

Parish: Chichester	Ward: Chichester North
-----------------------	---------------------------

CC/20/00226/DOM

Proposal	Erection of single storey rear extension.		
Site	17 King George Gardens Chichester PO19 6LB		
Map Ref	(E) 485911 (N) 105570		
Applicant	Clr M Bell	Agent	Mr A Hinton

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>
---	----------------------------	--

1.0 Reason for Committee Referral

1.1 Applicant is a Member of Chichester District Council.

2.0 The Site and Surroundings

2.1 The application property is a two storey link detached dwelling located on the south side of King George Gardens, a residential street within the settlement boundary of Chichester. The property is constructed of brickwork with concrete tiles to the roof and there is an attached garage to the west side elevation and there is a conservatory at the rear of the house. To the front of the property there is some planting and an area of hardstanding used for parking. To the rear of the property the garden is laid to lawn, there is an Ash tree which is subject to a Preservation Order, a brick wall to the rear boundary with fencing to the side boundaries. There are neighbouring dwellings to the north, east and west of the site and a block of residential flats to the south.

3.0 The Proposal

3.1 The application proposes the erection of a single storey rear extension, the existing rear conservatory is proposed to be demolished. The proposed extension would be single storey, extend from the rear elevation of the dwelling by four metres and extend from the west side elevation by 1.5 metres. It would be attached to part of the rear elevation of the garage but set back from the west boundary by 1.1 metres to retain pedestrian access from the garage to the rear garden. The roof of the extension would be flat with two roof lanterns. The extension is proposed to be constructed of brickwork and flint with upvc for the fenestration.

4.0 History

04/00827/DOM PER Single storey rear conservatory.

5.0 Constraints

Listed Building	NO
Conservation Area	NO
AONB	NO
Tree Preservation Order	YES
Flood Zone 2	NO
Flood Zone 3	NO
Historic Parks and Gardens	NO

6.0 Representations and Consultations

6.1 Chichester City Council

None received

6.2 Environmental Protection

Land Contamination: The property is located near a former hospital which has since been redeveloped for residential use. Given the scale of the proposed development it is not considered necessary for a condition relating to land contamination to be applied.

6.3 Third Party Comments

1 no. letter of objection has been received from the Chichester Conservation Area Advisory Committee, concerned that the use of upvc for the windows and doors are inappropriate in the Conservation Area and they are contrary to the Article 4 Direction.

[Officer note: the site does not lie within a conservation area]

7.0 Planning Policy

The Development Plan

7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029, the Site Allocations DPD and all made neighbourhood plans. There is no made neighbourhood plan for Chichester 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

Chichester Local Plan Review Preferred Approach 2016 - 2035

7.3 Work on the review of the adopted Local Plan to consider the development needs of the Chichester Plan Area through to 2036 is now well underway. Consultation on a Preferred Approach Local Plan has taken place and following detailed consideration of all responses to the consultation, it is intended that the Council will publish a Submission Local Plan under Regulation 19 in March 2020. Following consultation, the Submission Local Plan will be submitted to the Secretary of State for independent examination. In accordance with the Local Development Scheme, it is anticipated that the new Plan will be adopted by the Council in 2021. However, at this stage, it is considered that very limited weight can be attached to the policies contained within the Local Plan Review.

National Policy and Guidance

7.4 Government planning policy now comprises the February 2019 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:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas 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.

7.5 Consideration should also be given to Sections 4 (Decision-Making), 12 (Achieving well-designed places) and 14 (Meeting the challenge of climate change, flooding and coastal change)

Other Local Policy and Guidance

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

- Chichester District Council's Planning Guidance Note 3, Design Guideline for Alterations to dwellings and extensions (revised September 2009) (PGN3).

7.7 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 impact upon visual amenity and character of area
- iii) Impact upon the amenity of neighbouring properties
- iv) Trees

Assessment

- i) Principle of development

8.2 The application site falls within the Chichester settlement boundary area where residential development is considered acceptable in principle, subject to relevant material considerations.

- ii) Design and impact upon visual amenity and character of area

8.3 Policy 33 requires that development proposals respect or enhance the character of the site and surrounding area with regards to proportion, form, massing, siting, layout, density, height, size, scale and detailed design.

