

Parish: West Itchenor	Ward: West Wittering
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**WI/18/02953/FUL**

**Proposal** Replacement 1 no. dwelling.

**Site** West Winds Itchenor Road West Itchenor PO20 7DH

**Map Ref** (E) 480216 (N) 100289

**Applicant** Mr & Mrs Grubb

**RECOMMENDATION TO PERMIT**



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## **1.0 Reason for Committee Referral**

1.1 Parish Objection - Officer recommends Permit

## **2.0 The Site and Surroundings**

2.1 The application site lies on the western side of Itchenor outside of any settlement boundary and therefore within the countryside. The site forms part of an existing row of detached houses with established gardens to the front and rear. The street has a rural, spacious and verdant residential character whilst to the east of the site, beyond the deep rear gardens, lies open arable farmland.

2.2 The site is occupied by a 2 storey dwelling approximately 7m in height, although it has a low eaves line and eye brow dormers serving the first floor. The front of the site comprises a vehicular access, gravel driveway and ornamental front garden with vegetation to the boundaries. The area includes a variety of large detached dwellings set within spacious plots. The properties on either side are detached one and a half to two storey properties and individual in their design.

2.3 Previously planning permission was granted under WI/15/01732/DOM for extensions to the existing house and a garage to the front of the site. The permission was not implemented and has subsequently lapsed.

## **3.0 The Proposal**

3.1 The application seeks planning permission to demolish the existing dwelling and garage and to erect a replacement dwelling in a similar location to the existing with a replacement garage relocated to the front of the site.

3.2 The proposed dwelling would be positioned in line with the neighbouring properties to either side and it would have a ridge height of 8.4m and eaves height of 3.2m. The roof form would include half hips to each side (north and south elevations). The ground floor would include entrance hall leading to open plan living, kitchen and dining room with utility and additional living room and at first floor; four bedrooms, three bathrooms and a dressing room are proposed. The proposed garage would measure 5.1m in height and 2.1m to the underside of the eaves.

3.3 The scheme has been amended during the application process to reduce the amount of glazing to the east elevation at first floor and alter the siting of the garage slightly to allow for space between the garage and the southern boundary.

## **4.0 History**

09/00835/DOM	PER	Demolition of existing garage and outbuilding. Construction of new matching 'chalet' style side / rear extension and new front extension including new porch. New free standing 'traditional barn' style garage to front.
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12/01730/EXT	PER	Application to extend time limit for implementing planning permission granted under reference WI/09/00835/DOM: Demolition of existing garage and outbuilding. Construction of new matching 'chalet' style side / rear extension and new front extension including new porch. New free standing 'traditional barn' style garage to front.
15/00459/FUL	WDN	Demolition of existing dwelling and garage. Construction of a replacement dwelling and garage.
15/01732/DOM	PER	Demolition of existing garage and outbuilding. Construction of new matching 'Chalet style' side/rear extension and new front extension including porch. New free standing traditional barn 'style' garage to front.

## 5.0 Constraints

Listed Building	No
Conservation Area	No
Countryside	Yes
AONB	Yes
Strategic Gap	No
Tree Preservation Order	No
EA Flood Zone	No
Historic Parks and Gardens	No

## 6.0 Representations and Consultations

### 6.1 Parish Council

22/01/2019

West Itchenor Parish Council continues to object to this application. As previously stated West Itchenor Parish Council objects to this application on the following grounds. The location of the garage is forward of the main building line and therefore conflicts with the West Itchenor Village Design Statement (2nd edition) design guidance for Areas 3 and 4, (3 /4.8) which states that Extensions forward of the main building line should be discouraged. The location of the garage also obscures the natural gap between adjacent properties which contravenes the West Itchenor Village Design Statement (2nd edition) design guidance for Areas 3 and 4, (3 /4.2) which states that Extensions should be to the rear of existing buildings so that gaps between houses are preserved.

Additionally, the existing overnight light pollution contravenes the Conservancy's policy on Dark Skies and the Parish Council is strongly of the opinion that this should be remedied for the protection of the local Bat population and the Dark Skies Area.

18/12/2018

Although the Parish Council has no objection to the replacement dwelling, it objects to the application due to the size and location of the proposed garage.

