

Parish: West Wittering	Ward: West Wittering
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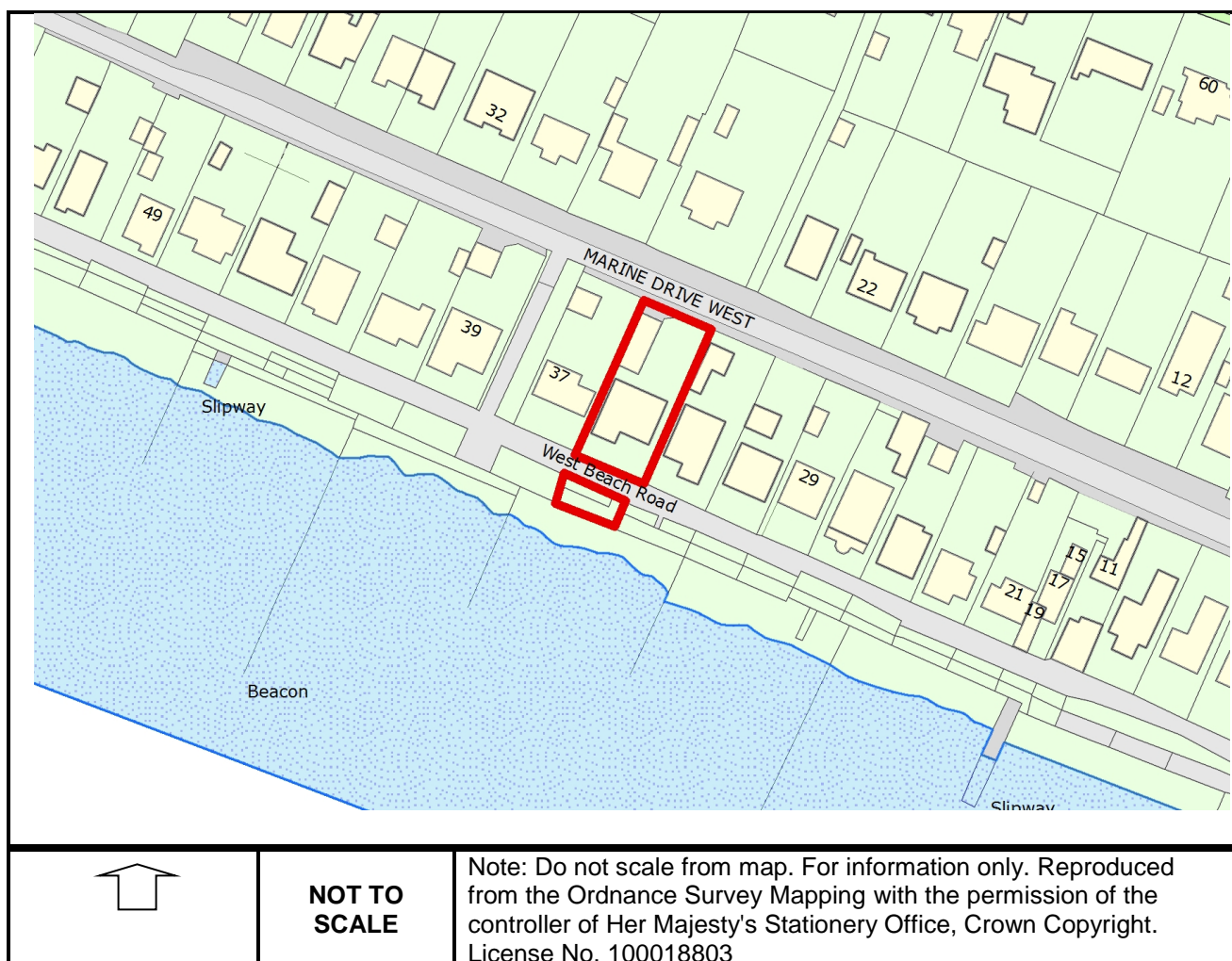
Proposal Demolition of an existing two storey detached dwelling and erection of a new two storey replacement dwelling.

Site The Ark 35 Marine Drive West West Wittering PO20 8HH

Map Ref (E) 478743 (N) 97152

Applicant Mr C. Porter

RECOMMENDATION TO PERMIT



**NOT TO
SCALE**

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1.0 Reason for Committee Referral

Parish Objection - Officer recommends Permit.

