

Report to **Planning Committee**
Date **29 March 2017**
By **Director of Planning**
Local Authority **Chichester District Council**
Application **SDNP/17/00336/CND**
Number
Applicant **Mr Maurice Ormerod**
Application **Variation of condition 1 amendment to approved plans and removal of conditions 3, 6, 8, 9, 10, 14 and 16 from planning permission SDNP/16/01717/FUL.**
Address **Ilex House
Upperfield
Easebourne
GU29 9AE**

Recommendation: That the application be approved for the reasons and subject to the conditions set out in paragraph 10 of this report.

Executive Summary

Reason for Committee referral: Parish objection - officer recommends PERMIT

The proposal seeks permission for amendments to the previous planning permission already granted for a new dwelling to the east of the property known as Ilex House (SDNP/16/01717/FUL). The proposal includes modest amendments and extension to the previously approved dwelling itself and the provision of a detached garage on the part of the site previously dedicated to surface parking. The proposed development is considered to be a sympathetic response to the character, appearance and established pattern of development found within the Upperfield estate.

The application also seeks approval of certain matters reserved by condition on the earlier permission, reference SDNP/16/01717/FUL. The details are considered to be satisfactory and are recommended for approval as part of the overall scheme.

1 Site Description

1.1 The application site lies within an enclave of houses known as Upperfield, a cul-de-sac of low density residential development in mature garden settings.

1.2 The street includes a mix of traditional two-storey houses and bungalows of various sizes and designs, and in varying plot sizes. Some of these dwellings are set in quite a uniform manner, whilst others are set within their plots more informally. The area has a

spacious feel created by a combination of plot sizes, spaces between properties and established trees and planting within/along individual gardens and their boundaries.

1.3 A limited amount of sensitive infill development has recently been permitted, namely on land west of Highmeads (Trumpers), which is to the west of the application site and to the south west, adjacent to Ashley (Savaric Cottage) and directly to the south of Ilex house (Holly End).

1.4 The application site lies within the grounds of Ilex House. This dwelling is a large two storey property dating from c.1930s that is angled diagonally across the site on a north west/south east axis and has recently been the subject of major refurbishment and improvement. The southern part of the former garden of Ilex House is occupied by Holly End a recently erected dwelling to the north of Tylers.

1.5 The application site comprises part of the former side garden of Ilex House, a large detached dwelling. The appeal site is of a similar, generous length to the other plots in this section of Upperfield but is somewhat narrower in width than most.

2 Proposal

2.1 The proposal is an amendment to planning permission reference SDNP/16/01717/FUL for the erection of a detached two storey dwelling sited in a position within the plot that broadly aligns with Ilex House. Whilst the form and siting of the proposed dwelling remain consistent with that of the previously approved dwelling, the following revisions to the design have been made:

- Increase in overall height from 7.3 metres to 7.8 metres;
- deeper hipped roof to mitigate against 0.5 metre increase in height;
- addition of an orangery;
- addition of two-bay timber framed car barn;
- Minor changes to the size of some fenestration and position of windows and doors;
- Minor changes to the external finishes to the elevations

2.2 The application also includes details required by a number of conditions attached to SDNP/16/01717/FUL for consideration as part of this application. These details are:

- Materials and finishes (condition 3)
- Landscaping and biodiversity enhancement (condition 6)
- External lighting (condition 8)
- Foul and surface water drainage (conditions 9 and 10)
- Construction Method Statement (CMS) (condition 14)
- Tree protection during construction (condition 16)

3 Relevant Planning History

SDNP/14/06393/FUL - Construction of a new dwelling. REFUSED 13.05.2014, APPEAL DISMISSED (Biodiversity reasons only)

SDNP/16/01717/FUL - Construction of 1 no. dwelling. PERMIT 26.07.2016

4 Consultations

Parish Council Consultee

The Parish Council object to the removal of conditions 9, 10, 14.

5 Representations

2 Third Party objections

Construction hours at weekends - 07:30 start on Saturdays unsociable
Siting of garage forward of dwelling - inconsistent and uncharacteristic with pattern of development within Upperfield and harm to its character

6 Planning Policy Context

Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory development plan in this area is the **Chichester Local Plan First Review (1999)** and the following additional plan(s):

- SDNPA Partnership Management Plan 2014
- South Downs National Park Local Plan - Preferred Options September 2015

The relevant policies to this application are set out in section 7, below.