Referring to the West Itchenor Village Design Statement (VDS), Areas 3 and 4 Guidance: Itchenor Road from Anchor Cottage to Itchenor Gate, guideline 3/4.8 states that Extensions forward of the main building line should be discouraged. The Parish Council is of the opinion that this applies to the garage building.

Should this application be permitted the Parish Council would like to have the following conditions to be attached to the permit notice.

During building operations, arrangements should be made for all materials, contractors vehicles and visitors cars to be accommodated within the site boundaries. This is in the interests of road safety and to protect the grass verges. There should be no increase in surface water run-off and plans for the harvesting and re-use of rainwater should be submitted before development takes place. Measures to reduce the amount of light pollution should also be required.

## 6.2 CDC Environment Officer

23/01/2019

Bats - Following submission of the updated Bat Survey Report and Mitigation Strategy (Jan 2019) we are satisfied that the mitigation is robust and provides adequate mitigation and roosting space within the replacement dwelling for a maternity roost and long eared bats. This includes the use of temporary bat boxes, a bat loft, space under the roof tiles for bats and suitable space behind the timber cladding for cavity dwelling species. A condition should be used to ensure this takes place. The applicants should be aware that a Natural England Protected Species License will be required for the works, and this will need to be obtained prior to any works taking place.

The lighting scheme for the site will need to take into consideration the presence of bats in the local area and the scheme should minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding.

Nesting Birds - Any works to the trees or vegetation clearance on the site should only be undertaken outside of the bird breeding season which takes place between 1st March - 1st October. If works are required within this time an ecologist will need to check the site before any works take place (with 24 hours of any work).

09/01/2019

Bats - As detailed within the Bat Survey Report (Dec 2018) there is evidence of roosting bats within the property on site. Due to this and as recommend within the survey further bat emergence surveys are required to determine which bats are roosting and where they are roosting within the building prior to determination. This survey needs to be undertaken by a suitably qualified ecologist during the active breeding period (May September) and submitted for our approval with the planning application. If bats are found to be roosting

within the building mitigation will be required and a mitigation strategy should be produced and also submitted with the planning application prior to determination. The lighting scheme for the site will need to take into consideration the presence of bats in the local area and the scheme should minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding.

Nesting Birds - Any works to the trees or vegetation clearance on the site should only be undertaken outside of the bird breeding season which takes place between 1st March 1st October. If works are required within this time an ecologist will need to check the site before any works take place (with 24 hours of any work).

05/12/2018

No protected species surveys have been undertaken on the site so we are unable to establish if protected species are present. Prior to determination we require that an extended phase one habitat survey is undertaken on the site to determine if there is potential for protected species. If there is potential for protected species then further surveys would be required. These surveys plus any mitigation strategies required will need to be submitted as part of the planning application prior to determination.

Recreational Disturbance Due to no net gain in unit numbers on the site because this proposal will be replacing an existing dwelling no contribution will be required to the Bird Aware Scheme.

### 6.3 Chichester Harbour Conservancy

Chichester Harbour Conservancy Recommendation - No Objection

Should the LPA be mindful to grant planning permission, the Conservancy suggests that the following stipulations are applied:

- schedule/samples of materials to be agreed prior to construction
- removal of permitted development rights relating to additions, extensions, enlargements, or alterations affecting the external appearance of the proposed building
- for glazed surfaces, the use of coated surface glass that is non-reflective to mitigate external reflective glare which might also assist with keeping heat in and radiation out for the respective seasonal changes.
- retention of all boundary hedgerows along the north, south and west (frontage) boundary and replacement of any part of the hedge which is removed with a hedge of a similar size and species
- a new front boundary hedge be supplemented with hedgerow plants and trees of a native species typical of the AONB (list of native species found on page 3 of the AONB Design Guidelines for New Dwellings and Extensions);
- a suitable condition to ensure that the proposed detached garage is used for parking / remains ancillary to West Winds and is not sold, let or occupied as a separate dwelling.

The proposal is not considered to be unduly prominent, given its setting, to be detrimental to the character or the appearance of the Area of Outstanding Natural Beauty (AONB).