2.0 The Site and Surroundings

2.1 The application site is located on the southern side of Marine Drive West, a residential street within the village of West Wittering. The property is situated adjacent to an unmade track and sea defences that run alongside the foreshore. The property is situated within a row of residential properties which have close side wall to wall relationships. There is a linear row of dwellings on the northern side of the street adjacent to the application site. Properties within the street are eclectic in terms of their design and appearance, although they predominantly comprise detached dwellings, with some chalet bungalows and recently constructed pairs of semi-detached properties.

3.0 The Proposal

3.1 The application seeks permission for the demolition of the existing detached property and garage and its replacement with a two storey detached property with attached garage.

3.2 The proposal has been amended during the course of the application process to;

- remove a second floor,
- reduce the depth of the balcony
- provide privacy screens to the balcony,
- reduce the width and depth of the garage, and
- remove the car port

3.3 The proposed dwelling would include a ground floor with three bedrooms, two bathrooms, storage, living space, utility room, office and garage. There is a staircase and lift leading to a first floor living, dining and kitchen space, bedroom with bathroom and dressing room. A balcony would be provided at first floor level at the rear. The proposed building would measure approximately 6.1m in height x 14.7m in width (widest point) x 16.4m in depth (main dwelling) with a single storey projection to the front measuring approximately 16m (d) x 7.5m in width, narrowing to 6m x 3.5m in height.

4.0 History

93/02190/FUL	PER	Use of existing garage and store for the teaching of pottery.
12/01793/FUL	REF	Erection of 2 no. semi detached houses and garages.
13/00013/REF	ALLOW	Erection of 2 no. semi detached houses and garages.

5.0 Constraints

Listed Building	No
Conservation Area	No
Rural Area	No
AONB	No
Strategic Gap	No
Tree Preservation Order	No
South Downs National Park	No
EA Flood Zone	
- Flood Zone 2	No
- Flood Zone 3	No
Historic Parks and Gardens	No

6.0 Representations and Consultations

6.1 Parish Council

Original Plans:

Objection - The Parish Council objects to this application. It is overdevelopment of the plot by way of its bulk, size and mass. It is un-neighbourly, in particular the glazing and balconies will overlook properties in the vicinity and its size prevents properties from the other side of the road enjoying sea glimpses. The flat roof is out of keeping and the Parish Council would prefer a pitched design.

Amended Plan:

No comments have been received

6.2 WSCC Highways

Original Plans:

No objection. In summary, it is recommended that a gravel trap or area of block paving (or other bound surface) be provided to prevent over-spill of gravel onto the private road and that storage for 2 cycles be secured by condition.

Amended Plans (04/05/2017)

No Objection. The comments submitted in previous response dated 6th February would still apply

6.3 CDC Land and Coastal drainage Officer

Original Plans:

Surface Water Drainage - The application states "mains sewer" for surface water drainage, this approach is not acceptable. The applicant would need to rule out infiltration before any discharge to a watercourse, or sewer were considered. We would also expect soakaways to adequately drain the development in this location.

Flood and Erosion Risk - The site is wholly within flood zone 1 (low risk) however there is a risk of some overtopping due to the proximity to the sea. This is being managed by raising the floor levels in the order of 0.5m above the existing ground level, which will reduce the flood risk to the property.

The site is also adjacent to a length of coastline at risk of coastal erosion, the proposed replacement dwelling does not appear to propose habitable accommodation closer than the existing dwelling and therefore we have no objection to the proposal.

Although we have no objection to the proposed work adjacent to the back of the coastal defences, the developer should be aware that this area will be at significant risk of damage if and when the beach is drawn down and the ageing timber defences are exposed. They may wish to consider and manage this risk.

Amended Plans:

In this instance we have no further comments to add, however, in our original consultation response we made it clear that a discharge of surface water to the sewer was unacceptable. Could the applicant please confirm that an alternative approach is being proposed.

If the application is approved we suggest that a condition for the surface water drainage scheme is used to ensure the site is adequately drained:

"Development shall not commence until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations and the SUDS Manual produced by CIRIA. Groundwater monitoring to establish ground water levels and Percolation testing to BRE 365 or similar approved, will be required to support the design of any Infiltration drainage.

No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details."

6.4 Natural England

No objection

6.5 Agent's supporting information

The DAS and planning statement have been amended to reflect the changes to the scheme (as discussed in paragraph 3.2 of this report).

