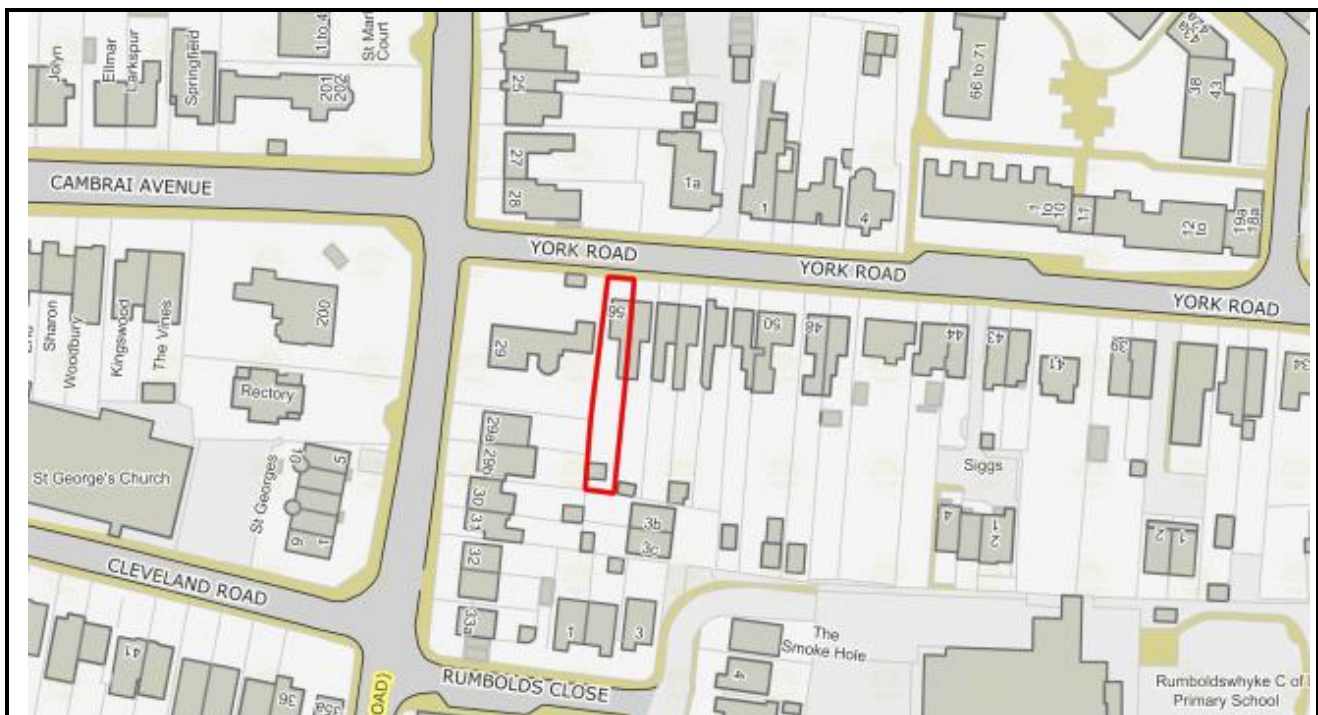



Parish: Chichester	Ward: Chichester South
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**CC/23/00442/DOM**

<b>Proposal</b>	Replacement single storey flat roofed rear extension.		
<b>Site</b>	56 York Road Chichester West Sussex PO19 7TL		
<b>Map Ref</b>	(E) 487064 (N) 104456		
<b>Applicant</b>	Ms Jones	<b>Agent</b>	Mr Chris Perry

**RECOMMENDATION TO PERMIT**



	<p><b>NOT TO SCALE</b></p>	<p>Note: Do not scale from map. For information only. Reproduced from the Ordnance Survey Mapping with the permission of the controller of Her Majesty's Stationery Office, Crown Copyright. License No. 100018803</p>
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## **1.0 Reason for Committee Referral**

1.1 The applicant is a member of staff at Chichester District Council.

## **2.0 The Site and Surroundings**

2.1 The application site is located on the south side of York Road within the Chichester Settlement Boundary, Chichester Conservation Area and is subject to the Chichester Conservation Area Article 4 Direction. An Article 4 Direction is made by the Local Planning Authority to restrict the scope of permitted development rights, in this instance, within the Chichester Conservation Area. The Chichester Conservation Area Article 4 Direction restricts permitted development rights for specific classes of development relating to dwellinghouses which front a 'relevant location', such as a highway, waterway, or open space. Further details relating to these restrictions are set out within paragraph 8.20 of this report.

