

Report to **Planning Committee**  
Date of Committee **19 July 2017**  
By **Head of Planning Services**  
Local Authority **Chichester District Council**  
Application No: **SDNP/16/05874/FUL**  
Validation Date **5 December 2016**  
Target Date: **20 July 2017**  
Applicant: **Mr Burrows**  
Proposal: **Replacement dwelling and associated outbuildings**  
Site Address **Bury Gate Farm, Bury Gate, Bury, RH20 1HA**  
Purpose of Report **The application is reported to Committee for a decision**

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**Recommendation: That the application be APPROVED subject to conditions set out in paragraph 10.1 of this report.**

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#### **Reason for Committee Referral: Parish Objection – Officer Recommends Permit**

#### **Executive Summary**

Bury Gate Farm is sited in a sensitive location within the South Downs National Park. The replacement of the existing dwelling on the site on a one for one basis is acceptable in principle and complies with policy H12 of the CDLP 1999.

The design of the proposed replacement dwelling is contemporary in its character. It has been critically reviewed by the South Downs National Park Design Review Panel, which commended the proposal, and has been found to be acceptable in principle. Issues relating to the type of materials used in the construction of the building and the impact of the development on the dark night skies of the SDNP have been addressed during the course of the application and have been found acceptable.

In terms of its impact on the landscape character of the SDNP the proposal will be clearly visible but will have a similar impact to the dwelling which has previously been given planning permission on the site. On balance, it is considered that this proposal is acceptable.

## **1. Site Description**

1.1 The application site is located outside of any defined Settlement Policy Area (SPA) and within the Rural Area. Bury Gate Farm is located on the south side of the B2138 road linking the villages of Bury and Fittleworth. The site forms part of a ribbon of development adjacent to the highway and the area is characterised by large detached dwellings set within spacious plots.

1.2 Prior to its recent demolition the site was occupied by a bungalow of modest proportions sited towards the eastern boundary. The bungalow has now been removed in its entirety however the outbuildings which once served the bungalow remain and can be seen in close proximity to the north west and north east boundaries. The driveway to the bungalow also remains.

1.3 The site is surrounded on its west, north and east boundaries by Ancient Woodland which provides a dense woodland background to the application site, whilst the southern boundary is more open with views across farmland towards the South Downs which are located some 3.0km to the south. Beyond the open farm land and some 300 metres to the south of the site is the road that runs north-west towards Bignor Park from which the site will be visible through an opening in the hedge. From this location a public footpath runs south away from the road where views of the site will also be obtained.

1.4 To the south east is a large detached dwelling (Stane Lodge) under the same ownership as the application site. The built form of this neighbouring dwelling is partially screened by mature vegetation however the length of amenity space can be seen from the most southerly boundary of the application site. Northwards is The Copse, screened from view by mature trees.

1.5 The southern boundary of the site is defined by a post and rail fence, the open nature of this boundary provides views out to the scarp of the downs. The South Downs Way and Toby's Stone are sited south-west on this scarp.

## **2 Relevant Planning History**

2.1 SDNP/16/01880/PRE. Replacement dwelling (revised design to previously approved plans ref. SDNP/15/01189/FUL).

2.2 SDNP/15/01189/FUL. Minor amendments to approved plans on planning permission SDNP/14/01667/FUL. APPROVED

2.3 SDNP/14/01667/FUL. Replace existing dwelling. APPROVED

2.4 SDNP/13/05837/PRE. Replacement of existing dwelling.

2.5 SDNP/13/00714/PRE. Replace existing dwelling.

2.6 SDNP/12/00504/FUL. Replace existing dwelling and re align drive. REFUSED

### **3      Proposal**

3.1      The application seeks planning permission for a two-storey dwelling sited to the south west of the original bungalow (now demolished) and on the site of a new dwelling approved under planning permission SDNP/15/01189/FUL. This planning permission is extant but the construction of the dwelling has not yet started.

3.2      Whilst the extant planning permission is for a dwelling measuring 551 sq.m that has a traditional Wealden character. This proposal is for a dwelling of contemporary design measuring 449 sq.m gross internal floor space. The new dwelling is to be sited on the footprint of the existing consent with the same south westerly orientation to make the most of the aspect and views.

3.3      The house has been developed to read as a contemporary re-interpretation of a villa/small country house within a parkland setting rather than a traditional farmhouse. Though more modest in scale it takes cues from local examples such as at Bignor Park and Burton Park and offers a strong formal façade to the primary southern elevation.

3.4      The building will be two-storey's in height and will be constructed with a flat sedum covered roof. The floor plan has a stepped character and the south elevation will have a two-storey colonnade which offers a classical and rhythmical face to the wider landscape. Furthermore the portico to the south elevation also provides solar shading and protection from the elements where it is needed most and sets the glazing into shadow allowing it to recede in appearance and limit light pollution.

3.5      Access to the site remains as existing with the proposed driveway following the route of the existing. The driveway curves northwards at the site of the original bungalow to create a circular driveway feeding round to the proposed garage and entrance.

