding streets and conflict with/affect the amenities of existing residents, it is clear the parking impact of the conversion is the same as per the approved application. It is material that this is a sustainable edge of town centre location so that residents can walk, cycle or take a bus to access shops, services, employment sources etc. Cycle storage will be secured by condition to encourage residents to use bicycles. As such, there is no conflict with policy T SP1 or with the Parking Standards SPD.

#### CHARACTER, DESIGN & VISUAL AMENITY:

ALP policies D SP1 and D DM1 require development makes the best possible use of land by reflecting or improving the character of the site/surrounding area. New buildings should be harmonious with their surroundings and successfully integrate with the existing surrounding environment. Policy D DM4 sets out criteria for which applications relating to extensions and alterations of existing buildings must be assessed against. These seek to minimise the impact of the proposal on the character of the host dwelling, its neighbours and the locality.

The Arun Design Guide states that when roof lights are proposed, these should maintain the privacy of neighbouring properties, should be used sparingly, discreetly, and centred on the roof.

The only external changes to the building (shown by the elevation plans) are three rooflights on the front roof elevation, one new window in the second floor southern roof gable, two windows on the rear (west) second floor gable and six rooflights in a part of the rear roof (but the latter are only visible on the roof plan). These are all appropriate due to the presence of other roof lights in the streetscene (such as those on the fronts of buildings opposite), that they do not dominate the roofscape and that some will not be visible from public viewpoints.

There is an abundance of flat conversions (including the property itself) and/or houses in multiple occupation (HMO's) in the local area and there is no in principle concern with the conversion of the roof space to provide additional flats. The proposal complies with the relevant policies.

#### RESIDENTIAL AMENITY:

ALP policy D DM1 requires there be minimal impact to users/occupiers of nearby property and land. ALP policy QE SP1 requires all development contribute positively to the quality of the environment and ensure development does not have a significantly negative impact on residential amenity. The Arun

Design Guide sets out guidance on garden depths and interface distances between houses:

- Back to Back: min. 21m between habitable rooms of properties or to existing buildings;
- Back/Front to Side: min. 14m between habitable rooms and side gable of adjacent property;
- Front to Front: min. 16m between habitable rooms of properties facing each other; and
- Back to Boundary: min. 12m between habitable rooms and site boundary to existing landscaping.

There are no standards given for front to back or side to side and the Design Guide states windows and doors should normally be placed in front and rear walls to minimise overlooking of neighbours.

The new front roof windows will be at least 18m from the front rooflight on the property opposite (no.58). The new second floor southern roof gable window is in the side at second floor level and does not face any windows in the flank wall of no. 69. The two windows on the rear (west) second floor gable are in different positions due to the rear staggered nature of the building. They will be 16.9m and 22.5m from the rear first floor windows on nos. 36 & 38 Gordon Avenue. Therefore, the proposed roof level window on the deepest part of the building's rear would not ensure a 21m back to back distance.

This window serves a second bedroom and whilst not ideal, it is appropriate to require this to be obscure glazed and top vent opening only. The applicant has amended the plans to show this window as top vent opening and a condition will be imposed to require it to be obscure glazed. This action would be sufficient to prevent any loss of privacy to the Gordon Avenue occupiers.

The six rooflights on the south facing roof plane of the northern most rear roof, face a separate part of the roof and so do not result in any overlooking. Although not formally part of this application, the four windows (rooflights) in the north facing roof plane were not permitted by BR/129/19/PL, and do not benefit from planning permission. However, they do look out over residential properties to the north as they are at a high level, and do not allow views into neighbouring windows.

As no new building works are proposed, there are no light loss or shading impacts to consider. The proposal complies with policies D DM1 and QE SP1.

#### SPACE STANDARDS:

ALP policy D DM2 states internal spaces should be of an appropriate size and the Nationally Described Space Standards provide guidance. The required internal space standard for the 1 bed flat is 39m<sup>2</sup> and for the 2 bed flat is 61m<sup>2</sup>. Although all bedrooms are shown with double beds, it is correct to calculate space standards on the basis of a 2 bed, 3 person flat and a 1 bed, 1 person flat as the size of those bedrooms does not meet the minimum for a double bedroom (being 11.5m<sup>2</sup>) as set by the space standards. Plans demonstrate the flats comply with the standards (41m<sup>2</sup> & 63.5m<sup>2</sup>).