## **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 West Itchenor 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 (CLP)

Policy 1: Presumption in Favour of Sustainable Development  
Policy 2: Development Strategy and Settlement Hierarchy  
Policy 8: Transport and Accessibility  
Policy 33: New Residential Development  
Policy 39: Transport, Accessibility and Parking  
Policy 40: Sustainable Design and Construction  
Policy 42: Flood Risk and Water Management  
Policy 43: Chichester Harbour Area of Outstanding Natural Beauty (AONB)  
Policy 45: Development in the Countryside  
Policy 47: Heritage and design  
Policy 48: Natural Environment  
Policy 49: Biodiversity

### National Policy and Guidance

- 7.3 Government planning policy now comprises the 2018 National Planning Policy Framework (NPPF), paragraph 11 of which states:

At the heart of the NPPF is a presumption in favour of sustainable development,

For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date<sup>7</sup>, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

- 7.4 Consideration should also be given to Sections 4 (Decision-Making), 9 (Promoting

Sustainable Transport), 12 (Achieving well-designed places), 14 (Meeting the challenge of climate change, flooding and coastal change), 15 (Conserving and enhancing the natural environment) generally.

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

Site Allocations DPD

Surface Water and Foul Drainage SPD

Adopted Joint Chichester Harbour Area of Outstanding Natural Beauty Supplementary Planning Document May 2017

7.6 The following published guidance has also been considered;

CDC PGN3: Design Guidelines for Alterations to Dwellings and Extensions

CDC Waste Storage and Collection Guidance

West Itchenor Village Design Statement

7.7 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. Impact on visual amenities and character of the area and AONB
- iii. Impact on the amenities of neighbouring properties
- iv. Highway safety and parking
- v. Ecological considerations
- vi. Drainage
- vii. Other matters

### **i. Principle of development**

8.2 The site is located outside of any designated Settlement Boundary and therefore within the countryside where new residential development is strictly controlled. The application proposes a replacement dwelling on a 1 for 1 basis and therefore the principle of the proposed development is considered acceptable.

### **ii. Impact on visual amenities and character of the area and AONB**

8.3 Policy 33 of the CLP refers to new residential development and sets out that proposals must meet the highest standards of design and a high quality living environment in keeping with the character to the surrounding area and its setting in the landscape. In addition policy 43 sets out clear parameters about the extent of development likely to be acceptable, including limits on any increase to footprint or

silhouette when replacement dwellings are proposed within the Chichester Harbour Area of Outstanding Natural Beauty (AONB).

- 8.4 The site is located within the Chichester Harbour AONB, and there is flat open countryside to the east of the site. This flat landscape offers exposed views of the site for some distance. Care has been taken to design the scheme to limit the size of the dwelling and garage so that they would remain respectful to the character of the locality. Although the main ridge height of the new property would be higher than the existing at 8.4m and the eaves height would increase from 2.5m to 3.4m the dwelling has been designed with a comparatively low eaves line with dormer windows serving the first floor accommodation, to minimise the mass and bulk of the dwelling. In addition, the amended plans reduce the glazing at first floor so that the gable end on the east elevation would not be fully glazed. The materials to the main house would include; brick, flint and oak cladding to the walls, plain clay tiles to the roof and timber windows and doors. These represent high quality materials and finishes that would be sympathetic to the materials found in this locality, and would provide a natural finish that would not appear incongruous within either the landscape or the streetscene. Therefore, it is considered that the size and design of the dwelling and garage would be considered to conserve and enhance the natural beauty of the AONB.
- 8.5 The proposed dwelling would present a greater scale and mass to the street scene due to the proposed increase in height. However having regard to the reduced size and scale and overall bulk of the proposed dwelling (in comparison to the previous permission), the setback position of the property from the road and depth and angle of the roof slope (moving away from the road) it is considered that increase in height would be acceptable.
- 8.6 The proposed dwelling would have a reduced footprint, size, bulk and scale than the previously permitted extensions. Furthermore, the form, proportions and detailed design of the dwelling now proposed would be considered to have an increased design standard than this previous permission for the extensions.
- 8.7 The West Itchenor Village Design Statement encourages development to conform to the established building line, evident within the pattern of development along the road and the Parish Council have raised concern that the siting of the proposed garage would project forward, beyond the front wall of the main property. This arrangement is similar to that permitted under 15/01732/DOM, albeit the garage now proposed would be wider than that previously permitted. The garage would not project any closer to the road than previously permitted, and the height would be slight decreased. Additionally, space would be retained around the garage and the forward projection would be in line with other forward projections found to the immediate neighbouring properties Rowan Cottage and Four Winds. The building line is varied in this locality, which is part of its character. In this context it is considered that the garage in the location proposed would not be out of keeping with the character of the area and would be similar to that permitted in recent years.
- 8.8 For the reasons set out above it is considered that the proposed development would not result in harm to the visual character and appearance of the locality and would conserve and enhance this part of the AONB. Therefore, it is considered that the development would comply with 2019 NPPF section 12 and CLP policies 2, 33, 43, 45 and 47.