3.6      The existing outbuildings on site are to be removed.

### **4      Consultations**

#### **4.1      Bury Parish Council**

Bury Parish Council have discussed these plans and would refer Planning to our Pre Submission draft Neighbourhood Plan which is a result of a survey of the Parish Residents.Built Character

(Paragraph 4.9 states)

This plan seeks to ensure that new development is sympathetic to its rich built heritage and outstanding landscape by using appropriate local style building materials in their construction.

Policy BDNP2 states:

All development should actively respond to the rich built heritage of the parish and character of the area in which they sit.

This should be achieved by:

1. Incorporating similar architectural features into the design as those that are found in buildings in the near vicinity of the site.

2. Avoiding building materials that do not sit well in the parish. Most noticeably materials to be avoided include:

a. Concrete roofing tiles

b. Concrete blocks visible from the exterior

c. Plain brick elevations

3. Utilising building materials and features that reflect our rich heritage:

a. Brick, stone and flint walls

b. Thatch and shingles

c. Clay tiled pitched roofs

d. Timber frame windows

The style of the building is unlike anything else in the Bury Gate area. We do not like the flat roofing, nor the positioning of the garage. We also doubt whether the belvedere will stop the building 'shining out' into the landscape. The blackout curtains suggested are totally unenforceable, and the landscaping might gradually not be so effective at screening the property from view. The property will be seen from the South Downs Way at Toby's Stone, and BPC are keen to assure that the area is compliant with SDNP's Dark Night Skies Policy. The property will also be seen, albeit in the distance, along the road from the B2138 towards West Burton.

BPC do not wish Bury Gate to lose its rural character, and the Neighbourhood Plan clearly wishes to keep the area clear of ribbon developments and inappropriate buildings.

BPC were in support of the original Wealden Style house, but would be opposed to this rather 'public building' style which would be alien to the area.

## 4.2 **SDNP Design Review Panel**

### Comments made at pre-application stage

Having visited and understood the site, its context, the views and the landscape, the Panel welcomed this revised proposal. It considered it to be not only bold and confident but a much more direct and appropriate response to a powerful setting. It encourages the applicant to pursue this proposal in favour of the previous scheme. It is a more serious composition, better suited to its site and more worthy of its context.

The Panel felt this would be a very successful composition. An informal plan, evident from the approach from the road, is cleverly resolved in a dignified colonnade that looks to the view towards West Burton. Standing on a rise of the hill, it will seem like a Palladian villa and, in contrast with the formality of this long view, the entrance will seem informal and domestic. The end result is an enjoyably clever piece of planning which both takes advantage of the site geometries and resolves the distant views.

The Panel understood that this was a design in development and it welcomed the opportunity to comment at this stage. It commented on a number of areas it was keen to see develop.

The first is the broader landscape and the setting of the new house. Though the site boundary is relatively close to the house, it appears that the house 'owns' the landscape beyond – a landscape that is a part of the composition. The panel observed that the existing barns in particular, will detrimentally impact on the setting of the house and it suggested that the design would benefit from these barns being removed, or at least having an associated planting strategy to help diminish their impact.

The second was the more local landscape strategy. The Panel would like to see how the design of the garden might develop and wondered if the garage could be better placed to make the entrance more welcoming, it wondered also about the quality and eventual character of this entrance courtyard. It suggested that more thought be given to the nature of the fences that surround the property – particularly in relation to the long view of the house.

The third concerns materials. The Panel noted that the use of concrete was intended but wished to better understand exactly what this meant. The Panel is aware that the term 'concrete' conjures up a dull image to the layman and, therefore, further elaboration is required. It was encouraged by what was said but needed to see more evidence of what is intended.

The fourth concerns the forms and its silhouette. The Panel enjoyed the idea of a belvedere but it believed it will only work if the materials are right.

Metal frames were described but more information is needed to be persuaded that such secondary materials will blend or counterpoint well with the primary.

The Panel concluded that this could be an excellent building – an enjoyable home planned comfortably and easily and taking note of and contributing to its setting. The design will only benefit from more work – on its landscape, its materials and its detail. At this stage of the design, these are obvious but expected gaps and the Panel would very much like to see the design again once the gaps are filled in.

#### Comments made at planning application stage

The Panel opened by saying that they all really liked the house. The members of the Panel who were present at the session when this application first came to the Panel noted that since then, it has developed thoughtfully, considerably and in the right direction.

The Panel noted that one of the key things that came up last time was the landscaping need to effectively screen the barns with planting. They're concerned that planting too close to the barn could just draw attention to it, but a more measured approach will create a successful screen. They also observed that some of the proposed planting, while still on land owned by the applicant, fell outside the red line of the application. This might need to be controlled by condition, in order to ensure the planting goes ahead.