2.2 The application property consists of a mid-19th century, two storey, semi-detached dwellinghouse comprising of rendered walls, a slate tiled roof and a mixture of white wooden and UPVC fenestration. To the rear of the dwelling is an existing single storey extension situated along the eastern boundary, adjoined back-to-back with the neighbouring extension. The rear extension is constructed of painted brickwork, and a slate tiled roof. The dwelling is set back from the road via a gravel hardstanding, with a brick and flint work wall delineating the boundary between the neighbouring properties. On the principal elevation is a recessed porch, featuring a traditional door.

2.3 The application site is surrounded by residential development to the north, south, east and west. Development to the east, further along York Road consists of similar mid-19th century properties relative to the application dwellinghouse but features varying materials including brickwork and flint.

## **3.0 The Proposal**

3.1 The application seeks planning permission for a replacement single storey flat roof rear extension.

3.2 The proposed extension would replace the existing, being situated along the eastern boundary. However, the new extension would also extend across the width of the property and extend further outwards into the garden space by approximately 0.7m.

3.3 The extension would have a rendered exterior to match the main dwellinghouse, a single ply membrane flat roof and white UPVC double glazing.

## **4.0 History**

4.1 None relevant.

## 5.0 Constraints

Listed Building	NO
Conservation Area	Chichester Conservation Area
Rural Area	NO
AONB	NO
Tree Preservation Order	NO
EA Flood Zone	NO
Historic Parks and Gardens	NO

## 6.0 Representations and Consultations

### 6.1 Parish Council

No response was received from Chichester City Council.

### 6.2 CCAAC

The CCAAC objects to this application. While there is no objection in principle to the extension, the application forms and drawings refer to the new windows and doors as white to match existing. The supplied photographs illustrate the existing to be comprised of white UPVC a material which is highly unsustainable both in manufacture and disposal and following Article 4 direction, not appropriate for use in a conservation area. Any approval should condition doors and windows to be substituted with painted timber, ideally with a factory applied coating for longevity of maintenance interval.

### 6.3 CDC Environmental Strategy

*Further Comments (received 21.06.2023)*

#### Bats

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.

We require that a bat box is installed on a building or tree onsite facing South/South Westerly positioned 3-5m above ground.

#### Hedgehogs

Any brush pile, compost and debris piles on site could provide shelter areas and hibernation potential for hedgehogs. If any piles need to be removed outside of hibernation period mid-October to mid-March inclusive, the piles must undergo soft demolition.

A hedgehog nesting box should be installed within the site to provide future nesting areas for hedgehogs.

## 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 and 1st October. If works are required within this time an ecologist will need to check the site before any works take place (within 24 hours of any work).

We would like a bird box to be installed on the building/ tree within the site.

*Original Comments (received 3.04.2023)*

## Bats

Due to the location of the site, the proposed works and the records of bats within close proximity of the site there is a moderate likelihood of bats roosting within the building. Unfortunately, no bat surveys have been undertaken on the site, so we are unable to establish if bats are present. Prior to determination we require that an initial bat survey is undertaken on the building to determine if there is evidence of bats roosting within the building. If there is evidence of bats, further bat activity surveys would be required, and mitigation strategies will need to be produced. The surveys plus mitigation strategies required will need to be submitted as part of the planning application prior to determination. Due to the level of protection bats hold within European Legislation, if bats are found to be roosting onsite the application will also require a Natural England Protected Species License for the works.

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We would like a bird box to be installed on the building/ tree within the site.

#### 6.4 Third party objection comments

None received.

