

Parish: Selsey	Ward: Selsey South
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SY/17/01458/DOM

Proposal Proposed extension and alterations.


Site 11 Beach Gardens Selsey Chichester West Sussex PO20 0HX

Map Ref (E) 485449 (N) 92302

Applicant Mr Daniel Bates

RECOMMENDATION TO PERMIT



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1.0 Reason for Committee Referral

Red Card: Cllr John Elliot - Exceptional level of public interest

This application was deferred at the meeting on 13 December 2017 for a Site Visit.

2.0 The Site and Surroundings

- 2.1 The application site falls within the settlement boundary of Selsey and is surrounded by existing residential development. The site is located off Beach Gardens, a private road to the south of Seal Road. The application site historically comprised 1 no. two storey dwelling with a double garage attached to the dwelling by a single storey link extension. However, following fire damage to the property part of the building has been demolished, with the garage and link extension remaining.
- 2.2 The access from Beach Gardens is located in the northwest corner of the application site and off-street parking for several cars is available within the site, a single storey garage building is located to the north east corner. The existing link extension runs south from the garage building alongside the eastern boundary to the main dwelling, which is situated centrally within the main part of the site. The site also includes a long narrow garden that extends south towards the foreshore.
- 2.3 To the west of the application site there is a 2 storey detached dwelling (10 Beach Gardens) which is set considerably forward of the application property and has a large garden wrapping around the east and south of the dwelling. To the east of the application site is a single storey detached dwelling (Weston) which shares a comparable building line to 11 Beach Gardens, and to the south east there is a terrace of several bungalows.

3.0 The Proposal

- 3.1 The application seeks permission to re-build the part of the dwelling which was damaged by fire, incorporating a partially constructed single storey extension (which had not been built in accordance with its planning permission) and alterations to the design and footprint of the dwelling. The changes to the building would include;
 - new roof form
 - first floor extension to eastern elevation
 - rear two storey extension
 - revised link extension
- 3.2 The original gable roof of the dwelling would be altered to provide a hipped roof, finished in interlocking concrete slates. A new first floor extension is proposed to the eastern elevation which would feature a Juliette balcony to the south elevation. The proposal includes a new two storey rear extension featuring a gable end to the southern elevation. This rear extension would include patio doors leading out to a spiral staircase to access the garden.
- 3.3 The proposed floor plans detail 4 split levels. There would be a living room at first floor level with an open plan kitchen/dining area within the upper ground floor. A total of 4 bedrooms with 3 bathrooms, plant room and exercise/gym room would be provided on the ground floor, whilst the lower ground floor would provide a further gym space.

- 3.4 The extension linking the dwelling to the garage has not been built in accordance with previously approved plans and therefore permission is sought for the link extension as constructed to regularise this breach of planning control. The link extension comprises a single storey building with shallow pitched roof, 4 windows on the eastern elevation and 3 high level windows along the western elevation.
- 3.5 The original building had measured approximately 6.9m (h) x 13.17m (w) x 11.87m (d – excluding the link extension). The link extension between the main dwelling and the garage would measure 11m in length and combined with the attached garage would result in an overall maximum depth of approximately 30m.
- 3.6 The proposed height of the main part of the dwelling would remain as existing. The garage would remain as existing. The extensions and alterations would result in the main building measuring approximately 6.9m (h) x 13.17m (w) x 9.45m (d). The link extension would be 10.29m (l) x 5.57m (w) x 2.9m (h). The overall depth of the building would therefore be approximately 27.6m.
- 3.7 As a result of the proposed extensions and alterations to the dwelling the footprint would increase from 226sqm to 286 sqm (20.9% increase), whilst the floor area would increase from 199 sqm to 233 sqm (14.6% increase).