The Panel re-iterated their belief that a ha-ha would be the most effective way of creating a boundary, allowing for a far more compelling view from the house that isn't disrupted by obvious boundaries. They suggested that some thought could produce something more financially viable than a classic ha-ha, such as forming it entirely from earthworks without building a wall, so they don't feel that the question of cost should prevent it. However, they acknowledged that the planning authority may be of a different opinion and want a clearly defined border.

Adopting sedum for the green roof feels defeatist. Using meadow flowers in concert with some careful thought about the micro topography would have a much more successful end result, especially for local biodiversity, as it would be much more attractive to butterflies.

The Panel suggested that it might be best not to use the word concrete in the application, perhaps terming it "stabilised rammed earth", in order to create a more compelling image than concrete.

Finally, the Panel reiterated how impressed they were with the quality of this application and wished the Applicant every success going forward, confident that this will turn out to be an incredibly well handled construction.

### 4.3 **HCC Landscape Adviser**

The over-riding consideration in terms of impact of the development on the landscape is the potential to affect long views from the south.

That potential has not been adequately explored in the submission documents. The Design and Access Statement part 1 states that: *'The new house will not be visible from anywhere where there are currently no views of the site and due to its decreased height it will be less visible than the currently consented scheme.'* There are two problematic statements here:

- it is views of the building rather than 'the site' that are of interest
- the decrease in height from that of the permitted scheme does not necessarily make it less visible given proposed changes to form and materials.

In that context two particular concerns arise: the location of the building on the plot and its design in terms of size and external appearance.

i) In terms of location of the building on the plot, based on the emerging Local Plan for the SDNPA, the guiding principle should be to build on the existing footprint. In this case that would ensure that the new house and outbuildings can remain as far as possible out of view. There is no logic for the house having been positioned further into the site (ie south and west of the original house) other than to capitalise on views to the downs for the occupants. This inevitably has resulted in a building that is much more visible than its predecessor.

ii) There are a number of concerns about the building design which impact on the landscape in that they will draw attention to the house in long views:

- The extensive glazing proposed is directly at odds with the SDNPA's Dark Skies policy. The glazing on the southern elevation, which appears to be slightly more than 50% of the surface area, is of particular concern. Controlling light spill at night will be very difficult if not impossible and is something that cannot be policed in the future. This issue needs to be addressed through the design.
- The building materials selected do not reflect the local vernacular. It is difficult to see how a departure from local building materials can be justified especially as it directly leads to an issue with the proposed light colour palette. The latter ensures that the building will stand out against its dark backdrop of trees in any views from the south.
- The height of the building is a concern. Through the use of flat roofs the re-design offered the opportunity to sit the building lower in the landscape but this has not been taken. At the SW corner the ground floor elevation appears unnecessarily high with a ground to first floor dim of just under 4m.

These two points above taken together with the overarching purpose of the National Park mean that the development as proposed is unacceptable. Put simply views such as that from Toby's Stone will be the poorer if it goes ahead.

However it is possible that the apparent conflict between the building form and the setting could be resolved by repositioning the house within the site. There appears to be scope within the domestic curtilage to move the building back into the site, over the footprint of the original house. This repositioning with the addition of some screening planting to the south could make the building virtually invisible in views from the south while allowing controlled views out framed by trees for the occupants.

As a matter of principal the new proposal needs to be seen in the context of adjoining development.

The adjacent property Stane Lodge, which is in the same ownership as the application site, has planning consent for a much larger replacement dwelling. The potential impact of both houses needs to be considered together. This is nicely illustrated by view B in the Design and Access Statement part 1 in which the existing house at Stane Lodge, the farm buildings and the (already extended) Downview Farm can be clearly seen. From this it can be seen that, should the proposed development at Bury Gate go ahead, there will in effect be a ribbon of development along the B road quite incongruous in this rural setting if it cannot be effectively screened from view.

The group of buildings at Bury Gate Farm lies immediately to the south of Stane Lodge. It is noted that the suggestion has been made that these buildings be demolished to improve the landscape setting of the proposed house at Bury Gate. It would be helpful if the current submission could make clear what the intention is for these buildings which on the face of it would appear to have potential for further development.

Any application for this site could be greatly improved if the landscape proposals reflected the setting, lying between woodland and farmland, a little better. The insertion of modern landscape elements around the new building, such as the formal hornbeam hedge, is entirely appropriate to create the immediate garden setting for the house. However the design should also respect the wider context and to that end there could be a strengthening of the treed woodland edge to the north and east of the property using appropriate species. Reinstating the field hedge immediately to the south of the house would tie the design into the agricultural landscape.

It would be beneficial if the planting proposals could be extended to take in the rest of the property (the 'blue line' site) Additional planting and appropriate management to strengthen field boundary hedges with the addition of some hedgerow trees would help to soften the impact of any development here.



## Conclusion:

For the reasons given in section 2 relating to the impact of the proposed development on the landscape of the South Downs National Park we make a holding objection to this application in its current form.