iii. Impact on the amenities of neighbouring properties

- 8.9 Paragraph 12 of the NPPF states that planning should ensure a good quality of amenity for existing and future users (of places), and policy 33 of the CLP includes a requirement for development to protect the amenities of neighbouring properties.
- 8.10 The proposed dwelling would be sited in a similar position to the existing property, set away from the boundaries and a sufficient distance from the neighbouring properties to ensure that the proposed dwelling would not result in an overbearing relationship with either of the neighbouring properties. There are no neighbours to the east and there would be sufficient separation to the properties on the opposite side of the road to ensure that they would not be impacted upon.
- 8.11 First floor openings have been sensitively designed so not to result in a harmful level of overlooking. The dormer window to the west elevation would be approximately of 12.5m from the boundary and this distance is considered sufficient to ensure the proposal would not result in an unacceptable level of overlooking. The first floor window to the north elevation should be conditioned to be obscure and fixed shut below 1.7m from finished floor level within the ensuite.
- 8.12 The proposed garage is similar to the garage permitted under the previous planning permission. The garage would be located a sufficient distance from the closest habitable window on the neighbouring property, known as Four Winds, to ensure that it could be accommodated without being overbearing, oppressive or resulting in any significant harm to the living conditions or amenities of the neighbouring property.
- 8.13 In summary, the proposal would be sufficiently distanced, orientated and designed so as not to have an unacceptable effect on the amenities of the neighbouring properties, in particular to their outlook and privacy. Therefore it is considered that the development complies with policy 33 of the current CLP and 127 of the 2019 NPPF.

iv. Highway safety and parking

- 8.14 The existing access would be retained, and onsite parking and turning is proposed within the front garden in accordance with the existing arrangement. It is therefore considered that the proposal would accord with policy 39 of the CLP in respect of its impact upon highway safety.

v. Ecological considerations

- 8.15 The Council's Environment Officer has been consulted and has commented on the submitted Surveys and proposed bat mitigation measures. The mitigation proposed is considered appropriate for the development and conditions are proposed to ensure this mitigation is carried through into the development in order to ensure compliance with the Habitats Directive and Wildlife Act. An informative is also suggested to ensure the applicant/contractor is aware of their duty to wildlife, protected species and their habitats.

vi. Drainage

- 8.16 The site is located within flood zone one; an area identified as having the lowest risk of flooding. It is proposed that surface water would drain to a soakaway which would be required to meet current building regulation standards. There is no reported localised

flooding in this location and there is an existing foul water connection. Therefore it is considered that the proposal would be acceptable in this respect.

#### viii. Other Matters

8.17 The Harbour Conservancy has requested a number of conditions within its consultation response. It is considered that it would not be reasonable to remove Permitted Development rights in this case considering the existing limitations and conditions of the Town and Country Planning (General Permitted Development) Order 2015, as amended, however landscaping, boundary treatment and incidental use conditions are proposed in order to protect the character of the surrounding area.

8.18 The Parish Council has raised concerns about the impact of the construction upon the amenity of the area, in particular damage to verges as a result of contractors parking, and a condition requiring a construction management plan is proposed in order to manage such impacts.

#### Conclusion

8.19 It is considered that the proposed property and garage would respect the character and quality of the site and surroundings and would not be detrimental to the amenity of neighbouring properties and private gardens. Furthermore, the character and appearance of the AONB would be conserved and enhanced. The proposal accords with national and local planning policies and therefore this application is recommended for approval.

#### Human Rights

8.20 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: 10112-DPA-01 A, 02 A, 04 A and 06 A.

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

3) The development hereby permitted shall only be implemented in full accordance with the mitigation proposed with the submitted; Bat Survey Report and Mitigation Strategy by Bright Green Environmental dated 20th January 2019. Project ref; 17228. Unless otherwise agreed in writing by the Local Planning Authority.

Reason; in the interest of conservation of protected species and their habitats. In accordance with the Habitats Regulations.

