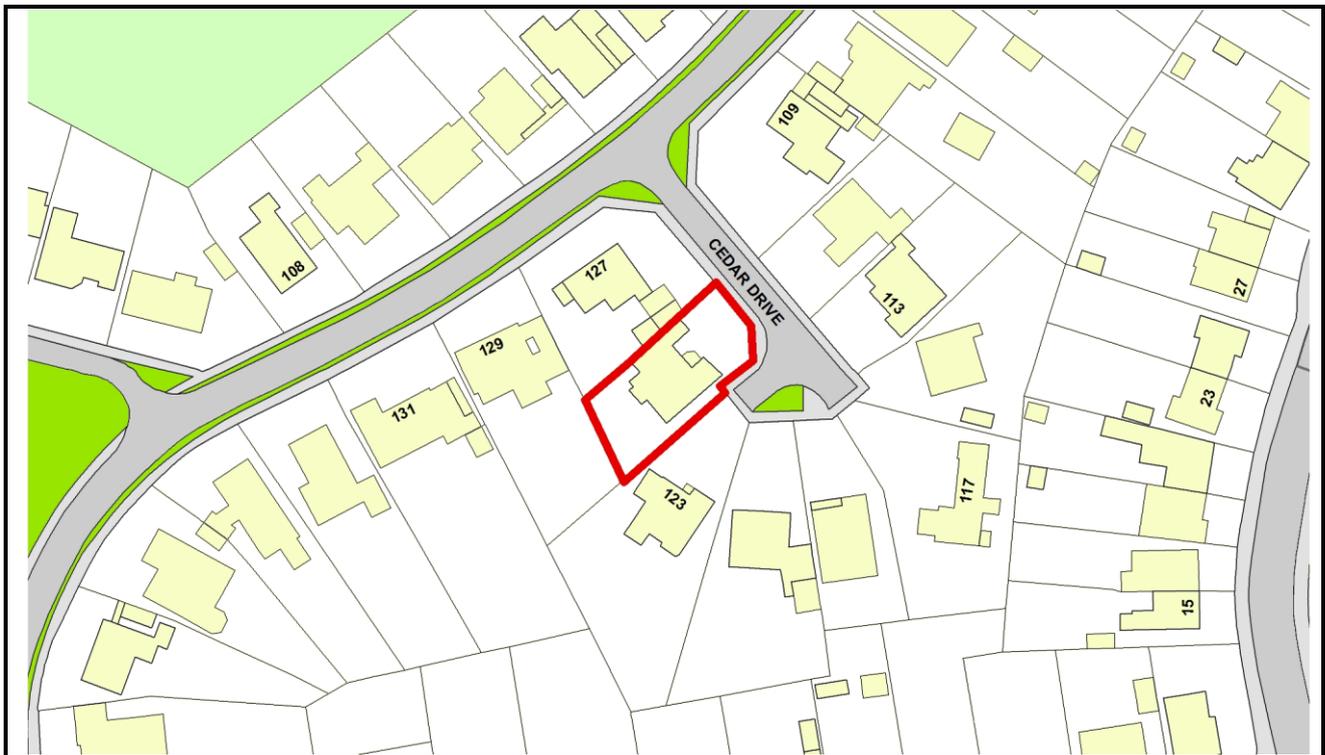


Parish: Chichester	Ward: Chichester West
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CC/19/00666/DOM

Proposal	Demolition of garage and side extension, erection of two storey side and rear extensions and alterations and additions to fenestration. Fenestration changes of the porch. Loft conversion.		
Site	125 Cedar Drive Chichester West Sussex PO19 3EL		
Map Ref	(E) 485292 (N) 104997		
Applicant	Mrs M Bryer	Agent	O'Neill Architectural Services

RECOMMENDATION TO PERMIT



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

- 1.1 Red Card: Cllr Plowman - when the member has information or an opinion, which he/she wishes to raise in debate
- 1.2 City Council Objection - Officer recommends Permit

2.0 The Site and Surroundings

- 2.1 The application site comprises a rectangular plot, which is located to the southwest of the road and forms an existing brick built bungalow, within a residential cul-de-sac of 1960s properties. There are a variety of bungalows and two storey houses within the surroundings area and the front gardens are generally open to the road and free of hard boundary treatments.
- 2.2 This cul-de-sac is formed by bungalows some of which have been converted to chalet bungalows and have been the subject of various extensions. Space is generally retained around the buildings at first floor level.