### **4.4 SDNP Landscape Architect**

- It would be difficult to defend a decision to use stone over brick in this particular situation (or to argue the point that there are not many Fittleworth Stone buildings in the immediate area), and has a preference for the Petersen Tegl D78 option of bricks over the D72.
- Although south-facing, it may be difficult to substantiate sunlight reflectivity as a concern, given the overhanging façade and short term nature of any such reflections compared with – say - the wider expanse of a solar farm
- Visible light spill from the glazing of this south façade is now primarily a landscape/tranquillity issue rather than Dark Night Skies. She also agrees with our thoughts that a condition on use of shutters/blinds would be very difficult to enforce.

### **4.5 CDC Conservation and Design Manager**

Observations - No Objection

Advice was provided in respect of the pre-application proposal (SDNP/16/01880/PRE).

The main points I raised in connection with that proposal were in relation to:

- The orientation of the building which appeared to turn its back onto the street, cutting it off from the rest of the settlement, I confirmed that orientating the building at an angle to the road, was appropriate, but there would appear to be scope to better connect it to the street.
- The location of the garage between the house and the road adding to this sense of disconnection with the wider settlement.
- The possibility of relating the building and garage/out building, possibly to create more of a loose farmstead courtyard arrangement.
- The proposed contemporary, flat roofed approach and suggesting a lower, part two, part single storey massing, over a larger footprint may help connect the building better to the landscape.
- Proposed materials and suggested use of more muted, natural materials that blend in with the landscape as opposed to overly light buff/grey brick suggested in the drawings.
- I also raised some concerns about a proposed “belvedere” feature.

## Context

The site is relatively isolated, located within the rural area, within the loosely dispersed settlement of Bury Gate located between the downland village of Bury and the small rural settlement of Watersfield located just outside the District boundary, within the South Downs National Park. Bury Gate appears to be characterised by dispersed detached houses, some forming part of small farmstead groups. I note the existing building has been demolished pursuant to an earlier permission for a replacement dwelling, and that it does not appear on the historic mapping.

## Architectural Approach

The Design and Access Statement, does provide a good and clear explanation of the architectural approach and information is provided to help assess the visual impact of the building in the wider landscape, which from the illustrative materials provided suggests the building will relate well with the landscape appearing framed by the backdrop of the woodland to the north.

The orientation of the building is similar to the PRE, but the garage has been relocated, in line with my suggestion, and the east facing elevation has been modified with more openings and articulated brickwork to give it more of an active elevation as one approaches the building from Bury Road. I also note the originally proposed belvedere has been omitted. This would overcome the concerns raised in connection with the PRE.

I note there are a number of significant trees on the site, it looks as if these will largely be retained which is supported.

I note the reasoning for the use of the indicated buff/grey brick with a lime mortar, which it is stated will have variety in colour and tone to reflect the character of local sandstone and which will patinate and weather naturally. This is an acceptable approach and overcomes my concerns, in relation to the PRE, regarding a potentially overly uniform buff grey colouration to the building.

I note the issue of light spillage has been addressed in the Design and Access Statement and that external lighting will be kept to a minimum and limited to the entrance courtyard side of the house which is screened by the dense perimeter planting. With respect to potential light spill through the larger areas of glazing on the south facade I note that this will be mitigated by the way the windows are recessed behind the external portico feature and first floor balconies and also the use of black-out curtains.

If there is a methodology for assessing the effectiveness of such measures it would be useful to do so. There may be other mitigation measures that could be employed including use of louvres etc which direct light downwards, limiting impact on the sky.

I note the PRE was considered by the SDNPA Design Review Panel and I would suggest that it would be appropriate for them to review the submitted design for consistency.

#### **4.6 CDC Environment Officer**

Regarding the above planning application, my only comments are that the planning condition for the original application SDNP/14/01667/FUL regarding the implementation of the Mitigation Strategy for Bats should still apply.

### **5 Representations**

1 third party objection, raising the following concerns;

- a) the plan fails to show the opening vista within the Ancient Woodland which seen from the site;
- b) the location of the proposal westwards would result in the loss of the view;
- c) the relocation of the proposal is likely to lead to a loss of privacy within this opening;
- d) the proposal will result in light pollution to the detriment of the quiet enjoyment of The Copse; and
- e) the previous consent was of little concern.

### **6 Planning Policy Context**

6.1 Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for this area comprises the Chichester District Local Plan 1999 and all made neighbourhood plans. There is no made neighbourhood plan for East Lavington Parish at this time.

Policies relevant 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 the 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 policies have been considered in the assessment of this application:

National Planning Policy Framework: Core Principles, Paragraphs 17 (Sustainable Development) and Section 7 (Good Design), Section 11 (Conserving and enhancing the natural environment), Section 12 (Conserving and enhancing the historic environment).

#### Chichester District Local Plan 1999

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 District Local Plan 1999 are relevant to this application:

RE1 - Development in the Rural Area Generally

BE4 – Buildings of Architectural or Historic Merit

BE11 - New Development

BE14 – Wildlife Habitat, Trees, Hedges and Other Landscape Features

H12 – Replacement Dwellings and Extensions in the Rural Area

#### Partnership Management Plan

The South Downs Partnership Management Plan (SDPMP) was adopted on 3 December 2013. It sets out a Vision and long term Outcomes for the National Park, as well as 5 year Policies and a continually updated Delivery Framework. The SDPMP is a material consideration in planning applications and has some weight pending adoption of the SDNP Local Plan.