### 7.0 Planning Policy

#### The Development Plan

7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029, the CDC Site Allocation Development Plan Document and all made neighbourhood plans. There is no made neighbourhood plan for Chichester 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 47: Heritage
- Policy 49: Biodiversity

#### Chichester Local Plan 2021 - 2039: Proposed Submission (Regulation 19)

7.3 Work on the review of the adopted Local Plan to consider the development needs of the Chichester Plan Area through to 2039 is now well-advanced. Consultation on a Preferred Approach Local Plan has taken place. Following detailed consideration of all responses to the consultation, the Council has published a Submission Local Plan under Regulation 19, which was approved by Cabinet and Full Council for consultation in January 2023. A period of consultation took place from 3rd February to 17th March 2023, and the Submission Local Plan is expected to be submitted to the Secretary of State for independent examination in Autumn 2023. In accordance with the Local Development Scheme, it is anticipated that the new Plan will be adopted by the Council in 2024. At this stage, the Local Plan Review is an important material consideration in the determination of planning applications, the weight that can be attached to the policies contained therein is dependent on the significance of unresolved objection attributed to any relevant policy, commensurate with government policy at paragraph 48 of the NPPF (2021).

## National Policy and Guidance

- 7.4 The revised National Planning Policy Framework (NPPF) was published in July 2021. Paragraph 11 of the revised Framework states that plans and decisions should apply a presumption in favour of sustainable development, and 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, granting permission unless:
    - i. the application of policies in this Framework that protect areas of 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.
- 7.5 Consideration should also be given to Sections 1 (Introduction), 2 (Achieving sustainable development), 12 (Achieving well-designed places), and 16 (Conserving and enhancing the historic environment). The relevant paragraphs of the National Planning Practice Guidance have also been taken into account.

## Other Local Policy and Guidance

- 7.6 The following documents are material to the determination of this planning application:
- CDC PGN3: Design Guidelines for Alterations to Dwellings and Extensions
  - Chichester Conservation Area Character Appraisal
- 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. Design and impact upon character of the surrounding area
  - iii. Impact upon amenity of neighbouring properties
  - iv. Ecological considerations
  - v. Other matters

## Assessment

### i. Principle of development

8.2 Section 2 of the NPPF and Policy 1 of the Chichester Local Plan includes a presumption in favour for sustainable developments, that are within settlement boundaries as stated in Local Plan Policy 2. Therefore, as the application site is located within the Chichester Settlement Boundary, the principle of a single storey rear extension could be considered acceptable, subject to compliance with the development plan and other material considerations.

### ii. Design and impact upon Visual Amenity, Character of Area and Conservation Area

8.3 Section 12 of the NPPF sets out the fundamental requirement of the planning process to achieve the creation of high quality, well designed and sustainable places through clear design expectations, design testing and effective engagement between applicants, communities and local planning authorities. Policy 33 of the Chichester Local Plan sets out that proposed development must meet the highest standards of design and provide high quality living environment in keeping with the character of the surrounding area and its setting within the landscape. This includes considering the application with regards to its proportion, form, massing, siting, layout, density, height, scale and neighbouring and public amenity.

8.4 Section 72 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 requires that the Local Authority give special attention to the desirability of preserving and enhancing the character and appearance of the conservation area. NPPF Paragraph 197 requires local authorities to take into account when determining applications, the desirability of sustaining and enhancing the significance of heritage assets, the positive contribution that the conservation of heritage assets can make to sustainable communities and the desirability of new development making a positive contribution to the local character and distinctiveness.

8.5 In addition, Policy 47 of the Chichester Local Plan requires that proposals conserve and enhance the special interest and setting of the conservation areas, respect distinctive local character and sensitively contributes to creating places of high architectural and built quality.

8.6 The application proposes the replacement of an existing mono-pitched extension with a new flat roof extension, sited along the eastern boundary. The new extension would extend further than the existing, including across the width of the main dwelling and further outwards by approximately 0.7m. It is considered that the enlargement of the extension would not result in significant overdevelopment of the site. The proposed extension would extend into an existing paved patio area, with sufficient amenity space being retained.

8.7 The Chichester Design Guidance advises, extensions should be visually integrated, subservient in mass, bulk and form to the existing property and be sympathetic to the surroundings as well as to any adjacent properties.

8.8 The proposed extension would extend across the width of the existing dwelling and extend further southwards along the eastern boundary line. The design of the new extension would differ from the existing, utilising a flat roof to minimise its form, mass, and bulk in

relation to the main dwelling, and neighbouring property to the east. The exterior of the extension would be finished in render to match the existing property and would ensure that the development is visually integrated into the main dwelling, as well as the surrounding development. Consequently, the extension would be a subservient addition to the property.