3.0 The Proposal

- 3.1 The proposal involves various extensions to the existing bungalow, which would result in front and side and rear extensions.
- 3.2 The principle elevation would include; a single storey extension, with a crown style and dual pitched roof extensions. A bay window is also proposed to the main elevation.
- 3.3 The proposal comprises ground and first floor extensions to the south-west (rear) and north-west elevation (side) elevations, a new bay window and single storey extension to the north-east (front) elevation, and associated changes to fenestration. The heights of the main ridge and eaves would remain in line with the existing. This proposed development would create a three bedroom chalet bungalow.
- 3.4 The proposal has been amended during the application process to reduce the depth of the rear first floor extension.

4.0 History

94/00004/DOM	PER	Front porch, conservatory at rear.
CC/00652/87	PER	Construction of new garage and conversion of existing to study.
18/02959/DOM	WDN	Demolition of garage and side extension. Proposed new side and rear extensions and bow window to front elevation. Change of loft space to habitable accommodation including 1 no. dormer window.

5.0 Constraints

Listed Building	No
Conservation Area	No
Countryside	No
AONB	No
Tree Preservation Order	No
EA Flood Zone	No
Historic Parks and Gardens	No

6.0 Representations and Consultations

6.1 Parish Council

Objection due to the resultant loss of privacy to the neighbouring dwelling to the south west.

6.2 CDC Environment Officer

Further comments (12/06/2019)

Bats - As detailed within the Bat Survey (May 2019) a precautionary approach should be undertaken including timing the removal of tiles to avoid the hibernation period (Nov Feb), an inspection of the building must be carried out by suitably qualified ecologist immediately prior to works commencing and the roof tiles around the chimney must be removed by hand under supervision of an ecologist.

The lighting scheme for the site will need to take into consideration the presence of bats in the local area and the scheme should minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding.

Original comments (13/03/2019)

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

The lighting scheme for the site will need to take into consideration the presence of bats in the local area and the scheme should minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding.

Nesting Birds - Any works to the trees or vegetation clearance on the site should only be undertaken outside of the bird breeding season which takes place between 1st March 1st October. If works are required within this time an ecologist will need to check the site before any works take place (with 24 hours of any work).

6.3 Third party letters of objection

2 x third party letters of objection have been received (from one household) concerning:

- a) loss of privacy via the proposed rear first floor glazing because the property and garden, which includes a swimming pool, would be significantly overlooked.
- b) The objections regarding the amount of overlooking and resultant loss of privacy are retained over the amended scheme.

6.4 Third party comments

1 x third party comment has been received concerning;

- a) 127 Cedar Drive has written in to withdraw their objection.

6.5 Agents/Applicants additional information

Additional information has been submitted confirming;

- a) The height of the rear extension has been reduced down to the height of the existing ridge.
- b) The area of the first floor glazing to the rear (south-west) elevation has been significantly reduced to approximately 50% in area to the original scheme.

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 Chichester City at this time.

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

Chichester Local Plan: Key Policies 2014-2029

Policy 1: Presumption in Favour of Sustainable Development

Policy 2: Development Strategy and Settlement Hierarchy

Policy 8: Transport and Accessibility

Policy 33: New Residential Development

Policy 39: Transport, Accessibility and Parking
Policy 40: Sustainable Design and Construction
Policy 42: Flood Risk and Water Management
Policy 47: Heritage and Design
Policy 48: Natural Environment
Policy 49: Biodiversity

National Policy and Guidance

7.3 Government planning policy now comprises the 2018 National Planning Policy Framework (NPPF), paragraph 11 of which states:

At the heart of the NPPF is a presumption in favour of sustainable development,
For decision-taking this means:

- a) approving development proposals that accord with an up-to-date development plan without delay; or
- b) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁷, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

7.4 Consideration should also be given to Sections 4 (Decision-Making), 9 (Promoting Sustainable Transport), 12 (Achieving well-designed places), 14 (Meeting the challenge of climate change, flooding and coastal change), 15 (Conserving and enhancing the natural environment) generally.

Other Local Policy and Guidance

7.5 Guidance CDC PGN3: Design Guidelines for Alterations to Dwellings and Extensions is relevant to this case.

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 considerations are:

- i. Principle of development
- ii. Impact on neighbouring amenities
- iii. Design and impact upon the visual amenity/character of the area

i. Principle of development

- 8.2 The application site comprises a residential property in a built up area where extensions and alterations are acceptable in principle, subject to other material considerations as set out within this report.
- 8.3 The proposed 2 storey rear extension does not fully comply with the council's design guidance in respect of the recommended distance between 2 storey properties and the rear boundary. However, the proposed extension would be permitted development under the Town and Country Planning (General Permitted Development) Order 2015, as amended, and therefore the extension alone would not require a planning application. It is realistic that the 2 storey rear extension could be provided alone and therefore this is a material consideration that carries significant weight in the assessment of the proposal

ii. Impact upon the amenity of neighbouring properties

- 8.4 The NPPF states in paragraph 127 that planning should ensure a good quality of amenity for existing and future users (of places), and policy 33 of the CLP includes requirements to protect the amenities of neighbouring properties. The property lies within a small close which forms part of Cedar Drive. There are 8 dwellings within the close, most of which are set back and at angle to the head of the cul-de-sac. The arrangement of properties results in a varied building line within the streetscene, and due to the low level of boundary treatments the front gardens are relatively open and over-looked by the existing dwellings, whilst to the rear there is also a degree of overlooking which is commonplace in built up areas.
- 8.5 The alterations to the front of the building are modest and it is considered that they would not result in any increased overlooking, and they would not have any significant impacts on the neighbouring properties in terms of being overbearing or causing loss of light.
- 8.6 The proposed first floor extension to the side of the existing property would be approximately 2.3m in width and would be the same height and depth as the existing dwelling. The extension would be set approximately 1.65m back from the northwest boundary of the site, beyond which there is a garden area and garage associated with the neighbouring property (127 Cedar Drive) that fronts onto to the main section of Cedar Drive. The first floor extension would have a small window serving the stairwell facing the neighbouring property, and it is recommended that this be obscure glazed to prevent overlooking. It is considered that the proposed extension would be sufficient distanced from the neighbouring property to ensure that the proposal would not have a significant adverse impact upon the amenities of the property.
- 8.7 The proposed ground floor extension to the side of the existing property would be the same width as the existing extension it would replace, and therefore would be constructed up to the boundary of the application site. The extension would however have a pitched roof, it would extend approximately 2.2m forward of the existing extension, and it would wrap around the rear of the existing dwelling; resulting in a larger side/rear extension than the existing.

The increased front projection of the extension would not have a significant impact upon the neighbouring property to the north-west as this part of the building would sit alongside the neighbours' garage and driveway. The height of the extension would be greater than the existing due to the addition of a pitched roof; however the roof would slope away from the boundary with the neighbouring dwelling. Overall, it is considered that this element of the proposal would not result in overlooking, loss of light or any overbearing impacts due to its design and distance from the neighbouring dwelling to the north-west (approximately 8m) and any other neighbouring property.

- 8.8 To the rear of the existing dwelling a 2 storey extension with a maximum depth of 3m is proposed. The extension would provide an enlarged lounge and dining area with a bedroom at first floor level. Windows are proposed across the ground and first floor rear elevations, and the extension would be located approximately 7.5m from the rear boundary at the shortest point, increasing to 10m due to the angle of the rear boundary. The extension would be approximately 2.6m away from the side (south east) boundary and there would be a small area of glazing at ground floor level facing this boundary. Due to the position and orientation of the neighbouring dwellings in relation to the proposed development it is considered that the proposal would not result in a significant impact in terms of loss of light any overbearing impacts to any of the surrounding dwellings.
- 8.9 In respect of overlooking; the window on the rear elevation appears large in relation to the size of the extension, although it would be set in from the sides of the extension and the applicant has agreed that the outer panes of the glazing could be obscure glazed. A condition is recommended to ensure the provision of obscure glazing to the outer panes of the window. It is recognised that the Council's design guidance seeks to achieve a distance of at least 10m between a first floor window and the rear boundary of an application site. The current proposal does not meet the Council's design guidance in this respect, and as such, it is likely that the proposal would result in the overlooking of the garden to the west of the site. However, regard must be had to all material considerations, which in this instance includes the fall-back position that the extension could be constructed without the need of a planning application because it is permitted development under Part 1, Class A of the GPDO 2015, as amended. It is therefore considered that it would not be reasonable to resist the application due to its impact upon the neighbouring property to the west. The proposed extension would also have a close relationship with the dwelling to the south-west which has windows facing the application site. However, the views towards the neighbouring dwelling to the south west would be at an oblique angle and therefore it is considered that the proposal would not result in an unacceptable level of overlooking that would warrant refusal, particularly given the fall-back position.
- 8.10 On balance, and having regard to the fall-back position it is considered that the proposed extension and alterations would not result in a significant adverse impact upon the amenity of the neighbouring properties that would warrant refusal of the application. In addition, it is possible to secure measures to protect the amenity of neighbouring properties, such as obscure glazing to the first floor gable end glazing and restrictions on the provision of rooflights within the roof of the extension, which would not be possible if the extension were to be carried out alone under permitted development. It is therefore considered that subject to the recommended conditions the amenities of the neighbouring properties would be safeguarded in accordance with policy 33 of the Local Plan and paragraph 127 of the NPPF.