The Arun Design Guide sets out a requirement for a minimum of 40sqm plus 10sqm for each unit as communal shared space if not provided as balcony space. It is not appropriate in this location to provide balconies due to overlooking. The total requirement would therefore be 100m<sup>2</sup> of space. The rear garden area is to be laid out with a private space for the existing ground floor rear flat (29.2m<sup>2</sup>) and then three further amenity spaces. These three add up to 87m<sup>2</sup> so there is a shortfall of 13m<sup>2</sup> but this is acceptable given the starting size of the garden space and the fact that the Design Guide is guidance not policy. It is material that the site is relatively close to other places for public recreation.

#### BIODIVERSITY:

ALP policy ENV DM5 requires proposals achieve a net gain in biodiversity and protect habitats on site. The application is not accompanied by an ecological appraisal but existing residential curtilages tend to

have low potential as habitat for protected species and the new flats are in a part of the building that has recently been constructed therefore is not suitable for bat roosts. In order to demonstrate biodiversity net gain, a condition will be imposed to require bird boxes are placed on the building. This would satisfy policy requirements.

**CLIMATE CHANGE:**

ALP policy ECC SP2 requires all new residential development including conversions and change of use be energy efficient and incorporate decentralised, renewable and low carbon energy supply systems. The application states the approved extension and alteration work that has taken place has allowed for better thermal insulation of the building. By discharge of condition 10 on BR/129/19/PL, approval was given to the placement of 4 solar panels on the south facing roof plane. It is noted the roof space is existing such that limited works are required to accommodate the flats reducing the amount of carbon used in creating two dwellings. On this basis, the policy is complied with and a further condition would not be appropriate.

**PAGHAM HARBOUR:**

ALP policies ENV DM1 and ENV DM2 require residential developments in a 400m to 5km distance ('Zone B') of Pagham Harbour make a financial contribution towards provision of accessible natural open green spaces to serve the area. A contribution of £871 per new unit was agreed by the Council's Cabinet on 10 April 2017. The site lies in designated Zone B and the proposal results in a net increase of 2 dwellings. This requires a contribution of £1,742. A draft legal agreement has been submitted but due to ownership issues, the document has not yet been agreed. Should this position change prior to the Committee a report update will be produced and the recommendation altered.

**SUMMARY:**

There is no in principle objection to residential development on this site in the built up area and the proposal complies with development control criteria concerning highway safety, residential amenity, character/design, biodiversity, space standards and climate change. Completion of the submitted legal agreement will ensure there is compliance with policy ENV DM5 and ensure there is no harm to the integrity of the SPA.

The proposal is recommended for approval subject to conditions and a s106 agreement. Whilst not mentioned in the report, a condition will be imposed to require superfast broadband in the building in accordance with the requirements of ALP policy TEL SP1.

As the s106 has not been completed, it is requested the final decision be delegated to the Group Head of Planning with authority to make minor amendments to the s106 agreement if required. Should the s106 not be signed in 1 month of the date of the Planning Committee's resolution to grant planning permission, then the application shall be refused for the following reason:

"In the absence of a signed Section 106 agreement, the application fails to make a financial contribution towards the cost of providing accessible natural open green spaces to mitigate the harm to the Pagham Harbour Special Protection Area and the proposal is therefore not in accordance with Arun Local Plan policies ENV DM1 and ENV DM2".

<b>HUMAN RIGHTS ACT</b>
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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 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.

#### **SECTION 106 DETAILS**

This decision will be subject to a s106 legal agreement to include a contribution of £1,742 towards the agreed strategic access management measures to mitigate harm to the Pagham Harbour Special Protection Area.

#### **CIL DETAILS**

Flats in Zone 4 are not CIL liable.

#### **RECOMMENDATION**

**APPROVE CONDITIONALLY SUBJECT TO A SECTION 106 AGREEMENT**

- 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 approved drawing HOP-001-P Rev B "Existing & Proposed".

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies D DM1, D SP1, T SP1 and QE DM1 of the Arun Local Plan.

- 3 Neither of the two new flats shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose. These parking spaces shall thereafter be allocated to one of the flats within the building, and retained at all times for their designated purpose.

Reason: To provide adequate on-site car parking space for the development in accordance

with policy T SP1 of the Arun Local Plan.

- 4 Neither of the two new flats shall be first occupied until covered and secure cycle parking spaces have been provided to serve the new flats in accordance with plans and details to be submitted to and approved by the Local Planning Authority. Such cycle storage spaces should thereafter be permanently retained in good working condition.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies and policy T SP1 of the Arun Local Plan.

