

Parish: Earnley	Ward: East Wittering
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E/17/02419/FUL

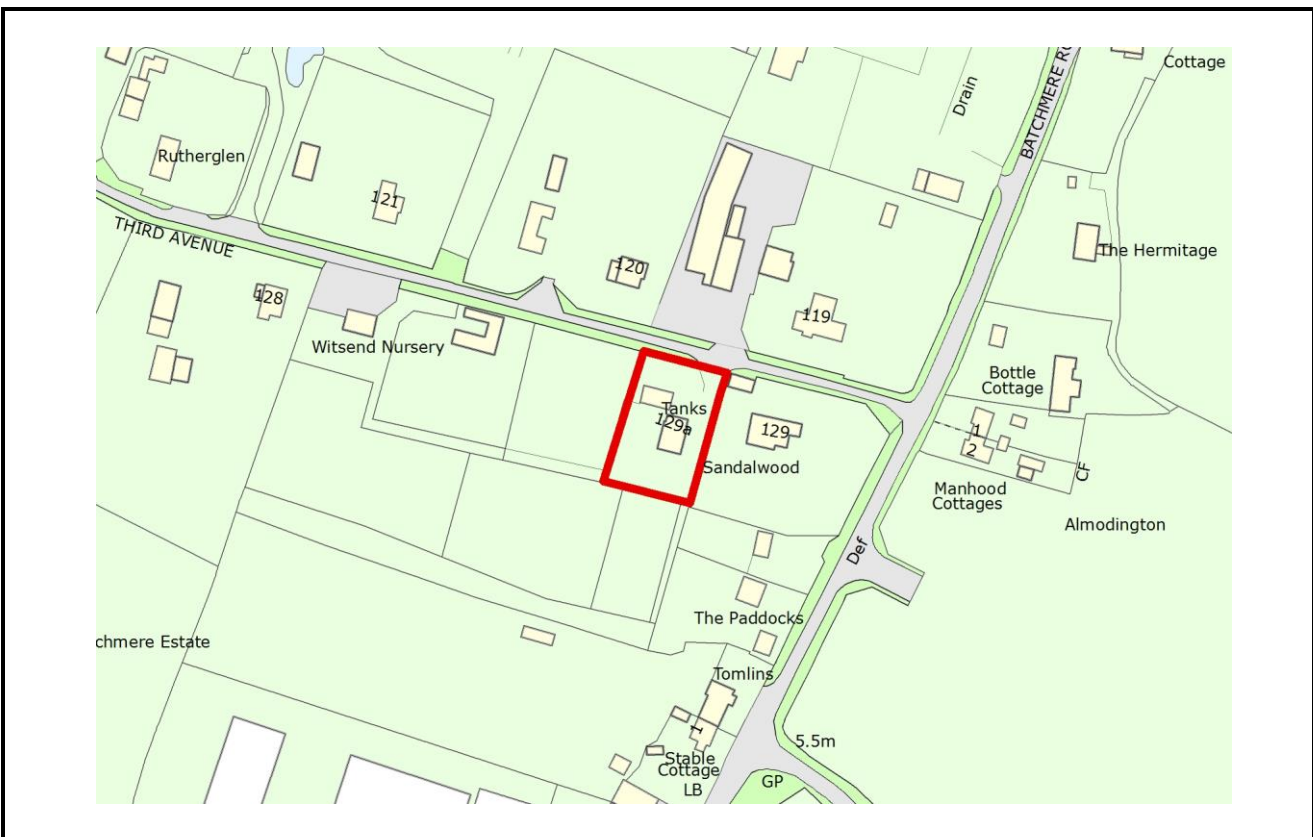
Proposal New external cladding, windows and doors. Replace profiled metal sheeting on roof with slate, replace flat roof over lean-to with pitched roof and insertion of conservation style rooflights (subsequent to notification application E/17/01489/PA3P).


Site 129A Third Avenue Almodington Earnley PO20 7LB

Map Ref (E) 482610 (N) 97741

Applicant Mr D Knight

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 is located to the south of First Avenue, Almodington within the rural area and outside of any settlement boundary. First Avenue is surrounded on each side by Land Share Association (LSA) plots that were established in the early 1950's and generally comprise a dwellinghouse with outbuildings and associated horticultural land; forming a small holding. Some of the LSA plots have changed over time, moving away from horticulture, although some remain in horticultural use. Many have been extended and, more recently, converted to dwellings under the Town and Country Planning (General Permitted Development) Order 2015, as amended. However, the road retains a spacious and informal rural character.
- 2.2 The existing building is single storey with a combination of a shallow pitched gable ended roofs to the main part of the building with a flat roof extension to the north elevation. The site is bounded by mature hedges and a solid gate to the northern boundary, a block wall with evergreen vegetation above to the east, and 1.8m fence panels to the south and west, where there is also a connection to surrounding land under the applicant's ownership.
- 2.3 The application building has been granted prior approval for the change of use of the existing building to a residential use under Part 3, Class P of the Town and Country Planning (General Permitted Development) Order 2015, as amended (GPDO). However, Class P does not allow for any alterations to the exterior of the building, which instead must be the subject of a planning application to assess the acceptability of the proposals.

