

Parish: Earnley	Ward: East Wittering
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**E/17/02376/FUL**

**Proposal** Replacement of existing agricultural glass around the outside edges of the roof of the building with Azura Blue tinted, toughened self-cleaning glass.


**Site** Dragon Nursery Third Avenue Batchmere West Sussex

**Map Ref** (E) 482364 (N) 97923

**Applicant** Mr & Mrs C Durant

**RECOMMENDATION TO PERMIT**



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## **1.0 Reason for Committee Referral**

Parish Objection - Officer recommends Permit

## **2.0 The Site and Surroundings**

- 2.1 The application site comprises an L shape parcel of land located in a backland position to the rear of a dwelling known as Dragon Cottage, Third Avenue in the rural parish of Earnley. It is located to the western end of Third Avenue, to the north of the road, with access achieved from a private drive, to the west of the residential dwelling.
- 2.2 The building subject to this application is a former horticultural glass house to the north of the residential dwelling, which under application E/15/00473/ELD was found to be lawful for storage purposes. A subsequent application E/15/04244/PA3P was allowed under the prior approval change of use process for conversion of the storage glasshouse into a residential C3 use, under Part 3 Class P of the General Permitted Development Order 2015.
- 2.3 The glasshouse comprises of 6 bays, with a height of 3.3m, length 27m and a width of 19.2m which narrows to 9.2m at its northern extremity. There is an entrance door to the east elevation. A mature hedge screens the site from the large commercial nursery to the north and west. To the south a boundary wall and hedging screen the site from the neighbouring property 122 Third Avenue and Dragon Cottage.

## **3.0 The Proposal**

- 3.1 This application follows the prior approval application E/15/04244/PA3P which has allowed prior approval for the change of use of the glasshouse to residential. As the Town and Country Planning (General Permitted Development) Order 2015 deals only with the change of use of the building, separate consent is required for any external changes that may be required to facilitate the change of use. This application seeks to replace the existing glazing to the glasshouse with Azura Blue tinted toughened self-cleaning glass. The existing glazing bars, ridge beam and gutter clips would be reused.

## **4.0 History**

15/00473/ELD	PER	Use of land & part of glasshouse to rear of Dragon Cottage for storage.
15/03562/PA3P	PPREQ	Part 3 Class P application for prior approval - Proposed change of use of B8 storage building to 1 no. dwelling.
15/04244/PA3P	YESPAP	Part 3 Class P application for prior approval - Proposed change of use of B8 storage building to 1 no. dwelling.
16/01459/FUL	REF	Erection of 1 no. custom/self build dwelling -

Alternative to dwelling permitted by virtue of Class P Prior Approval for Change of Use from Class B8 (Storage) to Class C3 (Dwellinghouse) under E/15/04244/PA3P.

16/02914/FUL

REF

Erection of 1 no. custom/self build dwelling - Replicating change of use to dwelling permitted by virtue of Class P Prior Approval for Change of Use from Class B8 (Storage) to Class C3 (Dwellinghouse) under E/15/04244/PA3P but with false pitch roof and roof lanterns.

## 5.0 **Constraints**

Listed Building	NO
Conservation Area	NO
Rural Area	YES
AONB	NO
Tree Preservation Order	NO
EA Flood Zone	NO
- Flood Zone 2	
- Flood Zone 3	

## 6.0 **Representations and Consultations**

### 6.1 **Parish Council**

Earnley Parish Council planning committee have reviewed this application and wish to object on the following grounds:

1. The application to alter the appearance of the Glass House is against the intent of the regulation for permissive conversion.
2. The application will result in an increasing appearance of urbanisation in a rural area in contravention of the NPPF.

### 6.2 **Applicant/Agent's Supporting Information**

Reason for Change:

It is the self-cleaning property of the glass for ease of maintenance and to cut down future costs. We can replace with clear self-cleaning glass but prefer to use the tint of blue option to make a more pleasant environment - from the manufacturer's brochure - Highest light transmittance of the range allows light in and absorbs up to 68% of the sun's heat; Attractive blue tint filters light and reduces glare by over 52%; Reduces the bleaching effect of the sun by blocking 86% of the (damaging) sun's UV rays (of importance to us because of Mr Durrant's sensitivity to rays due to his leukaemia.

Fitting:

The thickness of the new glass is identical to that of the existing at 6mm.

The existing glazing bars and ridge beam have a slot in them to allow a material of 6mm to be slotted in - I have shown these in the photographs below. This means that one can start from one end of the building and replace sheet by sheet as they move along the greenhouse.