4.0 History

93/00613/FUL	REF	Conversion of existing double garage to habitable accommodation for an elderly relative.
04/03929/FUL	WDN	Alterations and extension to existing garage to form 1 no. 2 bedroom dwelling and demolition of part of ground floor of existing dwelling.
05/02538/FUL	REF	Alterations to existing garage to form 1 no. bedroom dwelling and demolition of part of ground floor of existing dwelling.
12/03587/DOM	PER	Link extension.
SY/00020/89	PER	Double garage
05/00100/REF	DISMIS	Alterations to existing garage to form 1 no. bedroom dwelling and demolition of part of ground floor of existing dwelling.

5.0 Constraints

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

- Flood Zone 3	NO
Historic Parks and Gardens	

6.0 Representations and Consultations

6.1 Selsey Town Council

September 2017:

Have listened to the issues raised at the meeting and considered the amended applications, Members agreed that the concerns raised against the original application had not been addressed. Selsey Town Council therefore resolved to OBJECT as the amended application represented overdevelopment of the site, was out of character with the street scene and was both overbearing and unneighbourly.

June 2017:

Selsey Town Council objects to this application as it represents overdevelopment of the site, is out of character with the street scene and is both overbearing and unneighbourly.

6.4 WSCC Highways (summarised)

No objection

6.2 CDC Archaeology Officer

It is unlikely that works associated with the proposal would impinge on archaeological deposits to the extent that refusal or the requirement of other mitigation measures would be justified.

6.3 CDC Drainage Engineer

Flood / Erosion Risk - The proposed property is wholly within flood zone 1 (low risk) and set back approximately 90m from the coast. Therefore we have no objection to the proposed location or scale.

Surface Water Drainage - The proposal will result in a net increase in impermeable area, this will need to be positively drained in accordance with the hierarchy of surface water drainage, whereby infiltration is the preferred approach. Based on our knowledge of the local geology infiltration is likely to adequately drain the proposal.

40 third Party letters of objections have been received (from 15 objectors) concerning;

- a) dominant form and large amounts of glazing and multiple openings across the whole southern elevation;
- c) overlooking of properties to each side and Solent Way to the south east;
- d) loss of light;
- e) level of parking;
- f) impact upon neighbours in respect of being overbearing, shadow, loss of privacy to neighbours on both sides;
- g) noise from extra coming and goings;
- h) impact upon character of area;
- i) impact upon safety of residents;

- j) concern about external staircase resulting in overlooking;
- k) impact upon character of area;
- l) negative impact on the public view and vista of this last semi-rural stretch of Selsey coastline;
- m) increase in traffic from the property which already has poor access via a narrow drive and blind entrance/exit in a corner where access to 5 properties converge;
- n) this has been proven to be a safety problem already by the number of collisions with the gate post at number 10 Beach Gardens and by the fact that emergency vehicles and personnel could not pass through the narrow drive this summer when vehicles were parked there;
- o) the proposal does not show safe and adequate means of access and turning within the site;
- p) proposal is out of character with the adjoining properties which are either bungalows or dormer chalet bungalows;
- q) no properties in the immediate area has the white render/grey window surrounds that is being proposed or the number of balconies and size of window and doors;
- r) a smaller, less intrusive application (ref: 05/02538/FUL) was refused on appeal. The comments from The Planning Inspectorate remain very relevant in important aspects and should be reviewed; and
- s) it is misleading and inaccurate to include the position of an incomplete conservatory in existing plans as this was built by the applicant without permitted development, planning permission or building regulation approval and there is no evidence that this would ever have been approved because of it being longer and higher than permitted development regulations allowed.

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 Selsey at this time.
- 7.2 The principal planning policies relevant to the consideration of this application are as follows:

Chichester Local Plan: Key Policies 2014-2029

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

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 Section 7 Requiring Good Design.

Other Local Policy and Guidance

7.5 The following Supplementary Planning Documents are material to the determination of this planning application:

- CDC Planning Guidance Note 3 Design Guidelines for Alterations to Dwelling & Extension (Revised September 2009).