4) No development shall commence until a strategy outlining details of the sustainable design and construction for all new buildings, including water use, building for life standards, sustainable building techniques and technology, energy consumption maximising renewable resources, and how a reduction in the impacts associated with traffic or pollution will be achieved including but not limited to charging electric vehicles, has been submitted to and approved in writing by the Local Planning Authority. This strategy shall reflect the objectives in Policy 40 of the Chichester Local Plan: Key Policies 2014-2029. The approved strategy shall be implemented as approved prior to first occupation unless any variation is agreed in writing by the Local Planning Authority.

Reason: To minimise the impact of the development upon climate change. These details need to be agreed prior to the construction of the development and thus go to the heart of the planning permission.

5) No development shall commence, including any works of demolition, until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved CEMP shall be implemented and adhered to throughout the entire construction period unless any alternative is agreed in writing by the Local Planning Authority.

The CEMP shall provide details of the following:

- (a) the provision made for the parking of vehicles by contractors, site operatives and visitors,
- (b) the loading and unloading of plant, materials and waste,
- (c) the storage of plant and materials used in construction of the development,
- (d) the erection and maintenance of security hoarding,
- (e) measures to control the emission of dust and dirt during construction, to include where relevant sheeting of loads, covering and dampening down stockpiles
- (f) measures to control the emission of noise during construction,
- (g) details of all proposed external lighting to be used during construction and measures used to limit the disturbance of any lighting required. Lighting shall be used only for security and safety,
- (h) appropriate storage of fuel and chemicals, in bunded tanks or suitably paved areas, and
- (i) waste management including prohibiting burning.

Reason: These details are necessary pre-commencement to ensure the development proceeds in the interests of highway safety and in the interests of protecting nearby residents from nuisance during all stages of development and to ensure the construction phase does not have a harmful environmental effect.

6) Notwithstanding the submitted details no walls and roofs shall be constructed until a schedule of materials and finishes and samples of such materials and finishes to be used for external walls, roofs, windows, doors, soffits, fascia, barge boards and balcony balustrade of the proposed extensions, garage and garden store and surfacing materials for the drive and parking area have been submitted to and approved by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of visual amenity and to ensure a building of visual quality within a specially protected landscape (AONB).

7) The development hereby permitted shall not be first brought into use until; full details of the hard and soft landscaping have been submitted to and agreed in writing by the Local Planning Authority.

The details shall include;

a scaled site plan indicating the planting scheme for the site showing the; schedule of plants and positions, species, plant sizes (at time of planting) and proposed numbers/densities. In addition, the scheme shall include details of all existing trees and hedgerows on the land including details of any to be retained, together with measures for their protection during the course of the development. The scheme shall make particular provision for the conservation and enhancement of biodiversity on the application site.

The landscaping scheme shall also include full details of any proposed hard landscaping showing any external hardsurfaces and their positions, materials and finishes.

The works shall be carried out in full 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 and to conserve and enhance biodiversity.

8) The outbuilding hereby permitted shall be used for purposes incidental to the enjoyment of the dwellinghouse known as West Winds, as identified on the approved location plan; 10112-DPA-01 A, and for no other purposes whatsoever.

Reason: To protect the tranquil amenities of this rural residential location and to ensure the building is not used independently for the host property.

9) The first floor window to the north elevation shall be;

Obscure and fixed shut below 1.7m from finished floor level within the room in which it is installed and this requirement shall be retained at all times in perpetuity.

Reason; in the interest of neighbouring amenities.

## INFORMATIVE

Your attention is drawn to the provisions of the Countryside and Rights of Way Act 2000, Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 (as amended).

These make it an offence to:

- Kill or injure any wild bird or bat;
- Damage, destroy or take the eggs or nest of any wild bird (when the nest is being built or is in use);
- Damage or destroy the breeding sites and resting places (roost) of certain animals including those used by all bats and certain moths.

The onus is therefore on you to ascertain whether such birds, animals or insects may be nesting or using the tree(s), the subject of this consent, and to ensure you do not contravene the legislation. This may, for example, require delaying works until after the nesting season for birds. The nesting season for birds can be considered to be March to September. You are advised to contact the local office of Natural England at Lewes for further information (tel: 01273 476595).

If the tree is being used as a breeding site or resting place (roost) by bats, then a Natural England Licence would be required before removal of the tree. You are advised to contact Natural England for more information on 0845 601 4523.

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

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PHVPQYERLNT00>