- 8.4 Due to the siting of the proposed extension to the rear of the property it would not be visible within the streetscene, and as a result of its size and design it would be subservient to the host dwelling. The proposal would therefore accord with the Council's design guidance in this respect.
- 8.5 The application site forms part of a modern development outside of the conservation area, which is 60m to the east. Due to the separation distance between the application site and the conservation area and the location of the proposal to the rear of the main property it is considered that the use of upvc windows would not have a negative impact on either the visual amenity of the host dwelling or the character and appearance of the conservation area.
- 8.6 The overall proposal with regard to design, size and siting satisfies Policy 33 of the Chichester Local Plan and Paragraph 11 of the National Planning Policy Framework and is therefore considered to be acceptable.

iii) Impact upon the amenity of neighbouring properties

- 8.7 Policy 33 requires that development proposals respect or enhance neighbouring and public amenity. The application property is link detached, adjoined to both neighbouring dwellings by a garage. The layout of the existing properties ensures that the proposed extension would be sufficiently distanced from the adjoining properties to ensure that the proposal would not result in any loss of light or overbearing impacts upon the neighbouring properties. The proposal would therefore accord with policy 33 of the Chichester Local Plan and the Council's Planning Guidance Note 3.

iv) Trees

- 8.8 The Ash tree in the rear garden is subject to Preservation Order 98/00310/TPO. Part of the rear of the extension would be within the root protection area. An arboricultural report and statement were submitted as part of the application. A fence is proposed across the garden during the construction process to protect the tree from the construction of the extension in addition to ground protection measures to ensure that the land within the root protection area is not compacted during the construction works. It is considered that the proposed protection measures would be sufficient to ensure that the health of the tree would not be impacted upon by the proposal and therefore the application is acceptable in this respect. A condition is recommended to ensure that the extension would be constructed in accordance with the recommendations of the submitted arboricultural report and statement.

Conclusion

- 8.9 Due to the siting, size and design of the proposed extension it would be acceptable in terms of its design and impact upon the surrounding area, the impact upon the neighbouring properties and the impact upon the protected tree within the garden of the property. Based on the above assessment it is considered the proposal complies with the National Planning Policy Framework and the Chichester Local Plan Key Policies; with particular reference to Policy 33, and there are no material considerations that indicate otherwise.

Human rights

8.10 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 3 years from the date of this permission.

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

2) The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".

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

3) The development hereby permitted shall not be constructed other than in accordance with the materials specified within the application form and plans, unless otherwise agreed in writing by the Local Planning Authority.

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

4) The implementation of this planning permission shall be carried out strictly in accordance with the recommendations and mitigation measures detailed in the submitted Arboricultural Report and Statement produced by Phillip Ellis. In addition to these mitigation measures during the construction of the extension hereby permitted foundations and any other ground works within the root protection area of the tree shall be hand dug only. Any roots over 40 mm in diameter shall not be severed without the prior agreement of the Local Planning Authority. No materials nor construction equipment shall be stored within the root protection areas of the trees.

Reason: To ensure the retention and maintenance of trees and vegetation which is an important feature of the 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 - Existing and Proposed Ground Floor Plan	000			Approved
PLAN - Existing and Proposed Partial Floor Plan	001			Approved
PLAN - Existing and Proposed Rear Elevations	002			Approved
PLAN - Existing and Proposed Elevations	003			Approved
PLAN - Location and Site Plan	004			Approved
PLAN - Tree Protection Plan	170/TPP/KGG/ 19			Approved

Informatives

1) The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

2) The developer's attention is drawn to the provisions of the Wildlife and Countryside Act 1981, the Conservation (Natural Habitats etc) Regulations 1994, and to other wildlife legislation (for example Protection of Badgers Act 1992, Wild Mammals Protection Act 1996). These make it an offence to kill or injure any wild bird intentionally, damage or destroy the nest of any wild bird intentionally (when the nest is being built or is in use), disturb, damage or destroy and place which certain wild animals use for shelter (including badgers and all bats and certain moths, otters, water voles and dormice), kill or injure certain reptiles and amphibians (including adders, grass snakes, common lizards, slow-worms, Great Crested newts, Natterjack toads, smooth snakes and sand lizards), and kill, injure or disturb a bat or damage their shelter or breeding site. Leaflets on these and other protected species are available free of charge from Natural England.

The onus is therefore on you to ascertain whether any such species are present on site, before works commence. If such species are found or you suspected, you must contact Natural England (at: Natural England, Sussex and Surrey Team, Phoenix House, 32-33 North Street, Lewes, East Sussex, BN7 2PH, 01273 476595, sussex.surrey@english-nature.org.uk) for advice. For nesting birds, you should delay works until after the nesting season (1 March to 31 August).

For further information on this application please contact Vicki Baker on 01243 534734

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q4WZTVERMXN00>