7.6 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 Development
- ii. Design and Impact upon Amenity of the Local Area
- iii. Impact upon Residential Amenity
- iv. Parking and Highway Safety
- v. Other matters

Assessment

i. Principle of Development

8.2 The existing dwelling on the site has been partially demolished following a fire and the proposal seeks to re-build the fire damaged part of the building alongside a number of extensions and alterations to the 'original' dwelling. Officers are satisfied that the proposal constitutes extensions and alterations to the existing building and the proposal does not constitute a replacement dwelling on the site. The proposal has therefore been considered against policies that relate to the extension and alterations of dwellings within built up areas.

8.3 The application site lies in the settlement of Selsey where the principle of extensions and alterations to existing dwellings is generally acceptable, subject to the design being

acceptable in terms of its impact upon the visual amenity of the area, the amenities of neighbouring properties, and the other considerations set out below.

ii. Impact upon visual amenity

- 8.4 Policy 33 of the CLP and section 7 of the NPPF seek to ensure that new development represents high quality design that respects the site and its surroundings and takes the opportunities available to improve the overall quality of an area. The proposed alterations to the building would change the appearance of the building from how it looked prior to being damaged by fire, however it is considered that the resultant dwelling would not be harmful to the visual amenity of the locality or the character of the surrounding area.
- 8.5 The proposed hipped roof form, in place of the previous gable ended roof, would provide an overall balance to the property which would accord with the proposed roof line and pitch of the two storey rear extension. The use of the hipped roof form would reduce the overall perception of massing which, in turn, reduces the perception of scale of the property. The applicant has indicated in their plans that the proposed roof would be finished in interlocking concrete slate tiles which would be in keeping with the character of the surrounding area.
- 8.6 The proposed first floor extension to the eastern elevation of the original dwelling would match the height of the main dwelling, however it would not extend across the whole of the ground floor element below. Instead, the proposed extension would be set in from the side wall at ground floor level by a metre ensuring the proposal would not result in an overly dominant extension to the dwelling.
- 8.7 The proposed fenestration of windows to the first floor extension would relate well to the lower ground floor windows. Also, the proposed Juliette balcony railings would match the height and style of the railings surrounding the terrace/balcony, which already existed on the property. It is therefore considered that the first floor side extension would not detract from the host dwelling or the visual amenity of the locality.
- 8.8 In addition to a first floor side extension the proposal also includes a 2 storey extension to the south (rear) elevation. The proposed extension would be set down from the height of the main dwelling, and would feature a pitched roof with a gable end. The rear elevation features glazing which would serve the upper floor living/dining area, including a patio door served by a spiral staircase to access the garden. The proposed eaves and ridge height of the extension would be lower than the main dwelling and the pitch of the roof would reflect the pitch of the main roof. The design would result in a subservient form of development that would not detract from the main dwelling or the visual amenity of the wider area.
- 8.9 At ground floor level the proposals include the link extension which was under construction when the application was submitted. Previously a flat roof link extension spanning between the dwelling and the detached garage to the north was permitted. The extension which is being constructed is wider than the permitted extension and it would have a shallow pitched roof. The increase in the width of the link extension would not materially increase the impact of the proposal upon the appearance of the host dwelling or the visual amenity of the locality when compared with the permitted scheme. The proposed link extension would not result in a development much higher than the existing boundary wall surrounding the site and the extension would be considerably lower in height than the

garage and the main dwelling which would ensure it appears as a subservient and subordinate addition to the site.

8.10 Taking the above factors into consideration, it is considered that each element of the proposed design would result in a coherent design that takes account of the features of the surrounding area. The proposal would therefore accord with the contents of Policy 33 of the Chichester Local Plan, according to SPG guidance and Section 7 of the NPPF.

iii. Impact upon Residential Amenity

8.11 Policy 33 of the CLP seeks to safeguard the reasonable amenities of the neighbouring properties. A significant number of objection letters have been received during the course of the application and the impact of each element of the proposal has been given careful consideration.