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

- General Policy 1
- General Policy 3

## South Downs Local Plan Preferred Options 2015

The draft South Downs Local Plan Preferred Options 2015 was approved for consultation by the South Downs National Park Authority on 16 July 2015. The public consultation on the document took place in September and 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.

The following policies are considered relevant to this application:

SD1 – Sustainable development in the South Downs National Park

SD5 – Landscape character

SD6 – Design

SD7 – Safeguarding views

SD8 – Relative Tranquility

SD9 – Dark Night Skies

SD12 – Biodiversity and Geodiversity

SD45b – Replacement Dwellings

## **8 Planning Assessment**

8.1 The main issues arising from this proposal are:

- i) The principle of a replacement dwelling on the site
  - ii) The design and appearance of the replacement dwelling
  - iii) The impact of the new dwelling on the character and appearance of the South Downs National Park
  - iv) The impact of the development on dark night skies
  - v) The impact of the development on neighbouring amenity
- i) The principle of a replacement dwelling on the site

8.2 The site is located within the rural area and not within any defined Settlement Policy Area (SPA). Both saved Local Plan policy H12 and the emerging South Downs Local Plan policy SD45 support the principle of replacement dwellings on a one for one basis in Rural Areas.

8.3 Planning permission has previously been granted under reference SDNP/14/01667/FUL (amended under SDNP/15/01189/FUL) for the erection of a replacement dwelling on this site. This consent allowed for the relocation of the dwellinghouse to the south-west of the original bungalow on the site and siting it to take advantage of the open views.

The design of the approval took a more traditional approach incorporating a hipped roof, low eaves line, dormers, cat slide roof and single storey elements along with the use of materials that reflect the local vernacular including roof tiles, tile hanging and brickwork.

8.4 Application SDNP/154/01189/FUL is extant and consequently that planning permission is considered to be a material consideration in the determination of the current application. The extant permission also sets a precedent for the siting and scale of the replacement dwelling on the site.

8.5 Therefore, whilst a replacement dwelling is acceptable in principle the acceptability of this proposal will turn on whether the scale, mass and design of the replacement dwelling is considered to be appropriate and sympathetic to the rural character and appearance of the surrounding area.

ii) The design and appearance of the replacement dwelling

8.6 The proposed replacement dwelling is of contemporary design and it is the architect's intention that it should be read as a reinterpretation of a villa/small country house within a parkland setting rather than a traditional farmhouse. The new dwelling is to be sited on a similar footprint to that of the previous approval and will be two storey's in height with a flat roof that will be planted with sedum.

8.7 It is to be constructed from a buff/grey brick mix which it is stated will have variety in colour and tone to reflect the character of local sandstone and which will patinate and weather naturally. The building is to have a strong façade behind a colonnade to its primary southern elevation. Other elevations will be constructed largely from brick. The flat sedum roof is designed to soften the impact of the building and to bind it to the landscape whilst the colonnade will help to provide solar shading and protection from the elements and sets the glazing into shadow allowing it to recede in appearance and limit light pollution.

8.8 The floorspace of the new dwelling measures 449 sq.m which is less than the previous approval (551 sq.m) however it will be wider at 28.8 metres as opposed to 23.3 metres. The new dwelling will have an eaves height of between 7.0 and 7.5 metres and because it is of a flat roofed design the overall height will be lower than the previous approval although its mass and bulk may appear greater due the eaves height being that much higher than the more traditionally designed dwelling.

8.9 As part of the assessment of the proposal, the design of the dwelling has been the subject of review by the SDNP Design Review Panel (DRP). The SDNPA is committed to encouraging high quality, contextually sensitive and sustainable landscape and building design within the National Park. The DRP was set up to support this aim and its concept is supported in the NPPF which advises that planning authorities should have design review arrangements in place and, in assessing applications, should have regard to the recommendations from the panel. While the comments of the DRP are advisory they will carry weight in the decision making process.

8.10 The DRP has commended the design of the dwelling and considers that it has been developed in a thoughtful and considerate manner. The panel have also stated that they are impressed by the quality of the application. The comments of the DRP have been reproduced in full in section 4.2 of this report.

8.11 The Council's Conservation and Design Manager has reviewed the design of the proposed dwelling and raises no objection. In assessing the proposal, officers are mindful of the advice in the NPPF at paragraph 60 which states that planning decisions should not attempt to 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. Officers have also given weight to the comments of the DRP and the Council's own Conservation and Design Manager who have commended the design and therefore, on balance, the contemporary design approach of the dwelling is considered to be acceptable in this location.