- 8.9 The Chichester Conservation Area Advisory Committee raised concerns over the use of UPVC on the extension. Generally, UPVC is considered an unacceptable material within a conservation area, due to the bulky and modern appearance of UPVC, within traditional properties. As stated within the Chichester Conservation Area Character Appraisal, under Character Area 9, *York Road is characterised by mid to late 19th century housing in the form of short and longer terraces, pairs of semi-detached villas of fairly uniform architectural style...with vertically proportioned sash windows.*
- 8.10 The proposed extension would be located to the rear of the property, situated within an enclosed private garden and would not be visible from the wider street scene. In addition, the main dwelling already has UPVC fenestration on the rear elevation, and therefore when read within the context of the rear elevation the use of UPVC on the proposed extension would be in keeping with the existing dwelling.
- 8.11 Given that the UPVC fenestration would not be visible from prominent public viewing positions and that there is existing UPVC windows and doors on the rear elevation of the main dwelling, it is considered that on balance, the use of UPVC windows on the modern extension would not detract from the character and appearance of the conservation area or visual amenity of the surrounding area. Moreover, the original timber sash windows on the principal elevation would be retained and therefore would not alter the appearance of the property when viewed from the conservation area, resulting in the character of the property and York Road being maintained.
- 8.12 Notwithstanding the above, a condition securing the full details of the proposed windows to ensure they would be appropriate, of high-quality design and not overly bulky is recommended.
- 8.13 The proposal by reason of its size, design and appearance is considered to be appropriate with regards to its form, layout, siting and scale alongside the existing property and surrounding area, not causing significant harm to the visual amenity or the areas character. Therefore, being in accordance with Chichester Local Plan Policies 2, 33, & 47 as well as NPPF sections 12, & 16 and Section 72 of the Listed Buildings and Conservation Areas Act 1990.
- iii. Impact upon amenity of neighbouring properties
- 8.14 Subsection 130 (f) of section 12 of the NPPF, relates to the provision of amenities for future and existing users. Policy 33 of the CLP which includes that the proposal would be sufficiently distanced, orientated and designed so as to not negatively affect the neighbouring properties outlook, or privacy.
- 8.15 The proposed extension would marginally increase the amount of glazing at the rear, with the addition of long-line windows to the extension and main dwelling as well as a roof lantern. It is considered that the addition of these new windows, in particular those on the west elevation of the extension would not result in any significant amenity impacts with



regards to overlooking and inter-looking, due to the current boundary treatment of timber panelled fencing and landscaping which separates the application site and the neighbouring property to the west.

8.16 It is also noted that the neighbouring property to the west is situated within a large corner plot and benefits from a large separation distance from the properties on York Road. The western neighbours' garage is the closest development on this boundary, which does not constitute residential accommodation and does not have any windows on the side elevation. Therefore, it is unlikely that the proposed development would lead to significant neighbouring amenity concerns.

8.17 The proposed roof lantern would have a minimal impact upon neighbouring amenity due to its position within the flat roof and the height/design of the neighbour's extension to the east would provide some shielding. Thus, it is considered that this would not result in significant neighbouring amenity concerns. The new extension would extend further outwards than the existing, by approximately 0.7m. Under the Chichester design guidance for alterations and extensions, the maximum limit to which single storey extensions will be favourably considered is generally determined by a 60 degree angle taken from the midpoint of the nearest ground floor habitable room window of the adjacent premises. The angle was below the maximum limit of 60 and therefore the proposed extension is acceptable.

8.18 Overall it is considered that the proposed single storey rear extension would not result in harmful neighbouring amenity concerns and therefore it is considered that the proposed development complies with the above policies.

#### iv. Ecological Considerations

8.19 Policy 49 of the Chichester Local Plan refers to the protection and enhancement of biodiversity of the proposed site. The site is within the Chichester & Langstone Harbour Special Protected Area Buffer and the Singleton & Cocking Tunnels 12km buffer. Due to the location of the site within a Bat Buffer Zone, the proximity of the site to a recorded bat siting and the scale of the proposed works to remove an existing structure, it was deemed necessary to consult the Council's Ecology Team. Upon first consultation, the Ecology officer deemed it necessary to take a precautionary approach to the potential for bats on the site and requested at the minimum a preliminary bat assessment be completed. A bat report was subsequently submitted, and the Ecology Officer was reconsulted. The second consultation concluded that mitigation and enhancements for bats, birds and hedgehogs were necessary. Therefore, a condition securing these has been recommended below and subject to compliance, the proposals would be in accordance with Local Plan Policy 49.