- 5 Prior to occupation of either of the two new flats, a strategy for the provision of the highest available headline speed of broadband provision to future occupants of the site shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall consider the timetable for the delivery of 'superfast broadband' (defined as having a headline access speed of 24Mb or more) in the vicinity of the site (to the extent that such information is available). The strategy shall seek to ensure that upon occupation of a new dwelling, the provision of the highest available headline speed of broadband service to that dwelling from a site-wide network is in place. Unless evidence is put forward and agreed in writing by the Local Planning Authority that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure, the development of the site will continue in accordance with the approved strategy.

Reason: To safeguard the amenities of future residents in accordance with Arun Local Plan policy TEL SP1.

- 6 No part of the development shall be first occupied until full details of the placement of two bird boxes on the building have been submitted to and approved in writing by the Local Planning Authority. The approved details shall then be implemented in full prior to occupation and thereafter retained to the satisfaction of the Local Planning Authority.

Reason: In the interests of securing biodiversity net gain in accordance with Arun Local Plan policy ENV DM5 and the National Planning Policy Framework.

- 7 In accordance with the approved plan, the second floor bedroom window on the rear (west) gable elevation shall at all times be glazed with obscured glass and fixed to be non-opening below a height of 1.7m from the internal floor level.

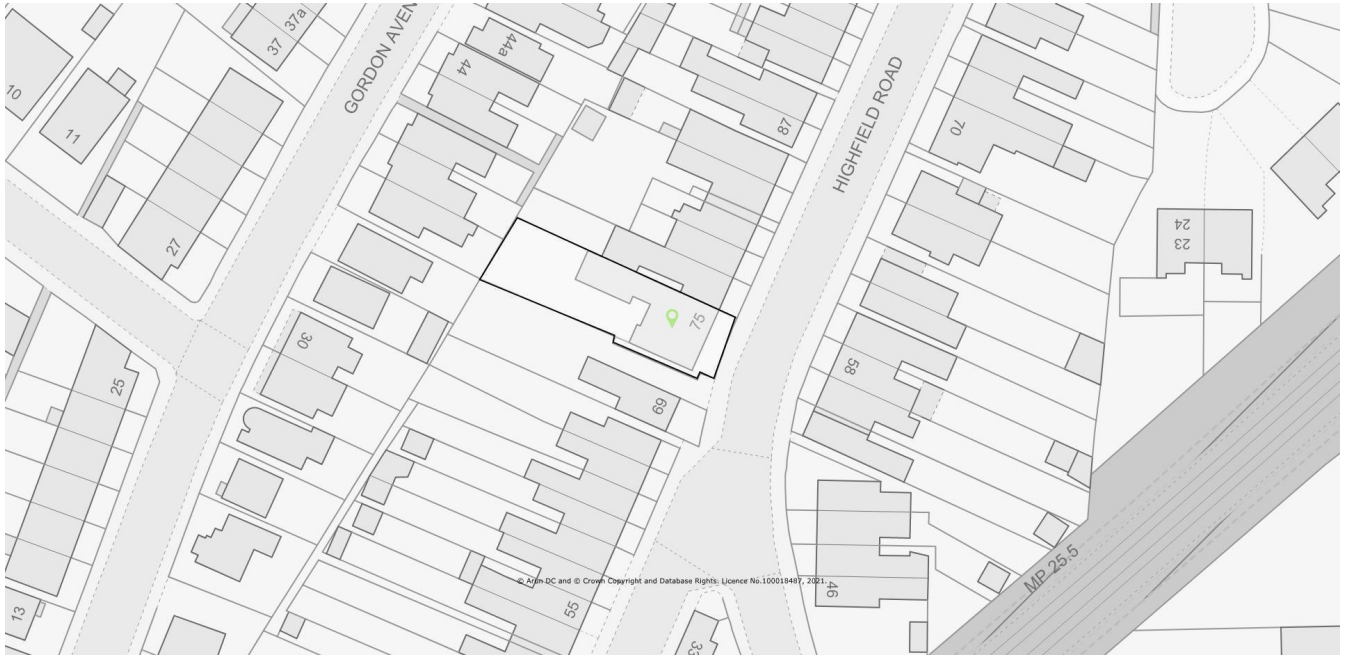
Reason: To protect the amenities and privacy of the Gordon Avenue properties to the rear in accordance with policies QE SP1 and D DM4 of the Arun Local Plan.

- 8 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 identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

- 9 INFORMATIVE: This decision has been granted with a s106 legal agreement relating to a contribution of £1,742 towards the provision of accessible natural open green spaces to serve the Pagham area.

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](#).

**BR/222/21/PL - Indicative Location Plan (Do not Scale or Copy)**  
**(All plans face north unless otherwise indicated with a north point)**



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