6.6 Third Party Objections

Two letters of objection from one household have been received concerning the following matters;

Original Plans:

- a) Compliment overall design but have objections regarding
- b) Southerly projection of balcony beyond the balcony lines at 33, 37 and 31
- c) Acknowledge mix of balcony lines in the area but consider that balconies should respect the immediate neighbours.
- d) Height of single storey element to north would be overbearing and oppressive

Amended Plans:

- a) Footprint is excessive.
- b) Overdevelopment.
- c) Width and proximity to boundaries.
- d) Build line to south would be exceeded.
- e) Loss of light to hallway, bathroom and landing areas.
- f) Sea glimpses from properties to the opposite side of the road would be lost.

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 Wittering at this time.

7.2 The principal planning policies relevant to the consideration of this application are as follows:

Policy 1: Presumption in Favour of Sustainable Development

Policy 2: Development Strategy and Settlement Hierarchy

Policy 33: New Residential Development

Policy 39: Transport, Accessibility and Parking

Policy 40: Sustainable Design and Construction

Policy 44: Development around the Coast

National Policy and Guidance

7.3 Government planning policy now comprises the National Planning Policy Framework (NPPF), paragraph 14 of which states:

At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking:

For decision-taking this means unless material considerations indicate otherwise:

- *Approving development proposals that accord with the development plan without delay; and*
- *Where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless any adverse impacts of doing so would significantly or demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in (the) Framework indicate development should be restricted.*

7.4 Consideration should also be given to paragraph 17 (Core Planning Principles) and other relevant paragraphs including; 56, 58, 59, 60, 61 and 64.

Other Local Policy and Guidance

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

- West Wittering Village Design Statement

7.6 The aims and objectives of the Chichester in Partnership Community Strategy 2016-2029 which are relevant and material to the determination of this planning application are:

- Influence local policies in order to conserve and enhance the qualities and distinctiveness of our area

8.0 Planning Comments

8.1 The main issues arising from this proposal are:

- i) Principle of Development
- ii) Design and impacts on visual amenity
- iii) Impacts on the amenity of neighbouring properties
- iv) Drainage
- v) Other matters

Assessment

i) Principle of Development

8.2 The application site lies in a sustainable location where the provision of a replacement dwelling would comply with policies 1 and 2 of the Chichester Local Plan, subject to compliance with other relevant policies within the Development Plan. The proposal is therefore acceptable in principle subject to the matters considered below.

ii) Design and impacts upon visual amenity

8.3 The proposed dwelling would comprise a flat roof design with an off-set first floor element, projecting single storey element with balcony above to the south and a single storey projection to the north. The elevations would include a mix of knapped flint walling to the ground floor, with timber cladding and render to the first floor. It is considered that the proposed mix of local materials combined with the varied form of the building would ensure that the building would not appear overly bulky or incongruous within the streetscene. Instead the proposal would result in a high quality modern design that whilst different to the surrounding properties would respond positively to the coastal context of the site and its wider surroundings.

8.4 The application site lies within the South East Marine area of West Wittering as set out within the West Wittering Village Design Statement (VDS), which is a material consideration. The VDS states that 'The character of the area is eclectic and presents few limitations on the style of any new development' (p. 25) and in terms of development on Marine Drive West in particular it states 'Any new development should maintain the spaces between the buildings and reflect the height of adjacent properties' (p. 26). In addition, the NPPF in paragraph 60 states that;

'Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness'.

It is therefore considered that in principle a non-traditional design, for example a dwelling without a pitched roof, could be accommodated within the locality without causing harm to the character and appearance of the area provided it is well designed and responds to its context.

8.5 Visually, the proposed dwelling would be a contrast to the pitched roof two storey properties to this side of the road. However, the scheme has been amended to reduce its height so that it would be set lower than the properties on each side of the plot in line with the West Wittering VDS, and in the interests of ensuring that the building would not appear overly dominant within the streetscene. In this mixed context, design should not be stifled because it is different so long as it promotes principles of good design which is considered to be the case here, given the eclectic forms, proportions and materials found in this coastal environment. The design is also considered respectful and would assist to promote local distinctiveness.

8.6 The locality has a relatively tight urban grain, although gaps of at least 1m are common between the flanks of the built form and the boundaries, and this forms part of the character of the streetscene. The proposed development would be set approximately 1m in from the western boundary of the site. On the eastern side, the building would extend to the boundary at ground floor level, however at first floor due to the off-set element there would be a gap of 1.1m. The ground floor east elevation would form the boundary and would extend northwards at 3.5m in height lowering to 3m closest to Marine Drive West. It is considered that the close relationship would not be significantly different to the relationship found between other properties, and the off-set element would provide a clear visual break between the buildings at first floor level which would be more visible within the streetscene and would re-inforce the character of the streetscene in respect of the grain of development.