iii. Design and Impact upon Visual Amenity/Character of Area

- 8.11 Policy 33 of the Local Plan refers to new residential development and requires proposals to meet the highest standards of design and a high quality living environment and to be in keeping with the character to the surrounding area and its setting in the landscape. In addition, it requires its scale, form, massing and siting, height and design respects and to enhance the character of the surrounding area and site.
- 8.12 The extensions have been reduced in size from an earlier, withdrawn scheme (ref; 18/02959/DOM). The proposal is now considered to propose extensions that would respect the size, scale, form and proportions of the existing property. Additionally, the use of matching materials would help to deliver an acceptable visual integration of the development within the streetscene.
- 8.13 In this case the extensions would be in line with the form, scale and detailed design of the existing property and space would remain around the building at first floor level. Importantly, the existing eaves and ridge height would be retained.
- 8.14 On balance, the proposal by reason of its size, design and appearance would be acceptable, having regard to the existing property. Furthermore, it would not cause significant harm or detriment to the wider area and, therefore, accords with local and national development plan policies. Consequently, it is considered that the development would comply with NPPF section 12 and CLP policies 2, 33 and 47.

iv. Highway safety

- 8.15 The parking arrangement to the front of the site would be retained. On site turning is not proposed, however this would accord with the existing arrangement and parking style for the area and allows for a greater degree of soft landscaping to the front garden. It is considered that the proposed development would accord with policy 39 of the Local Plan which seeks to ensure that new development has acceptable parking levels, and access and egress to the highway.

v. Ecological considerations

- 8.16 Due to the presence of bats in the surrounding area a Bat Assessment was carried out and submitted during the application process. The report submitted indicates that it is very unlikely that the building is used by roosting bats, however as a precautionary measure the removal of roof tiles should be carried out to avoid the hibernation period (November to February), and an ecologist should inspect the building prior to works commencing. The Council's Environment Officer has advised that subject to conditions to secure the proposed mitigation measures and to control the removal of any vegetation and installation of external lighting the proposal would be acceptable. It is therefore considered that the proposal would not have an adverse impact upon protected species or their habitats and therefore the proposal would accord with national and local planning policies in this respect.

Conclusion

8.17 Based on the above assessment, and having regard to the fall-back position, it is considered the proposal would not detract from the visual amenity or character of the surrounding area. The impact upon the amenities of the neighbouring properties would not warrant refusal of the application, and opportunities have been taken to safeguard the amenities of the neighbouring properties. Therefore, subject to appropriate conditions, permission should be granted.

Human Rights

8.15 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 informative:-

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

2) The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Decided Plans"

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

3) Notwithstanding any details 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), the outer two glazing panes of the four proposed to the gable end in the rear (southwest) elevation that would serve the first floor bedroom and the window proposed to the staircase on the northwest elevation of the extensions hereby permitted, shall be;

(i) glazed with obscure glass 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 within the room/space in which the glazing is installed.

And shall be retained as such in perpetuity.

Reason: in the interest of neighbouring amenities.

4) Notwithstanding any details submitted the external materials to be used shall match, as closely as possible, in type, colour, and texture those of the existing building unless otherwise agreed in writing by the local planning authority.

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

5) The development shall be carried out in strict accordance with the recommendations outlined within section 5 of the Bat Assessment Survey Report produced by AEWL Ltd and dated June 2019, and any works to the trees or vegetation clearance on the site should only be undertaken outside of the bird breeding season which takes place between 1st March 1st October. If works are required within this time an ecologist will need to check the site before any works take place (with 24 hours of any work).

Reason: In order to preserve protected species and their habitats and enhance biodiversity within the site.

6) No external lighting shall be provided on the site, other than in accordance with a scheme that shall first have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the proposed lights, their locations, level of luminance and any measures proposed to avoid light spillage. Thereafter the lighting shall be maintained as approved in perpetuity.

Reason: In order to preserve protected species and their habitats and enhance biodiversity within the site.

7) Notwithstanding the provisions of Part 1 Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking, re-enacting or modifying that Order) no rooflights or openings shall be inserted into the north west or south east roofslope of the 2 storey rear extension hereby permitted without a grant of planning permission.

Reason: In the interests of protecting the amenity of neighbours and the surrounding area.

Decided Plans

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

Details	Reference	Version	Date Received	Status
PLAN -	1829/02	B	09.08.2019	Approved
PLAN - Location Plan (A4)	1829/03			Approved

INFORMATIVES

1) The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

For further information on this application please contact Maria Tomlinson on 01243 534734

To view the application use the following link -

<https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PNW5WJER0ZM00>