National Park Purposes

The two statutory purposes of the SDNP designation are:

- To conserve and enhance the natural beauty, wildlife and cultural heritage,
- To promote opportunities for the public understanding and enjoyment of the special qualities of their areas.

If there is a conflict between these two purposes, conservation takes precedence. There is also a duty to foster the economic and social well being of the local community in pursuit of these purposes.

7 Planning Policy

Relevant Government Planning Policy and Guidance

Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and The National Planning Policy Framework (NPPF) which was issued and came into effect on 27 March 2012. The Circular and NPPF confirm that National Parks have the highest status of protection and the NPPF states at paragraph 115 that great weight should be given to conserving landscape and scenic beauty in the national parks and that the conservation of wildlife and cultural heritage are important considerations and should also be given great weight in National Parks.

National Planning Policy Framework (NPPF)

The following National Planning Policy Framework documents have been considered in the assessment of this application:

- NPPF - Delivering a wide choice of high quality homes

- NPPF - Requiring good design
- NPPF - Conserving and enhancing the natural environment

The following paragraphs of the NPPF are considered relevant to the determination of this application:

Paragraphs 7, 14, 17, 39, 56, 59 to 61, 64.

The development plan policies listed below have been assessed for their compliance with the NPPF and are considered to be compliant with the NPPF.

The following policies of the **Chichester Local Plan First Review (1999)** are relevant to this application:

- BE1 - Settlement Policy Boundary
- BE11 - New Development
- BE13 - Town Cramming

The following policies of the **SDNPA Partnership Management Plan 2014** are relevant to this application:

- General Policy 1
- General Policy 50

The following policies of the **South Downs National Park Local Plan - Preferred Options September 2015** are relevant to this application:

SD5 – Landscape Character
SD6 - Design

The South Downs Local Plan: Preferred Options was approved for consultation by the National Park Authority on 16th July 2015 to go out for public consultation under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The consultation period ran from 2nd September to 28th October 2015. The responses received are being considered by the Authority. The next stage in the plan preparation will be the publication and then submission of the Local Plan for independent examination. Until this time, the Preferred Options Local Plan is a material consideration in the assessment of this planning application in accordance with paragraph 216 of the National Planning Policy Framework, which confirms that weight can be given to policies in emerging plans following publication. Based on the early stage of preparation the policies within the Preferred Options Local Plan are currently afforded limited weight and are not relied upon in the consideration of this application.

8 Planning Assessment

8.1 The main issues within the proposal are considered to be:

- 1) The principle of development;
- 2) Impact on character and appearance of the area;
- 3) Highway safety
- 4) Whether the additional details satisfactorily address the need to reimpose certain conditions.

Issue 1- The principle of development

8.2 The proposal site is within the Settlement Policy Area (SPA) of Easebourne, where new development is in general considered to be acceptable in principle. Policy BE1 of the Chichester District Local Plan (1999) states that development will be permitted within Settlement Policy Areas when the proposals are consistent with built environment policies. It is material to note that planning permission has already been granted for a dwelling of broadly the same dimensions and siting as is now proposed under reference SDNP/16/01717/FUL.

8.3 Whilst there are relatively minor amendments to the elevational treatment to the dwelling, including adjustments to window and door positions and a very modest increase in the ridge height, the main changes that have been introduced are the addition of a single storey addition to the rear of the dwelling and a detached garage located to the south of the proposed dwelling. It is therefore necessary to determine whether the proposed development as amended remains consistent with policy BE11, which seeks for new development to not detract from its surroundings, and requires the applicant to demonstrate four criteria.

Issue 2- Impact on the character and appearance of the area

8.4 The amended design and appearance of the dwelling itself would be consistent with the appearance of the area and would remain broadly in alignment with Ilex House, retaining a generous area of amenity land similar to that of established plots in Upperfield, albeit narrower than most. The proposed dwelling would be sited centrally within the plot as before, allowing 3m for the side boundaries with other dwellings. Because of the siting of the dwelling and relationship with the much larger Ilex House, there would be limited views from the main part of Upperfield. The development would maintain the spacious, leafy character and appearance of the area.