8.7 Extensions and garages within the gardens fronting Marine Drive West are a prominent feature to this side of the road and number 33 to the east has a flat roof detached garage that would have a close relationship with the proposed projection to the north of the dwelling. The previous proposal, which was allowed on appeal, included a large detached garage building at the front of the site. It is considered that although the garage building would be attached to the main house as part of the current proposal, given its height and position adjacent to the garage on the site to the east that this part of the proposal would reflect the surrounding form of development and would not appear incongruous within the streetscene.

8.8 On balance it is considered that the proposed development, whilst modern in appearance would by reason of its design, massing and appearance be visually sympathetic to the character and quality of the site and surroundings in accordance with section 7 of the NPPF and policies 33 and 40 of the Chichester Local Plan, policies 33 and 40 of the Chichester Local Plan.

iii) Impact on the amenity of neighbouring properties

8.9 The scheme has been amended to reduce the size (depth) of the balcony and to include privacy screens to its flanks to ensure that the balcony at the rear would not result in an unacceptable level of overlooking. The property lies adjacent to the foreshore, and therefore the south facing elevations of the property on the application site and its neighbours are open to public views. It is considered in this context that the provision of the balcony, as amended to prevent direct overlooking from the sides, would be acceptable in terms of the relationship with the neighbouring properties.

8.10 During the course of the application concerns have been raised by the occupiers of the property to the south east (no. 33 Marine Drive West) regarding the impact of the proposal upon their amenities, with particular reference to the glazing and balconies that they consider would overlook properties in the vicinity. No comments have been received from the Parish Council in respect of the amended plans, which were sought to address these concerns. Careful consideration has been given to the impact of the building on the neighbouring properties. Although the proposed dwelling would extend further south than the immediate neighbours, this would not be to an extent that the proposal would result in loss of light or such that it would appear overbearing or oppressive. The Council's design guidance (Planning Guidance Note 3) has been taken into consideration. The guidance recommends that ground floor elements do not cross a line with a 60 degree angle taken from the neighbours' nearest window, and the first floor elements do not cross a line with a 45 degree angle from the neighbours' nearest window, and these guidelines would be met in respect of both neighbouring properties.

8.11 To the north the proposed development there would encroach over these angles on both sides. However, this is considered to be offset by the size and proximity of the garage to number 33 (to the east) which would be in alignment with most of the proposed northerly single storey element of the proposal, and the space between the application site and its siting to the north east of number 37 which would ensure that the proposal would not have an impact upon light to this property. It is therefore considered that by reason of the siting and design of the northern projection it would not have an overbearing impact and would not result in loss of light.

8.12 In respect of the potential for overlooking from the proposed dwelling; there would be limited openings on the flank elevations. There is a bathroom window at first floor level on the east elevation which would be conditioned to be obscure glazed and fixed below 1.7m from finished floor level. At ground floor level there would be a bathroom window on the east elevation, which due to the nature of its position on the boundary would be considered to be obscure glazed and inwards open only, and to the western elevation there would be a high level bathroom window and kitchen window. It is therefore considered that the proposal has been designed sensitively in respect of fenestration to ensure that the privacy of the neighbouring properties would not be adversely affected.

8.13 To the north the properties are separated by Marine Drive West and therefore the additional impact in this direction would be limited.

8.14 Whilst Officer's appreciate the objections raised, for the reasons set out above it is considered that the proposal would be sympathetic to neighbouring properties and would not result in harm to their amenities.

iv. Drainage

8.15 The Council's drainage engineer has stated that consideration should be given to using an infiltration method for the disposal of surface water rather than the public sewer, and has suggested a condition to ensure that a suitable scheme is provided. The agent has confirmed that the suggested condition is acceptable. It is therefore considered that a suitable means of surface water drainage could be secured by the condition requested by the Council's drainage engineer, and the proposal would be acceptable in this respect.

v. Other matters

8.16 The Parish Council and a third party have commented that the size of the proposal would prevent properties from the other side of the road enjoying sea glimpses. The committee should appreciate that this is not a material planning consideration. In addition a concern has been raised that the building line to the south would be broken by the proposed development. The building line along this street is not uniform and it is considered that whilst the proposed staircase to the balcony would be set further south than the properties nearby this is a lightweight feature that would not be harmful to the visual character of the site and surroundings, in this instance. Therefore it is considered that this would not warrant refusal of the application.

