


Parish: Selsey	Ward: Selsey South
-------------------	-----------------------

SY/23/00881/DOM

Proposal	External change of roof and external wall materials. New rear balcony, side dormer doors, front and side pergolas, internal alterations, proposed entrance vestibule and garden pavilion. Conversion of garage to gym, part conversion to shed to sauna. (Retrospective).		
Site	Beach House 1 - 2 Westcroft West Street Selsey Chichester West Sussex PO20 9HD		
Map Ref	(E) 484571 (N) 92905		
Applicant	Stella Darling	Agent	Mr James Jay

RECOMMENDATION TO PERMIT



	NOT TO SCALE	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
---	---------------------	---

1.0 Reason for committee Referral

1.1 Red Card: Cllr T Johnson - Neighbouring Amenity

2.0 The Site and Surroundings

2.1 The application site is a semi-detached dwellinghouse situated within the Selsey Settlement Boundary. The property is built using brick and rendered wall cavity and cladding to first floor. The property is located on Selsey seafront at the end of a private road known as Westcroft. The site is surrounded by neighbouring residential properties, with directly adjacent neighbours to the north west and east. A small residential parking area and private drive separates the neighbouring properties to the north and north east.

2.2 Properties within this area vary in terms of size, scale, form, bulk, mass, and design. Many of the properties are detached with a material palette including cladding and render.

3.0 The Proposal

3.1 The application is for retrospective alterations to an existing seafront property. The proposal seeks permission for the change of roof tiles from concrete to slate, the replacement of the windows and doors from white UPVC to Black Aluminium, the removal of render and the replacement of sage green cladding to black cladding, and white render to the outcropped section of the property at ground floor.

3.2 In addition, permission is sought for the installation of a new rear balcony with timber batten privacy screen situated approximately 3m from ground level, with the timber privacy screen measuring roughly 1.7m high. The proposals also include side dormer doors with glass Juliet balcony screens situated approximately 3.2m from ground level to the bottom of the doors. In addition, the alterations include the installation of pergolas to the front and side elevation measuring approximately 2.8 metres high and comprised of black painted timber.

3.3 The development includes the installation of entrance vestibule and garden pavilion. The garden pavilion would be located east of the property. The pavilion would measure approximately 5.8m wide x 4.2m long x 3.4m high at its largest. The structure would be oval shape and comprised of timber and crown style roof. The pavilion would be open sided except for the eastern elevation.

3.4 The garage would be converted into an ancillary use (gym), with the addition of glass doors to the SW elevation. The existing shed would be partially repurposed as a sauna, with the removal of windows and addition of doors and an external shower. A section of the shed would be retained as storage space.

3.5 Finally, a new fence on top of the sea wall is proposed, at a height not exceeding 2m.

3.6 The application site has been revised during the course of the application to include the private access road that leads to the highway. The revised red line for the application was re-advertised to enable further opportunity for third party comments. The turning area to the front of the application site is shared with the neighbouring property to the west. The ownership certificates were updated, and notice served.

4.0 **History**

4.1 None relevant

5.0 **Constraints**

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

6.0 **Representations and Consultations**

6.1 **Parish Council**

Further comments on amended plans

Comments awaited.

Original Comments

Selsey Town Council objects to this application on the grounds that it is an overdevelopment in size and mass and thus is incongruent with the surrounding properties. The finishes on the proposed elevations are out of keeping with those on neighbouring buildings. There is also loss of amenity. The proposal is contrary to S12 of the NPPF and Policy 1 of the Selsey Neighbourhood Plan.

6.2 **Third party objection comments**

Three third party representations of objection from two parties have been received concerning the following matters:

- a) Pavilion large compared to size of garden
- b) Pavilion may lead to noise disturbance
- c) Pavilion close to neighbouring boundary
- d) Sauna backs on to neighbouring outbuilding
- e) Landscaping of garden not been considered
- f) Not retaining wall and hard landscaping behind sea wall could lead to further erosion and undermining of the sea wall

- g) Garden is currently repository for building rubble and not in keeping with the surrounding gardens or reflective of previous condition
- h) Party wall severely eroded - in need of repair
- i) Pavilion would appear visually dominant
- j) Pavilion would appear obtrusive and overbearing
- k) Pavilion would reduce light and outlook from neighbouring garden amenity area and rear habitable room windows
- l) Proposed fence would block sea views
- m) Boundary fence would not be in keeping with the area - boundary treatments in this area are stepped down
- n) Boundary fence would urbanise the foreshore
- o) Fence height would be overbearing and reduce light and outlook to neighbouring properties

6.3 Applicant/Agent's Supporting Information

The applicant/agent has provided the following supporting information and clarification during the course of the application:

- a) Boundary treatment is to use materials in keeping with the location
- b) Boundary treatment would not exceed 2m - PD
- c) Neighbouring property is separated by a shared access path
- d) Garden Pavilion just outside of PD
- e) Proposed Pavilion is 14m from neighbouring dwelling
- f) No right to aspect or views across neighbouring properties
- g) Landscaping plan submitted

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. The Selsey Neighbourhood Plan was made on the 22nd June 2021 and forms part of the Development Plan against which applications must be considered.
- 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 8: Transport and Accessibility

Policy 22: Integrated Coastal Zone Management for the Manhood Peninsula

Policy 33: New Residential Development

Policy 39: Transport, Accessibility and Parking
Policy 42: Flood Risk and Water Management
Policy 48: Natural Environment
Policy 49: Biodiversity

7.3 CDC Site Allocation Development Plan Document

7.4 Selsey Neighbourhood Plan
Policy 001 - Design and Heritage

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

- 7.5 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 late 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

- 7.6 Government planning policy now comprises the revised National Planning Policy Framework (NPPF 2019), which took effect from 19 February 2019. 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.

- 7.7 Consideration should also be given to the following paragraph and sections: Sections 1, 2, 12, 14 & 15. The relevant paragraphs of the National Planning Practice Guidance have also been taken into account.

Other Local Policy and Guidance

- 7.8 The following documents are material to the determination of this planning application:

Surface Water and Foul Drainage SPD
CDC Waste Storage and Collection Guidance

- 7.9 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:

- Encourage and support people who live and work in the district and to adopt healthy and active lifestyles
- Promote and increase sustainable, environmentally friendly initiatives in the district
- 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. Impact upon highway safety and parking
- v. Ecological considerations
- vi. Other matters

- i. Principle of development

- 8.2 Policy 1 of the Chichester Local Plan includes a presumption in favour of sustainable development within settlement boundaries. Therefore, as the application site falls within the Selsey Settlement Boundary Area, the principle of development to the property is acceptable, subject to compliance with the development plan and other material considerations.

- ii. Design and Impact upon Visual Amenity/Character of Area

- 8.3 Policy 33 of the LP 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 that its scale, form, massing and siting, height and design respects and enhances the character of the surrounding area and site. NPPF section 12 references achieving well-designed places and looks to ensure that development creates high quality, beautiful and sustainable buildings.

- 8.4 Section 15 of the NPPF looks to development conserving and enhancing the natural environment, ensuring development protects and enhances valued landscapes, site of biodiversity or geological value and soils.
- 8.5 Policy 001 of Selsey Neighbourhood Plan outlines how development should recognise the distinctive character of the Parish and sensitively contribute to creating dwellings of high-quality architectural design. Materials in new development should complement the established vernacular in the use of natural, local resources and colours. New development should take careful account of height and roof elevations in the context of the local area in relation to the coastline and built form. Development should be enhanced by landscaping with the use of native planting.
- 8.6 The proposal seeks to remove part of the existing white render and replace the green cladding with black timber cladding. The adjoining neighbouring property incorporates cladding to the gable end, and a number of neighbouring properties within the immediate vicinity, including 71, 67 and 65 West Street, and more coastally prominent Lands End Cottage, all have examples of coloured render and/or cladding which are visible from the immediate street scene. The replacement of cladding doesn't require an expressed grant of planning permission and is permitted development Under the Town and Country Planning General Permitted Development Order (2015). As the property has existing cladding, it is possible to replace this cladding without planning permission. In any event, the replacement black cladding would not appear incongruous and would not increase visual harm to the character of the area. Cladding is prominent within many properties in Selsey, particularly along the coast. The concerns raised in the objection comment from Selsey Town Council have been noted, however, due to the above, the proposed alterations to materials would be considered acceptable.
- 8.7 The overall footprint of the property is not increasing. The majority of the alterations are internal which would result in an increase of 61.946 m² of useable floorspace within the property which comes from the re-use of existing buildings on site. The proposal does not include any external extensions to the property. The only additional built form on site would be the pavilion, which would be an open structured outbuilding which would be used as an extension to the garden amenity space rather than a separate self-contained outbuilding. The structure would be comfortably accommodated within the curtilage and would not appear as overdevelopment as sufficient amenity space for the property would be retained.
- 8.8 The proposed pavilion by reason of its size and form, would be subservient to the dwelling. The structure is not solid, with the majority of the sides remaining open timber structures, and it has a clear use as a sheltered seating area to be used in connection with the garden amenity space and dwellinghouse. The structure is close to what could be achieved under permitted development and would comprise of timber which would sit well within the site, mimicking the timber present along much of the dwellinghouse. The pitched roof of the pavilion would create an attractive and high-quality architectural design which would not detract from the character of the area. Sufficient garden and amenity space would be retained after the siting of this structure.