8.12 The increase in footprint when comparing the original and proposed dwelling relates primarily to the increased size of the link extension. The increased width of the link extension would be accommodated on the western side of the extension which lies within the site and therefore would not impact upon the surrounding properties.

8.13 The proposed first floor extension would be set back from the eastern boundary of the site and a sufficient distance from the dwelling to the east, which would sit in line with the extension; thereby ensuring it would not have an adverse impact in terms of being overbearing or causing loss of light.

In addition, fenestration would be limited to the proposed Juliette balcony on the south elevation. The new Juliette balcony would overlook the garden of the application property, and would be approximately 13m from the boundary shared with the dwellings on Solent Way, with a wall to wall distance of approximately 21m. It is considered that the proposal would not result in a materially greater level of overlooking towards the dwellings to the east or south than the existing fenestration and balcony present on the south elevation of the original dwelling. Furthermore, the distance between the proposed Juliette balcony and the neighbouring dwellings to the south would meet the recommended distance of 21m as set out in the Council's Planning Guidance Note 3 for extensions and alterations to dwellings. It is considered that the distance would be sufficient to ensure that the proposal would not have an unacceptable impact in respect of overlooking. It is therefore considered that the proposed first floor side extension would not have an unacceptable impact upon the amenities of neighbouring properties.

8.14 The proposed 2 storey rear extension would be located at the western end of the rear elevation adjacent to the boundary with 10 Beach Gardens. Due to the way in which 10 Beach Gardens is set forward of the application property, the main dwelling when rebuilt at the western end would breach the 45 degree angle taken from the nearest habitable room window. However, this relationship existed prior to the building suffering fire damage and the wall to wall distance between the 2 properties would be approximately 16m. It is considered that due to the separation between the application property and the neighbouring dwelling to the west, the proposal would not result in an overbearing impact or loss of light that would be detrimental to the amenities of the neighbouring property.

8.15 The main dwelling and the proposed extension would cast a shadow over part of the garden as the sun rises from the east, and this includes part of the garden with a garden

room. However, it is considered that this shadow would not affect the light available to the main dwelling due to the distance between the proposal and the main dwelling, and given the southerly aspect of the neighbouring property and the level of natural and sunlight available to the property for the most part of the day it is considered that the proposed development would not have demonstrable detrimental impact upon the amenities of the neighbouring property that would warrant refusal of the application.

8.16 The positioning of the full height glazing on the southern elevation would mean that persons within the dwelling would only have visibility of the lower portion of the neighbouring rear garden. This would be comparable to the amount of overlooking afforded by existing first floor windows on the previous existing dwelling that occupied the site. There are no windows proposed on the west elevation facing 10 Beach Gardens, and the external staircase from the upper ground floor living space would be inset from the boundary. It is therefore considered that the proposed development would also not result in an unacceptable level of overlooking.

8.17 Taking the above factors into account, it is considered that the development would not give rise to an unacceptable level of impact upon the amenities of neighbouring residential dwellings and would therefore accord with the contents of Policy 33 of the Chichester Local Plan and Planning Guidance Note 3.

iv. Parking and Highway Safety

8.18 The proposed development includes a total of 4 bedrooms with associated rooms including a utility room, dressing room, gym/exercise room and TV room. The proposal includes sufficient space to park several vehicles to the front of the dwelling, with a further 2 spaces within the garage building. The applicant has also provided a vehicle tracking plan showing how vehicles would be able to enter and exit the site in a forward gear. The Local Highway Authority has raised no objection to the proposal and it is considered that the information submitted demonstrates that there would be sufficient space for cars to park and turn within the site.

8.19 Concerns have been raised by occupiers of neighbouring properties about the ability to turn within the site, however the information submitted indicates that it would be possible and the highway authority has not raised any concerns in this regard.