8.12 Whilst the principle of design is considered to be acceptable, further consideration and assessment is required with regard to the use of materials and how this reinforces the local distinctiveness of the built form. Officers have questioned the use of brick to reflect the character of the local sandstone and requested that alternative materials are proposed. Whilst the applicant is not prepared to reconsider the use of brick the colour has been amended to a tone that is slightly darker than that originally proposed. Whilst this has not dealt entirely with officers concerns the use of a brick that reflects the character of local stone is an approach that is supported by both the DRP and the Council's Design Manager and therefore officers consider that, on balance, this approach can be supported.

Bury Parish Council has objected to the proposal and consider the design and use of materials to appear out of keeping resulting in a ribbon pattern of development. The Bury NP is at the pre-submission stage having completed a period of consultation in December 2016. The Plan is therefore at a stage where it can only be given very limited weight. The comments made in relation to design and use of materials are however valid and have been considered and addressed above. With regard to the PC's comments in relation to the resulting ribbon pattern of development it is considered that the current proposal will result in the same linear pattern of development along the B2138 that has already been approved.

8.13 The proposed replacement dwelling is considered to be a well-designed contemporary style building. Whilst designing the building, the architect has clearly given considerable thought to the context in which the building is sited and how it reflects local distinctiveness.

It is concluded that in respect of this issue the proposal complies with policies H12 and BE11 of the CDLP 1999, policies SD6 and SD45 of the Draft SDNPLP 2015 and the design section of the NPPF.

iii) The impact of the new dwelling on the character and appearance of the SDNP

8.14 The site is located within a highly sensitive location and readily visible from the public realm particularly from the highway and public footpath to the south along with long distance views from the scarp of the South Downs.

It is here that the South Downs Way runs from east to west with Toby's Stone (a prominent view point along the SDW to which the Parish Council refer in their comments) located to the south west. Bignor Park, a Grade II Registered Park and Garden lies to the west of the site and woodland to the north is registered as semi natural ancient woodland and a priority habitat. Furthermore Stane Street, a Roman road lies approximately 150m south of the site.

8.15 In terms of the prominence of the building in long distance views, the site is visible from the South Downs Way and Toby's Stone however when viewed from these locations it is viewed in context with other sporadic pockets of built development. The site is also prominent from the highway to the south and the public footpath that runs in a southerly direction toward the South Downs. When assessing the impact of the proposal officers are mindful of the extant planning permission that exists for a new dwelling on the site.

8.16 The original bungalow on the site was nestled behind trees to the east of the site with very little of its built form visible from the south. The approved scheme is considered to have had a significant impact on the landscape character. The design incorporated a low eaves line and traditional use of materials allowing the extent of vertical massing to be contained at first floor height pushing back into the application site at ridge height, this in itself is considered appropriate however the scale of the proposal is substantial and includes a south facing terrace with a high retaining wall. Whilst the palette of colours is sympathetic the scale and bulk would have been readily visible from a number of vantage points dominating the view particularly from the south back to the site.

8.17 The proposed dwelling will clearly have a very different character to the more traditional house that was previously approved on the site with a greater vertical mass and linear form. The proposal has sought to address this by setting the building lower into the site and profiling the land up to its southern elevation to make it appear that the dwelling is part of the landscape. In addition when viewed from the higher ground of the South Downs Way the planted flat roofs will help soften the building's impact and bind it to the landscape.

8.18 On balance, it is considered that given the siting of a new dwelling in this location has previously been approved and the high quality of the design of the dwelling, the impact of the proposal on the character and appearance of the area is considered acceptable and the landscape character and natural beauty of the SDNP will be conserved and enhanced. Therefore it is concluded that in respect of this issue the proposal accords with policies H12 and BE11 of the CDLP 1999, policy SD45 of the draft SDNPLP 2015 and relevant policies of the NPPF.



iv) The impact of the development on dark night skies

8.19 The design of the new dwelling includes a significant amount of glazing to the south elevation however this is broken up and divided by brick columns. This glazing is set back beneath a portico and first floor terrace which increases in depth from east to west.

8.20 As indicated above the site is open to the south, whilst there are pockets of existing development light omission is likely to be contained to conventional openings and conservatories. The site is elevated and vegetation channels the eye to the site. Upon receipt of the application, and indeed during discussion at the Design Review Panel concern was raised in regards to the extent of glazing and the impact this may have on the dark night skies.

8.21 Glazing to the south provides natural light to habitable spaces including a kitchen, dining room and living room and bedrooms at first floor level. Due to the nature of the rooms at ground floor level the use of artificial light is likely to be frequent over a greater duration compared to that of the first floor. Consequently there is the potential for this to be harmful during the winter months and summer evenings.