- 8.9 The further external alterations to create a balcony, pergolas and entrance vestibule would create an attractive seaside property which would not be out of keeping from what would be seen along much of the coast and immediate surrounding area. The provision of the balcony to face the seafront is not uncommon for development along the coast, particularly in Selsey. The balcony would be timber and painted black with stainless steel wire grid. This would appear well integrated to the host dwelling and would largely blend in with the black timber cladding to the front elevation. The steel wire grid would reduce the visual impact of the balcony as it would appear see-through and would allow much of the rear elevation of the property to remain the focal point. As the balcony fronts the coastline and would be comprised of natural materials it is considered to not have a negative impact on the wider character of the area and would not detract from the coastline and surrounding built form.
- 8.10 Consequently, the proposal by reason of its size, design and appearance would be appropriate having regard to the existing property and would not cause significant harm or detriment to the wider area and therefore would accord with local and national development plan policies. Therefore, it is considered that the development would comply with NPPF section 12 and CLP policies 2, 33, and Policy 001 of the Selsey Neighbourhood Plan.

iii. Impact upon the amenity of neighbouring properties

- 8.11 The NPPF states in paragraph 130 that planning should ensure a good quality of amenity for existing and future users (of places), and Policy 33 of the CLP include requirements to protect the amenities of neighbouring properties.
- 8.12 The proposed Pavilion situated along the eastern boundary of the site would not be a solid structure. Under permitted development there is a fallback position for the provision of an outbuilding within this location at 2.5m. The pavilion would exceed this by approximately 1m at its highest. The pavilion would sit 13m from the neighbouring property to the east and would be separated by an alleyway. This separation distance, coupled with the access alley - which creates a 2.7m separation from the structure to the neighbouring properties garden boundary - would not be considered to result in the pavilion appearing overbearing, and would not restrict light to the habitable rooms to the neighbouring property.
- 8.13 The structure would sit in line with the existing dwellinghouse and would be sympathetic in its size and design. A large amount of the main garden amenity space for the neighbouring property to the east appears to be sited at the northern and southern most sections of the garden. The proposed pavilion would sit centrally to the neighbouring properties garden and would not appear to impede any immediate amenity areas on site.
- 8.14 Furthermore, the boundary treatments along this section of the garden would result in the main form of the pavilion being screened. The only visible structure above the fencing would be the roof, which has been sympathetically designed to reduce the bulk and mass, which in turn would reduce any overbearing impact that the structure may have on the neighbouring property.

- 8.15 The Pavilion would provide covered outdoor seating and amenity space to be used as part of the domestic garden. It is common for properties to use the gardens along the foreshore for incidental purposes and the structure would be no different than placing a garden room or outdoor seating area in this location. It is possible, the structure may, in some regard, help to reduce noise levels as the rear of the pavilion is solid and which could help filter some noise generated from its use. It is important to note that the site could provide an open outdoor seating area without the need for noise mitigation. The garden, therefore, could be used for social events which create noise at any time without the pavilion in place. Given this, it would be unreasonable to suggest a condition to limit the use of the space, or refuse the application on this basis.
- 8.16 The proposed provision of a 2m high boundary fence would fall within permitted development rights. Due to this fall back there would be no increase in harm to neighbouring properties as the fence could be erected in this location without a grant of planning permission. In addition, it is important to note that restrictions on a sea view from the neighbouring properties amenity space is not a material planning consideration.
- 8.17 The proposed Juliet balconies to the southeast elevation have potential to create a level of overlooking to the neighbouring properties. This has been carefully considered. The two balconies would serve a bedroom and would be situated approximately 18.2m away from the rear elevation of the neighbouring property to the east. There is already a level of overlooking present in this location from an existing dormer window which originally served a bedroom. Due to the presence of an existing dormer window to this elevation, the proposal to replace these with a Juliet balcony window would not increase the level of overlooking to a harmful degree. These windows would sit low within the roof scape and would maintain sufficient separation distance from the rear of the neighbouring property so as to not create an unacceptable level of overlooking compared to what was already present on site.
- 8.18 The proposed rear balcony has been considered in relation to increase overlooking and privacy concerns for the adjoining neighbouring property. The balcony would serve the master bedroom, hallway, and bedroom 3. It would not extend past the rear of the neighbouring properties single storey extension and sufficient timber screening would be included to the side profiles. The main garden amenity space for the neighbouring property is located to the west of the property which would be screened from the balcony by the main dwellinghouse and timber screening. The balcony would overlook the southern section of the neighbouring garden, however this fronts onto a public beach which would be visible by members of the public walking along the beach during low tide. Furthermore, the existing property had a large number of windows to first floor level which already pose a level of overlooking to this space within the neighbouring properties garden. Given the above, it is considered that the balcony would not create unacceptable levels of overlooking for the neighbouring property to the northwest and would be considered acceptable.