8.5 The enlargement of the dwelling through the addition of the single storey extension to the rear would result in a modest increase in the built form on the site but this would not result in overdevelopment or harm to the generally spacious character of the area. The ridge height is increased by 0.5 metres from that previously approved (7.8m compared to 7.3m) although this is mitigated by an increase in the depth of the hipped ends of the roof, which has the effect of reducing the overall length of the ridge itself and the visual impact of the massing of the roof. The height of the proposed dwelling would remain noticeably lower than that of Ilex House.

8.6 The position of the proposed open fronted garage is to occupy the site of the previously approved parking bays. The garage itself is of relatively modest proportions, comprising two bays and a 'lean-to' open sided store on the north side and a total

footprint of 41.8 square metres. The timber-framed construction and finishes would result in a high quality rustic building.

8.7 Third party objections have highlighted that the garage building would be sited forward of the dwelling and therefore inconsistent with the lack of such structures in similar locations elsewhere in Upperfield, which is supported by an appeal decision dismissing a proposal to site a garage building in the front garden of 'Trumpers' to the west of the applicaiton site. There are, however material differences with this application site and others on this private estate. Unlike the majority of other properties within Upperfield, the application site does not have a direct frontage onto the main part of Upperfield's estate road, occupying a corner plot in a largely recessive position particularly in relation to 'Holly End', the recently constructed dwelling immediately to the south of the site.

8.8 It would be possible to obtain views of the garage from the junction of the main estate road and the spur leading to the application site, although these are limited to a large extent by boundary vegetation to Holly End, Highmeads and Ilex House and the modest dimensions of the structure itself. For this reason and having regard to the context of the pattern and grain of development within Upperfield as a whole, the garage in position shown is not considered to disrupt or harm the prevailing spacious appearance that characterises the estate.

8.9 For the reasons stated above this proposal is considered to accord with the aims and objectives of policy BE11 of the CDLP, the design objectives of the NPPF and the first purpose of designation of The South Downs National Park.

Issue 3- Highway safety and access

8.10 The approved scheme also raised issues regarding highway safety and the suitability of access to the site via this relatively narrow spur off Upperfield. WSCC Highways and Transportation have previously been consulted on similar proposals to develop this site and raised no concern in regards of access to the site, or on highways safety grounds. Furthermore, the Inspector considered the highways impact of a similar proposal for a single dwelling at appeal (SDNP/14/06393/FUL) and concluded that, "...I have noted no objection was raised by the Highway Authority with regard to the use of the access road leading from Upperfields which also serves four existing dwellings and am satisfied that the small additional increase in use would be adequate in terms of highways safety and would not lead to unacceptable levels of noise or pollution". Given the similarities with the approved scheme, there are no grounds with this application to depart from these conclusions.

Issue 4 Additional details

8.11 This application also seeks approval for matters that were previously reserved by condition by planning permission SDNP/16/01717/FUL. These are Materials and finishes (condition 3), Landscaping and biodiversity enhancement (condition 6), External lighting (condition 8), Foul and surface water drainage (conditions 9 and 10), Construction Method Statement (CMS) (condition 14) and Tree protection during construction (condition 16). If acceptable, then those conditions do not need to be re-applied if this applicaiton is successful and may be 'removed'. The Parish Council have objected to the removal of conditions 9, 10 (surface and foul water drainage) and 14 (CMS), but have provided no explanation as to the reasons why.

8.12 Dealing briefly with each condition in turn, it is considered that the details submitted in respect of materials and finishes to the new house are of a high quality and sympathetic to the character and appearance of the estate. In the context of this suburban location, the landscaping proposals of new and supplementary hedging and replacement trees in the position of the removed Horsechestnut near the entrance to the site are considered acceptable and will provide long-term enhancement of the biodiversity value of the area. The external lighting proposes discretely positioned PIR downlights on the front (south), side (east) and rear (north) elevations. This will create pooled lighting and minimal light spread away from the house itself. In the context of this suburban setting, this is considered to be an appropriate detail.

8.13 Details relating to the disposal of foul and surface water show foul water disposal via the existing public sewer. Surface water from buildings is via a soakaway within the application site of sufficient capacity to handle localised runoff. The driveway and turning area are to be constructed of a permeable material (Cotswold stone chippings), ensuring that overall the surface water generated by the development is contained within the site and will not discharge onto the local road network.