8.17 The proposed development would provide the required number of parking spaces as set out by the Highways Authority, and it is considered that there would be sufficient space within the site to provide cycle storage for 2 cycles as requested by the Highways Authority.

Significant Conditions

8.18 Conditions are recommended, among others, to ensure that the materials would be of a high quality, that suitable cycle storage would be provided, that a suitable surface water drainage scheme would be provided, and that the windows on the side elevations would be obscure glazed and fixed shut where necessary to protect the amenity of neighbours and to prevent any overhang of land outside of the application site.

Conclusion

8.18 Based on the above it is considered the scale, design and appearance of the proposal complies with the NPPF, relevant development plan policies and the Village Design Statement for West Wittering, and therefore the application is recommended for approval.

Human Rights

8.19 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: JBA242-PL-001, 09 Rev C and 010 Rev C

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

3) Notwithstanding any details submitted **no development/works shall commence** until a full schedule of all materials and finishes and samples of such materials and finishes to be used for external walls, roofs, windows, doors, soffits and fascia and of the building have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved schedule of materials and finishes unless otherwise agreed in writing by the Local Planning Authority.

Reason: To enable the Local Planning Authority to control the development in detail in the interest of amenity and to ensure a development of visual quality. It is considered necessary for this to be a pre-commencement condition as such details need to be taken into account in the construction of the development and thus go to the heart of the planning permission.

4) **No development shall commence** until details of the proposed overall site-wide surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal as set out in Approved Document H of the Building Regulations and the SUDS Manual produced by CIRIA. Winter ground water monitoring to establish highest annual ground water levels and Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage. The surface water drainage scheme shall be implemented as approved unless any variation is agreed in writing by the Local Planning Authority. No building shall be occupied until the complete surface water drainage system serving that property has been implemented in accordance with the approved surface water drainage scheme.

Reason: The details are required pre-commencement to ensure that the proposed development is satisfactorily drained with all necessary infrastructure installed during the groundworks phase.

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

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

6) Notwithstanding any indication shown on the approved plans, and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) hereby approved, **the dwelling shall not be first occupied until** the ground floor and first floor bathroom windows in the southeast elevation and the bathroom window at ground floor level on the north west elevation of the development hereby permitted shall be permanently;

(i) glazed with obscure glass with a glass panel which has been rendered obscure as part of its manufacturing process to Pilkington glass classification 5 (or equivalent of glass supplied by an alternative manufacturer), and

(ii) non-opening below 1.7 metres from the finished floor level of the room in which the window is installed.

Note: The bathroom window on the south east elevation shall be inward opening only.

Reason: To protect the privacy of the occupants of the adjoining residential property/ies and to ensure the proposal would not encroach over land that is not within the application site.

7) Prior to first occupation of the dwelling(s) hereby permitted the associated boundary treatments shall be provided 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;

- (a) scaled plans showing the location of the boundary treatments and elevations, and
- (b) details of the materials and finishes.

Thereafter the boundary treatments shall be maintained as approved in perpetuity.

Reason: In the interests of protecting the amenity of neighbours.

8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) the ground floor office, utility and garage hereby permitted shall be used only for purposes incidental to the enjoyment of the dwelling house and for no other purpose.

Reason: To maintain planning control in the interests of amenity of the site.

9) Notwithstanding the approved plans and before first use of the balconies the balconies shall include 1.7m high, from finish balcony floor level, obscure glazed privacy screens to the southwest and northwest elevations of balconies. These screens shall be obscure glass to a minimum level of obscurity equivalent to Pilkington Texture Glass Level 3, or similar equivalent and retained and maintained in perpetuity.

Reason; In order to reduce the additional overlooking to an acceptable level.

Note: Copies of the Pilkington 'Texture Glass' leaflet are available at the Customer Services reception, East Pallant House, East Pallant, Chichester.

10) The proposed hard surface/s hereby permitted shall either be made of porous materials or provision shall be made to direct run-off water from the hard surface/s to a permeable or porous surface within the site and thereafter shall be maintained as approved in perpetuity.

Reason: To ensure adequate provision for surface water drainage and avoid discharge of water onto the public highway.

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 Maria Tomlinson