3.0 The Proposal

- 3.1 The application seeks permission to alter the external appearance of the building to facilitate the approved change of use to a dwelling.
- 3.2 The proposed works would comprise of;
- cladding over the existing block walls with timber boarding,
 - the insertion of bedroom and bathroom windows to the east elevation,
 - the insertion of kitchen, utility and living room windows to the west elevation,
 - provision of a flat roof to the north elevation and a fixed full-length living room window on the south elevation,
 - the installation of 6 no. rooflights,
 - replacement of the existing profiled metal sheeting with slates, and
 - alterations to the roof to replace the an existing flat roof element with a pitched roof, lower but at the same pitch as the main roof of the building.

3.3 These proposals follow application E/17/01489/PA3P for which prior approval was required and approved, subject to conditions, the main structure and principle form of the building would remain as existing.

4.0 **History**

17/01489/PA3P YESPAP Part 3 Class P application for prior approval - Proposed change of use of B8 storage building to 1 no. dwelling.

5.0 **Constraints**

Listed Building	No
Conservation Area	No
Countryside	Yes
AONB	No
Tree Preservation Order	No
EA Flood Zone	
- Flood Zone 2	No
- Flood Zone 3	No
Historic Parks and Gardens	No

6.0 **Representations and Consultations**

6.1 **Parish Council**

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

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

7.0 **Planning Policy**

The Development Plan

- 7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029 (CLP) 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 8: Transport and Accessibility
Policy 39: Transport, Accessibility and Parking
Policy 40: Sustainable Design and Construction
Policy 42: Flood Risk
Policy 45: Development in the Countryside
Policy 46: Alterations, Change of Use and/or Re-use of Existing Buildings in the Countryside
Policy 47: Heritage and Design
Policy 48: Natural Environment
Policy 49: Biodiversity
Policy 50: Development and Disturbance of Birds in Chichester and Langstone Harbours Special Protection Areas
Policy 51: Development and Disturbance of Birds in Pagham Harbour Special Protection Area

National Policy and Guidance

7.3 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.*

7.4 Consideration should also be given to paragraph 17 (Core Planning Principles) and also section 4, 7, 10 and 11.

Other Local Policy and Guidance

7.5 The aims and objectives of the Chichester in Partnership Community Strategy 2016-2029 which are relevant and material to the determination of this planning application are:

- Influence local policies in order to conserve and enhance the qualities and distinctiveness of our area

8.0 Planning Comments

8.1 The main issues arising from this proposal are:

- i. Principle of the development
- ii. Impact upon visual amenity and rural character
- iii. Impact upon the amenity of neighbouring properties

Assessment

i. Principle of the development

8.2 Prior approval has been given under Part 3 Class P of the GPDO for the change of use of the existing B8 storage building to a single dwelling. This establishes the change of use of the building, however any external alterations require planning permission in their own right.

8.3 The change of use of the building has been previously established, this application deals with the proposed changes to the external appearance of the building only and the appropriateness of the proposed alterations and impact upon the character of the locality and the amenity of neighbouring properties.

ii. Impact on visual amenity and rural character

8.4 The existing building is a simple block built form with windows and doors in the gable end walls at ground floor, windows in each flank wall and flat roof element to the north elevation. The building would be capable of conversion without significant structural alteration.

8.5 The design and appearance of the proposed changes are considered to be in keeping with the simple character of the existing building and an improvement is proposed by changing a small section of the subservient roof from a flat roof to pitch. No increase to the footprint is proposed and the changes would be commensurate with the existing size, scale, form and proportions of the building. The site is well screened to the northern boundary by high mature and well maintained vegetation and gates, resulting in few views of the site from the wider public realm.

8.6 The external materials and finishes are proposed to include slate roof tiles and timber cladding to the walls. This approach is considered to respect the character of the site and surroundings.

8.7 The Parish Council has raised an objection to what they consider to be the domestication of the building. The 'fall-back' position is that the building could be converted to a dwellinghouse without these alterations, however for the reasons set out above it is considered that the works would not have a detrimental impact upon the rural character of the site or the surroundings. The change of use allowed by the Town and Country Planning (General Permitted Development) (England) Order 2015 would inevitably bring about a degree of domestication of the property; the changes proposed as part of this planning application would not, in the view of officers, exacerbate that change in nature.