8.20 Taking these considerations into account, the development would both provide for sufficient parking for the transport demands created and would provide safe and sufficient access to and from the site. On this basis, the proposed development would accord with the contents of Policy 33 of the Chichester Local Plan.

v. Other Matters

Appeal Decision in respect of 05/02538/FUL

8.21 Comments received from third parties refer to a previous appeal decision for development on the site. The 2005 appeal decision related to the proposed development of alterations and extension to existing garage to form a one bedroom dwelling and demolition of part of ground floor of existing dwelling. The Inspector found that the subdivision of the plot would result 'in the position of the proposed dwelling, in front of the main house, and the

difference in size of the 2 buildings would result in an incongruous appearance that would be detrimental to the character and appearance of the area'.

8.22 The current proposal does not include the creation of a new dwelling on the site, and therefore the concerns expressed by the Planning Inspector regarding new development do not apply to the current proposal. Therefore, the Inspector's findings on this issue have been afforded limited weight as an overriding material consideration, given the difference between the two proposals.

Conclusion

8.23 Based on the above it is considered the proposal complies with development plan policies and therefore the application is recommended for approval.

Human Rights

8.24 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 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 permitted shall be carried out in accordance with the approved plans; 434sk12 Rev D Proposed Ground Floor Plan, 434sk13 Rev D Proposed First Floor Plan, 434sk14 Rev D Proposed Southern and Northern Elevation, 434sk15 Red D Proposed Eastern Elevations, 434sk16 Rev D Proposed Western Elevations, 434sk10 Proposed Block Plan and 434sk11 Block Plan.

Reason: For the avoidance of doubt and in the interests of proper planning.

3) **Within 28 days of the date of this consent** 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) shall be submitted to the Local Planning Authority for approval in writing. 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 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.

4) **No part of the main dwelling hereby permitted shall be re-occupied** until the vehicle parking and turning spaces have been constructed in accordance with the approved plan. These spaces shall thereafter be retained for their designated use.

Reason: To provide adequate on-site car parking and turning space for the development.

5) **The development hereby permitted shall not be first brought into use** until a fully detailed landscape and planting scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a planting plan and schedule of plants noting species, plant sizes and proposed numbers/densities, and for large scale developments shall include a program for the provision of the landscaping. In addition all existing trees and hedgerows on the land shall be indicated including details of any to be retained, together with measures for their protection in the course of development. The scheme shall make particular provision for the conservation and enhancement of biodiversity on the application site. The works shall be carried out in accordance with the approved details and in accordance with the recommendations of the appropriate British Standards or other recognised codes of good practice.

The approved scheme **shall be carried out in the first** planting season after practical completion or first occupation of the development, whichever is earlier, unless otherwise first agreed in writing by the Local Planning Authority. Any trees or plants which, within a period of 5 years after planting, are removed, die or become seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In the interests of the visual amenities of the locality and to enable proper consideration to be given to the impact of the proposed development on existing trees.

6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) the garage hereby approved shall only be used for the purpose of parking private motor vehicles in connection with the residential use of the property.

Reason: To ensure the adequate provision of onsite parking for the purpose of highway safety.

7) 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) (including dormer windows) or door(s) shall be inserted into any elevation or roof pitch of the buildings hereby permitted without a grant of planning permission.

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

8) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, as amended, and the Town and Country Planning (General Permitted Development) Order 2015, or any other statutory instrument amending, revoking and re-enacting the Order, the building hereby permitted shall be used for C3 residential purposes only by persons related to one another and for no other purpose (including any other purpose in Class C3; only of the Schedule to the Town and Country Planning (Use Classes) Order 1987, as amended, or in any provision equivalent to that Class in any other statutory instrument revoking and re-enacting that Order).

Reason: To ensure the use of the associated vehicle movements adhere with the considerations of this application, in the interests of amenity/in the interests of protecting the character of the area/in the interests of protecting residential amenity.

INFORMATIVES

1) 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.

For further information on this application please contact James Cross on 01243 534734