#### v. Other matters

8.20 The CCAAC has raised some concerns about the proposal and its conflict with the Chichester Conservation Area Article 4 Direction. The majority of the Chichester Conservation Area, including the application site, is subject to an Article 4 Direction which restricts the permitted development rights for the enlargement, improvement, or alteration of a dwellinghouse, including alterations to a roof slope, external doors, buildings or enclosures, chimneys, any means of enclosure, or the installation of hard surfacing or antennae which front a relevant location. In this instance, a relevant location has been defined as a highway, waterway, or open space. The proposed development would be

located at the rear of the property and therefore the development would not be restricted by the Article 4 Direction. In any event, the development requires planning permission because the extension would extend beyond the rear wall of the dwellinghouse by approximately 8.7 metres which exceeds the permitted development criteria, even for larger home extensions and therefore the merits of the scheme have been assessed in the report above.

### Conclusion

8.21 Based on the above it is considered the proposal would not have a significant impact upon the visual amenity of the street scene, the character of the Chichester Conservation Area, neighbouring amenity, or the ecology of the site. The proposal therefore complies with National Planning Policy Framework Sections 12 & 16, Local Plan Policies 33 & 47 and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Therefore, the application is recommended for approval.

### Human Rights

8.22 In reaching this conclusion the Human Rights of the applicants and nearby occupiers have been taken into account 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 be carried out in accordance with the plans listed below under the heading "Decided Plans"

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

- 3) Notwithstanding the approved plans, no windows, doors or roof lanterns shall be installed until details have been submitted to and approved in writing by the local planning authority. The details shall include:-

- a) Plans to identify the windows, doors and roof lantern in question and its location(s) within the property(ies), cross referenced to an elevation drawing or floor plan for the avoidance of doubt;
- b) 1:20 elevation and plan;
- c) 1:10 section with full size glazing bar detail;
- d) the position within the opening (depth of reveal) and method of fixing the glazing (putty or beading); and
- e) a schedule of the materials proposed, method of opening, and finishes.

Thereafter the works shall be carried out in full accordance with the approved details and the development shall be maintained as approved in perpetuity.

Reason: To ensure appropriate design and appearance in the interests of protecting the visual amenity/character of the development and surrounding area.

- 4) The development hereby permitted shall not be constructed other than in accordance with the materials specified within the application form and plans, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that a harmonious visual relationship is achieved between the new and the existing developments.

- 5) The following ecological mitigation measures shall be adhered to at all times during construction:
- a) If any brush pile, compost, and debris piles are present on site which could provide shelter areas and hibernation potential for hedgehogs, they must be removed outside of hibernation period mid-October to mid-March inclusive, and they must be removed using 'soft demolition'.
  - b) If any works need to take place to the trees or for vegetation clearance on the site, they 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 (within 24 hours of any work).

Reason: In the interests of protecting biodiversity and wildlife.

- 6) Prior to first use of the extension hereby permitted the development shall not be first brought into use until the following ecological enhancements are carried out:
- a) a bat box to be installed on the building facing south/south westerly positioned 3-5m above ground,
  - b) a bird box to be installed on the extension/and or tree within the garden of the property, and
  - c) a hedgehog nesting box to be installed within the site.

Thereafter the ecological enhancements shall be retained in perpetuity.

Reason: In the interests of enhancing the ecology and biodiversity of the area.

- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) no external illumination shall be provided on the development hereby permitted other than in accordance with a scheme that shall first have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the proposed location, level of luminance and design of the light including

measures proposed to reduce light spill. Thereafter the lighting shall be maintained in accordance with the approved lighting scheme in perpetuity.

Reason: In the interests of protecting wildlife and the character of the area.

## Decided Plans

The application has been assessed and the decision is made on the basis of the following plans and documents submitted:

Details	Reference	Version	Date Received	Status
PLAN - SITE LOCATION PLAN	TQRQM23047 181824269		28.03.2023	Approved
PLAN - SITE BLOCK PLAN	TQRQM23047 175100631		28.03.2023	Approved
PLAN - EXISTING AND PROPOSED GROUND FLOOR PLANS AND ELEVATIONS	23.101.01	A	28.03.2023	Approved

## 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 Eleanor Midlane-Ward on 01243 534734

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RQDZAXERJ7A00>