8.8 It is considered that the changes proposed would result in a building with a very similar form and appearance to the existing and the additional openings are considered respectful of the rural character and quality of the site and surroundings. There are other residential properties nearby intertwined within the LSA plots and the building operations proposed in this case would not appear out of character in its context. Therefore, it is considered that the development would comply with NPPF sections 7 and 11, CLP policies 2, 33, 45 and 47.

iii. Impact on neighbouring amenities

8.9 The size and position of the plot and modest level of development being sought by this application would not result in harm to the living conditions and amenities of neighbouring properties. As a result of the dwelling is positioned centrally within the rectangular plot and the rooflights would be vaulted to the ground floor. No first floor accommodation is proposed. The application building is positioned approximately 7m from the eastern boundary and the distance between the properties in this direction would measure approximately 20m and these properties are in a flank to flank relationship. This neighbour has a mature high evergreen hedge to their side of the eastern boundary providing a substantial and well maintained screen. There are no neighbouring properties to the south and west and the land in this direction lies within the applicant's ownership. The narrow road lies to the north which is lined with mature hedges on each side of the road. Therefore it is considered that the development complies with paragraph 17 of the NPPF and policy 33 of the current CLP.

Conclusion

8.10 It is considered that the proposed works would be in keeping with the character of the existing building, noting that a permission is in place for its change of use to a dwelling through the provisions of the GPDO, would respect the character and quality of the site and surroundings and would not be detrimental to the amenity of neighbouring properties. The proposal accords with national and local planning policies and therefore, this 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 informative:-

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 and 05B.

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

3) Notwithstanding any details submitted **no development/works shall commence** until a full schedule of all materials and finishes and samples of such materials and finishes to be used for external walls and roofs of the building(s) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved schedule of materials and finishes unless otherwise agreed in writing by the Local Planning Authority.

Reason: To enable the Local Planning Authority to control the development in detail in the interest of amenity and to ensure a development of visual quality. It is considered necessary for this to be a pre-commencement condition as such details need to be taken into account in the construction of the development and thus go to the heart of the planning permission.

3) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority the development shall not be first occupied until

i) An investigation and risk assessment has been undertaken in accordance with a scheme that shall first have been submitted to and approved in writing by the Local Planning Authority, and

ii) where remediation is necessary a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. Any remediation shall be fully implemented in accordance with the approved scheme before the development is bought into use, and

iii) a verification report for the remediation shall be submitted in writing to the Local Planning Authority before the development is first bought into use.

Reason: In the interests of amenity and to protect the health of future occupiers of the site from any possible effects of contaminated land in accordance with local and national planning policy

4) Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls in accordance with a scheme that shall first have been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate the bund capacity shall give 110% of the total volume for single and hydraulically linked tanks. If there is multiple tankage, the bund capacity shall be 110% of the largest tank or 25% of the total capacity of all tanks, whichever is the greatest. All filling points, vents, gauges and sight glasses and overflow pipes shall be located within the bund. There shall be no outlet connecting the bund to any drain, sewer or watercourse or discharging into the ground. Associated pipework shall be located above ground where possible and protected from accidental damage.

The approved scheme shall be provided prior to the first use of the land for the storage of oils, fuels or chemicals and shall be maintained as approved in perpetuity.

Reason: To enable the Local Planning Authority to retain control over the development which may be injurious to the amenities of the area and of neighbouring properties and to prevent pollution.

12) Notwithstanding the provisions of Part 1 Schedule 2 of the Town and Country Planning ((General Permitted Development) (England) Order, 2015 (or any Order revoking, re-enacting or modifying that Order) no window(s) or door(s) shall be inserted into the all elevation of the development hereby permitted without a grant of planning permission.

Reason: In the interests of protecting the amenity of neighbours and the surrounding area.

INFORMATIVES

1) 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.

2) The developer's attention is drawn to the provisions of the Wildlife and Countryside Act 1981, the Conservation (Natural Habitats etc) Regulations 1994, and to other wildlife legislation (for example Protection of Badgers Act 1992, Wild Mammals Protection Act 1996). These make it an offence to kill or injure any wild bird intentionally, damage or destroy the nest of any wild bird intentionally (when the nest is being built or is in use), disturb, damage or destroy and place which certain wild animals use for shelter (including badgers and all bats and certain moths, otters, water voles and dormice), kill or injure certain reptiles and amphibians (including adders, grass snakes, common lizards, slow-worms, Great Crested newts, Natterjack toads, smooth snakes and sand lizards), and kill, injure or disturb a bat or damage their shelter or breeding site. Leaflets on these and other protected species are available free of charge from Natural England.

The onus is therefore on you to ascertain whether any such species are present on site, before works commence. If such species are found or you suspected, you must contact Natural England (at: Natural England, Sussex and Surrey Team, Phoenix House, 32-33 North Street, Lewes, East Sussex, BN7 2PH, 01273 476595, sussex.surrey@english-nature.org.uk) for advice. For nesting birds, you should delay works until after the nesting season (1 March to 31 August).

For further information on this application please contact Maria Tomlinson on 01243 534734