8.22 The SDNP Dark Night Skies Officer has commented on the proposal and amendments have been made so that the amount of glazing has been reduced. It was indicated that typically a ratio of 25% glazing to floor space was preferred. The application seeks a 30% ratio. Whilst this is higher than the preferred option the Dark Night Skies Officer has indicated that some variation may be considered acceptable by virtue of the extended colonnade which may act as a cover for light spill. Consultation comments also indicated that the use of black out blinds and curtains would help to reduce light spill further, however this is not considered enforceable and consequently would be an unreasonable condition. No objection is raised from the Dark Night Skies Officer to the proposal.

v) The impact of the development on neighbouring amenity

8.23 The application site is separated from the neighbouring dwelling to the north by the mature ancient woodland. Immediately north and north east the degree of screening is sufficient to contain the perception of bulk and mass to minor glimpses. The opening to the north west may facilitate some perception in bulk however at this distance this is unlikely to appear overbearing or visually intrusive. No more so than the extant planning permission.

8.24 To the east the neighbouring dwelling (there is an extant planning permission for the replacement of this dwelling) is separated from the application site by mature trees. The dwelling and associated curtilage is staggered south of the application site facing away at a slight oblique angle. The relationship of the two dwellings and extent of vegetation is unlikely to lead to an unneighbourly form of development. The application in this regard the application is considered to comply with the objectives of policy H12, BE11 and RE1 of the Chichester District Local Plan First Review 1999.

## 8.25 Conclusions

8.26 The site is located within the rural area where the principle of the replacement of an existing dwelling on a one for one basis is considered acceptable. The design of the replacement dwelling has been critically reviewed and is considered to represent an appropriate response to the site and its setting.

8.27 Whilst the proposed dwelling will have an impact on the wider landscape character of the SDNP a replacement dwelling has already been permitted on this site and it is not considered that the building now being proposed will cause significantly more harm. On balance it is considered that the proposal is acceptable and will conserve and enhance the landscape character and natural beauty of the SDNP.

8.28 The application is therefore recommended for approval.

## 9 Recommendation

It is recommended that the application be APPROVED subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the provisions of Section 91 (1) of the Town and Country Planning Act 1990 (as amended)/ To comply with Section 51 of the Planning and Compulsory Purchase Act 2004

2. The development hereby permitted shall be carried out in accordance with the schedule of plans in 'Appendix 2 - Plans Referred to in Consideration of this Application'.

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

3. No development shall be carried out unless and until a schedule of materials and finishes and, where so required by the Local Planning Authority, samples of such materials and finishes to be used for external walls and roofs of the proposed building(s) and where appropriate surfacing materials have been submitted to and approved by the Local Planning Authority.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity and to ensure a building of visual quality.

4. Any walling shall conform with a sample panel of brickwork and mortar treatment which shall be erected on site and approved in writing by the Local Planning Authority before work to walling is commenced and shall be maintained as approved unless any variation has been agreed in writing by the Local Planning Authority.

Reason: To preserve the special character of the building for the future.

5. Details of the proposed external materials and finishes of the windows and doors shall be submitted to and approved by the Local Planning Authority before construction commences on site. Once approved the windows and doors shall not be altered or replaced without the prior written approval of the Local Planning Authority.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity and to ensure a building of visual quality.

6. Prior to the commencement of works hereby permitted a method statement shall be submitted to the local planning authority which outlines the proposed removal and deposition of hardcore, along with location for deposition and likely time frames for its removal. The method statement shall also provide a plan indicating any temporary store of spoil on site and the proximity of this to known wildlife habitats. Once agreed the method statement shall be implemented in full.

Reason: In the interests of amenity and of the environment of the development and to comply with the Natural Environment and Rural Communities Act 2006.

7. No development shall take place unless and until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, which shall include a planting plan and schedule of plants noting species, plant sizes and proposed numbers/densities. In addition all existing trees and hedgerows on the land shall be indicated including details of any to be retained, together with measures for their protection in the course of development. The scheme shall make particular provision for the conservation and enhancement of biodiversity on the application site.

Reason: In the interests of amenity and of the environment of the development and to comply with the Natural Environment and Rural Communities Act 2006.

8. All planting, seeding or turfing comprised in the approved details 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 which within a period of five 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.

9. No development, including site works of any description, shall take place on the site and before any equipment, machinery or materials are brought onto the site, until all the existing trees or hedges to be retained on the site have been protected by a fence to be approved by the Local Planning Authority erected around each tree or group of vegetation at a radius from the bole or boles of five metres or such distance as may be agreed in writing by the Local Planning Authority. This fencing shall be maintained until all equipment, machinery, surplus materials and soil have been removed from the site. Within the areas so fenced off the existing ground level shall be neither raised nor lowered and no materials, temporary buildings, plant, machinery or surplus soil shall be placed or stored thereon without the prior written approval of the Local Planning Authority.

If any trenches for services are required in the fenced off areas they shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 25mm or more shall be left unsevered.

Reason: To ensure the retention and maintenance of trees and vegetation which is an important feature of the area.

10. No burning of materials shall take place anywhere on the development site, throughout the period of site clearance and development.

Reason: To protect the health of trees to be retained in the interests of amenity.

11. No development shall take place until details of the turning area and parking provision and, where applicable, cycle parking areas have been submitted to, and agreed in writing by, the Local Planning Authority. The works shall be completed in accordance with the approved details before the dwelling hereby permitted is first occupied and shall thereafter be maintained for those purposes in perpetuity.