8.14 The Construction Method Statement (CMS) has been amended to reflect the wishes of third parties' with respect to hours of operation at weekends (08:00 to 13:00 Saturdays only). The CMS is accompanied by a plan showing that all activity can be accommodated within the site. As with all such projects, there will undoubtedly be some localised disruption during the construction phase but it is considered that the details submitted represent a reasonable approach to safeguarding residential amenity in this case.

Other matters

8.15 In order to remain consistent with the previous planning permission, it is considered necessary to remove permitted development rights for extensions and alterations to the proposed dwelling, and that no other external structures such as sheds, summer houses etc. should be erected to control the development in interests of neighbouring amenity.

9 Conclusion

9.1 The amended proposal is considered to be a sympathetic and positive development that respects the established pattern and character of development within this low density residential enclave of Upperfield. The siting, scale and massing of the dwelling and the garage and its relationship with adjoining housing will ensure that the building will not have a detrimental impact on the living conditions of the occupiers of nearby properties or on the spacious character of Upperfield as a whole. Therefore the proposal would not conflict with the aims and objectives of the NPPF or be contrary to policies BE11, BE13 or TR6 of the Local Plan. Subject to conditions controlling further enlargement or alteration to the dwelling and control over the provision of future outbuildings, the proposal is recommended for approval.

10 Reason for Recommendation and Conditions

It is recommended that the application be approved for the reasons and subject to the conditions set out below.

1. The development hereby permitted shall be begun before the expiration of three years from the date of planning permission reference SDNP/16/01717/FUL (26.07.2016)

Reason: In order to reflect the time limit imposed on SDNP/16/017177/FUL and to comply with Section 73(5)(a) of the Town and Country Planning Act 1990 (as amended) and Section 51(3) of the Planning and Compulsory Purchase Act 2004.

2. Before any part of the development hereby permitted is first occupied the proposed access drive, turning area, and, where applicable, cycle parking areas shall be completed in accordance with the approved plans and shall thereafter be maintained for these purposes in perpetuity.

Reason: In the interests of highway safety.

3. The development hereby permitted shall not be brought into use unless and until the car parking provision shown on the submitted plans has been provided on site. Once provided the parking provision shall be kept available for that use.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles clear of adjacent highways.

4. All biodiversity enhancements, planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants, including any existing trees or hedgerows indicated as being retained in the approved scheme, which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of amenity and of the environment of the development.

5. Notwithstanding the provisions of Classes A to D of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting or amending that Order) no additions to, or extensions or enlargements of, or alterations affecting the external appearance of, the building(s) hereby approved shall be made or erected without a grant of planning permission from the South Downs National Park Authority.

Reason: To enable the South Downs National Park Authority to retain control over the enlargements/alterations of the building(s) in the interests of the proper planning and amenities of the area.

6. Notwithstanding the provisions of Class E of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting or amending that Order) no building, or shed, greenhouse or other structure, shall be erected anywhere on the application site other than as shown on the plans hereby permitted without a grant of planning permission from the South Downs National Park Authority.

Reason: To enable the he South Downs National Park Authority. to retain control over such structures in the interests of the amenities of the area.

11. Crime and Disorder Implications

11.1 It is considered that the proposal does not raise any crime and disorder implications.

12. Human Rights Implications

12.1 This planning application has been considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims sought to be realised.

13. Equality Act 2010

13.1 Due regard has been taken of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010.

14. Proactive Working

14.1 In reaching this decision the local planning authority has worked with the applicant in a positive and proactive way, in line with the NPPF.