- 8.19 The dormer windows to the front elevation would remain unchanged from what is already present on site. These windows would serve a wardrobe room and would be situated approximately 55m at their closest from the rear elevation of the property to the north. The level of overlooking from these dormer windows would remain unchanged and would not be harmful to the surrounding properties in terms of their privacy and amenity.
- 8.20 The concerns relating to the Sauna backing on to the neighbouring outbuilding have been considered. The structure is existing with the incidental use of the building not considered harmful to neighbouring amenity or privacy. The structure would be used in connection with the main dwellinghouse.
- 8.21 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.

iv. Highway Safety

- 8.22 Policies, 8 and 39 of the CLP seeks to ensure that new development has acceptable parking levels, and access and egress to the highway.
- 8.23 The existing house has 5 bedrooms with 5 parking spaces. The works proposed would convert this to a 3-bedroom property with potential room for a 4th bedroom within the loft space. The proposal has parking provision for 2-3 cars with the loss of 2 spaces within the existing double garage.
- 8.24 WSCC guidance on parking in New Development highlights that properties with 4+ bedrooms within Parking Zone 1 should have provision for 2.7 spaces. As the proposal shows parking for up to 3 cars it is considered that sufficient parking would be provided.

v. Environmental considerations

- 8.25 Flood risk; the site is located within EA flood zone two and three. This has been addressed within the Flood Risk Statement. The proposal relates to an existing residential dwelling and would not increase the floor area or result in any habitable built form.
- 8.26 Sustainable construction: Policy 40 - Sustainable Design and Construction; the development would be required to meet current Building Regulations standards.

vi. Other Matters

- 8.27 The third-party comments which have not been addressed in the report above are addressed below:

- 8.28 A landscaping report has been submitted as part of the application to quell neighbouring concerns, despite it not being a planning requirement for a householder application. The state of the garden at present is not a planning concern and it is expected that the garden would maintain some semblance as a building site whilst works are taking place. Officers are satisfied that of details submitted relating to landscaping, however the state of the garden cannot be assessed as part of the planning application as it is not a material consideration. The application cannot be refused on this basis.
- 8.29 The party wall being in a state of repair is not a material consideration for planning and would be a civil matter between third parties. As such this cannot be considered as part of the planning application.
- 8.30 The comments relating to the sea wall have been noted. The proposal does not propose alterations to the sea wall. The landscaping would be retained within the garden amenity area which would not alter the sea wall in any way. Changes to landscaping within the garden amenity space would not result in erosion and undermining of the sea wall.

Conclusion

- 8.31 Based on the above assessment, it is considered the proposal complies with the Development Plan and there are no material considerations that indicate otherwise therefore, subject to conditions permission should be granted.

Human Rights:

- 8.32 The Human Rights of all affected parties have been taken into account and the recommendation to permit is considered justified and proportionate.

RECOMMENDATION

PERMIT subject to the following conditions and informatives:-

- 1) 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.

- 2) 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.

- 3) The development shall not be carried out other than in full accordance with the submitted Flood Risk Assessment.

Reason: To mitigate flood risk.

4) The sauna room and gym hereby permitted shall be used solely for purposes incidental to the enjoyment of the dwellinghouse as such and for no other purposes whatsoever.

Reason: To protect the amenities of this primarily residential area.

5) The balcony hereby permitted shall not be brought into use until the privacy screens shown on the approved drawings on the northwest and southeast sides of the balcony have been installed. These screens shall be retained and maintained as such in perpetuity, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To protect the privacy of the occupants of the adjoining residential property/ies.

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 - PROPOSED LOCATION AND BLOCK PLANS	P001	REV PROPOSED	13.04.2023	Approved
PLAN - PROPOSED ELEVATIONS	P002	REV PROPOSED	13.04.2023	Approved
PLAN - PROPOSED PERSPECTIVES	P003	REV PROPOSED	13.04.2023	Approved
PLAN - PROPOSED FLOOR AND ROOF PLANS	P004	REV PROPOSED	13.04.2023	Approved
PLAN - PROPOSED STAIRS	P005	REV PROPOSED	13.04.2023	Approved
PLAN - PROPOSED GARDEN PAVILION	P006	REV PROPOSED	13.04.2023	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 Emma Kierans on 01243 534734

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RT24N9ERK1300>