## **7.0 Planning Policy**

### The Development Plan

- 7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029 and all made neighbourhood plans. There is no made neighbourhood plan for Earnley at this time.
- 7.2 The principal planning policies relevant to the consideration of this application are as follows:

Policy 1: Presumption in Favour of Sustainable Development

Policy 2: Development Strategy and Settlement Hierarchy

Policy 33: New Residential Development

Policy 39: Transport, Accessibility and Parking

Policy 40: Sustainable Design and Construction

Policy 41: Off-site Renewable Energy

Policy 45: Development in the Countryside

Policy 46: Alterations, Change of Use and/or Re-use of Existing Buildings in the Countryside

Policy 48: Natural Environment

Policy 49: Biodiversity

Policy 50: Development and Disturbance of Birds in Chichester and Langstone Harbours Special Protection Areas

### National Policy and Guidance

- 7.4 Government planning policy now comprises the National Planning Policy Framework (NPPF), paragraph 14 of which states:

At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking:

*For decision-taking this means unless material considerations indicate otherwise:*

*- Approving development proposals that accord with the development plan without delay; and*

*- Where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless any adverse impacts of doing so would significantly or demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in (the) Framework indicate development should be restricted.*

7.5 Consideration should also be given to paragraph 17 (Core Planning Principles), 56, 58, 60, 61, of the National Planning Policy Framework (NPPF)

## **8.0 Planning Comments**

8.1 The main issues arising from this proposal are:

- i. Principle of development
- ii. Impact on visual appearance and character of the area
- iii. Other Matters

### Assessment

i) Principle of development

8.2 The glasshouse subject to this application has consent (15/04244/PA3P) under Part 3 Class P of the General Permitted Development Order 2015 for the conversion of the glasshouse to C3 residential use. This part of the Use Class Order refers only to the change of use and any external works to facilitate the change of use would require a planning application. As such the principle of the use of the glasshouse for residential purposes has already been established.

8.3 With regard to the external works proposed the application seeks 'replacement of existing agricultural glass around outside edges of the roof of the building with Azura Blue tinted, toughened self-cleaning glass'. No other works are proposed. The central portion of the glasshouse glazing is to remain, whereby the internal alterations would apply a false ceiling to facilitate the residential use. Internal alterations which would not affect the external appearance of the building do not require planning permission as they would not constitute development in the meaning of s55 of the Town and Country Planning Act 1990. As such providing the ceiling is installed so as not to result in change externally to the building, this would not require planning permission. Overall, if the application can demonstrate the requirement for a change in the glazing and subject to material considerations as set out below, upgrading of existing glazing would be acceptable in principle.

ii) Impact on visual appearance and character of the area

8.4 As set out in 8.3 above, the application is only for the replacement of sections of glazing on the glasshouse with Azura Blue tinted toughened self-cleaning glass. The blue tint to the glazing creates a more pleasant environment internally, allowing for absorption of up to 68% of the sun heats and reduces glare by over 25%. Furthermore it would block 86% of the suns UV rays, which the agent advises is particularly important due to the applicant's sensitivity to the rays due to his leukaemia. This is why the applicants have chosen the tinted glass over the clear glazing.

- 8.5 The glazing thickness would remain the same as the existing glazing, which would enable the existing glazing bars, ridge beam and gutter clips to be reused. This subsequently would ensure the structure of the glasshouse would remain as existing and as such the proposal would not warrant the rebuilding of the structure, and the permitted conversion of the building could be implemented. The blue tinted glass would result in a visual change to the appearance of the glasshouse, however the retention of the existing frames combined with the slope of the roof and the glazing still being transparent, it is not considered that this visual change would be detrimental to the host building or the visual appearance and character of the area.
- 8.6 Furthermore, the glasshouse is set back from the road 60m, this set back, combined with the extensions to the main residential dwelling, the mature high level boundary screening and the form of the glasshouse roof, results in very limited views from any public vantage points, which in turn mitigates against any harmful visual impacts on the wider area.
- 8.7 Overall it is considered that due to the limited views of the glasshouse from public vantage points, the retention of the existing frame and the use of transparent, albeit slightly tinted glass, would not result in significant visual harm to the character and appearance of the area. Therefore the proposal would accord with policy 48 of the CLP which seeks to ensure that proposals sensitively contribute to the local landscape setting and quality.

iii) Other Matters

- 8.8 The proposal seeks only operational development for the change to the glazing and no other works are proposed, as a result there would not be a need to amend any s106 agreement received for the Chichester and Langstone Harbour Recreational Disturbance. In addition no additional CIL charges would be applicable.

Conclusion

- 8.10 Based on the above assessment it is considered the proposal complies with development plan policies 33 and 48 which seek to ensure that development is in keeping with the character of an area and would not cause harm to the visual amenity and therefore the application is recommended for approval.

Human Rights

- 8.11 In reaching this conclusion the Human Rights of the applicants and nearby occupiers have been taken into account when reaching this recommendation and it is concluded that the recommendation to permit is justified and proportionate.

## **RECOMMENDATION**

**PERMIT** subject to the following conditions and informatives:-

1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

**Reason:** To comply with Section 91 of the Town and Country Planning Act 1990.

2) The development hereby permitted shall not be carried out other than in accordance with the approved plans: 1, 2, 3, 4A

**Reason:** To ensure the development complies with the planning permission.

3) The glazing hereby approved shall be the Bioclean Azura Blue Tinted Roof Glass as specified in the planning application documents, unless.

**Reason:** For the avoidance of doubt and in the interests of the visual amenities of the rural locality.

## **INFORMATIVES**

1) For the avoidance of doubt this application approves only the change to the glazing as specified in the application and any alterations or development affecting the external appearance of the glasshouse, would require a further grant of planning permission.

2) 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.

For further information on this application please contact Caitlin Boddy on 01243 534734