Reason: In the interests of highway safety.

12. No development shall take place until details of earthworks have been submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform. Development shall be carried out in accordance with the approved details. Once provided, the works shall be retained in perpetuity.

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

13. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. Development shall be carried out in accordance with the approved details. Once provided, the works shall be retained in perpetuity.

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

14. No external lighting shall be installed either on the building or anywhere within the site unless otherwise agreed to in writing by the Local Authority. This exclusion shall not prohibit the installation of sensor controlled security lighting which shall be designed and shielded to minimise light spillage beyond the site boundary.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity, and in the interests of protected species.

Note: Any proposed external lighting system should comply with the Institute of Lighting Engineers (ILE) guidance notes for the Reduction of Light Pollution.

15. Before the development hereby permitted commences details and locations of 4 bird nesting opportunities for species such as swallows, swifts, housemartins, house sparrows and starlings along with bat roosting opportunities shall be submitted for the approval of the Local Planning Authority.

The approved detailing shall be inserted prior to the completion of the scheme and shall thereafter be left in perpetuity. Appropriate designs can be found in the publication "Designing for Biodiversity: A technical guide for new and existing buildings".

Reason: In order not to disturb nor deter the nesting of birds in accordance with the Wildlife and Countryside Act 1981.

16. The details and mitigation methods contained within the Bat Mitigation Strategy dated 26 June 2014 completed by Sue Harris Bat Surveys for the development hereby permitted are approved and shall be implemented in full.

Reason: In order not to disturb nor deter the roosting of Bats, a species protected by the Wildlife and Countryside Act 1981.

17. Notwithstanding the provisions 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 Local Planning Authority.

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

18. Notwithstanding the provisions 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 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain control over such structures in the interests of the amenities of the area.

19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting or amending that Order) no walls, fences, gates, or other means of enclosure shall be erected, or placed within the curtilage of any dwelling anywhere on the application site unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity.

20. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting or amending that Order) no part of the roof of the building hereby approved shall be used as a balcony or terrace nor shall any access be formed thereto unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities of the occupiers of adjoining property.

21. The garage building hereby permitted shall not be used for any purpose other than as a private and domestic garage incidental to the enjoyment of the associated house.

Reason: To accord with the terms of the application and to safeguard proper planning of the area.

22. The office/gym outbuilding and garden machinery store 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.

#### **10. Crime and Disorder Implications**

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

#### **11. Human Rights Implications**

11.1 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.

#### **12. Equality Act 2010**

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

**Tim Slaney**  
**Director of Planning**  
**South Downs National Park Authority**

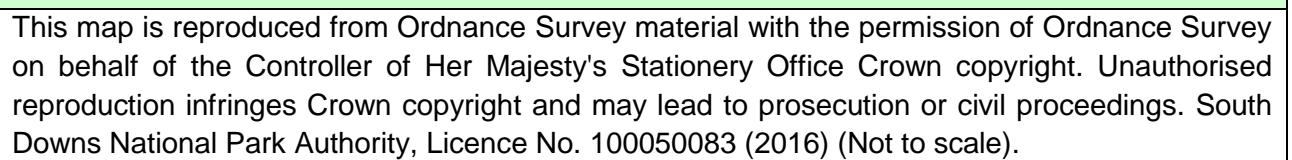
Contact Officer: Jenna Shore  
Tel: 01243 534734  
email: [jshore@chichester.gov.uk](mailto:jshore@chichester.gov.uk)

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

SDNPA Consultees

Background Documents

## Site Location Map



## 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 - Site Sections	241/PL/230		30.06.2017	Approved
Plans - Sections AA BB CC	241/PL/231		30.06.2017	Approved
Plans - Proposed Planting landscape plan	BG_001	A	30.06.2017	Approved
Plans -	241/PL/150	A	30.06.2017	Approved
Plans - Location plan	241/PL/001		24.11.2016	Submitted
Plans - Proposed landscape plan - planting	BG_001		05.12.2016	Superseded
Plans - Proposed landscape plan - Hard surfaces	BG_002		05.12.2016	Submitted
Plans - Proposed block plan	241/PL/150		24.11.2016	Superseded
Plans - Proposed ground floor plan	241/PL/200		24.11.2016	Submitted
Plans - Proposed first floor and roof plan	241/PL/201		24.11.2016	Submitted
Plans - Proposed sections	241/PL/210		24.11.2016	Submitted
Plans - Proposed south and west elevations	241/PL/220		24.11.2016	Submitted
Plans - Proposed north and east elevations	241/PL/221		24.11.2016	Submitted
Plans - Proposed garden store plans	241/PL/222		24.11.2016	Submitted
Plans - Elevations	600E		24.11.2016	Submitted
Plans - Garage plans and elevations	601C		24.11.2016	Submitted
Plans - Floor and roof plans	700E		24.11.2016	Submitted

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