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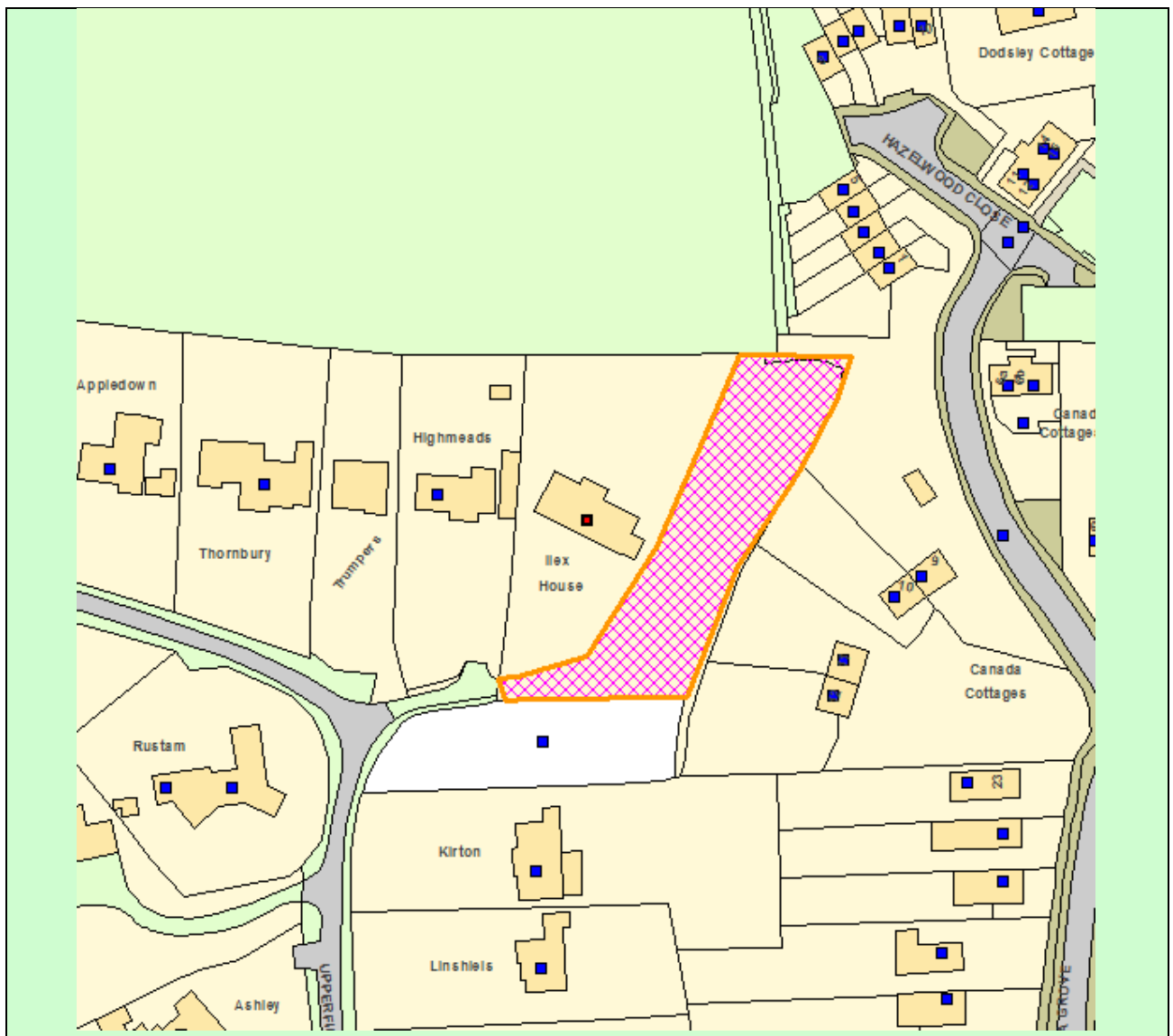
Appendices Appendix 1 - Site Location Map
Appendix 2 – Plans Referred to in Consideration of this Application

SDNPA Consultees None

Background Documents Relevant planning history, CDLPFR 1999, South Downs Management Plan, Draft South Downs Local Plan 2015, NPPF, NPPG

Appendix 1

Site Location Map



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Appendix 2 – Plans Referred to in Consideration of this Application

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

Plan Type	Reference	Version	Date on Plan	Status
Plans - Proposed site plan	101	A	23.01.2017	Approved
Plans - Proposed garage	105	B	23.01.2017	Approved
Plans - Proposed elevations	104	B	23.01.2017	Approved
Plans - Proposed elevations	103	B	23.01.2017	Approved
Plans - Proposed plans	102	C	23.01.2017	Approved
Plans - Drainage layout	1102	P01	23.01.2017	Approved
Plans - Drainage details	1103	P01	23.01.2017	Approved
Application Documents - Construction Environment Management Plan - December 2016			23.01.2017	Approved
Application Documents - Schedule of materials and finishes - 23.01.2017			23.01.2017	Approved
Application Documents - CMS (as amended 01.03.2017)			23.01.2017	Approved

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