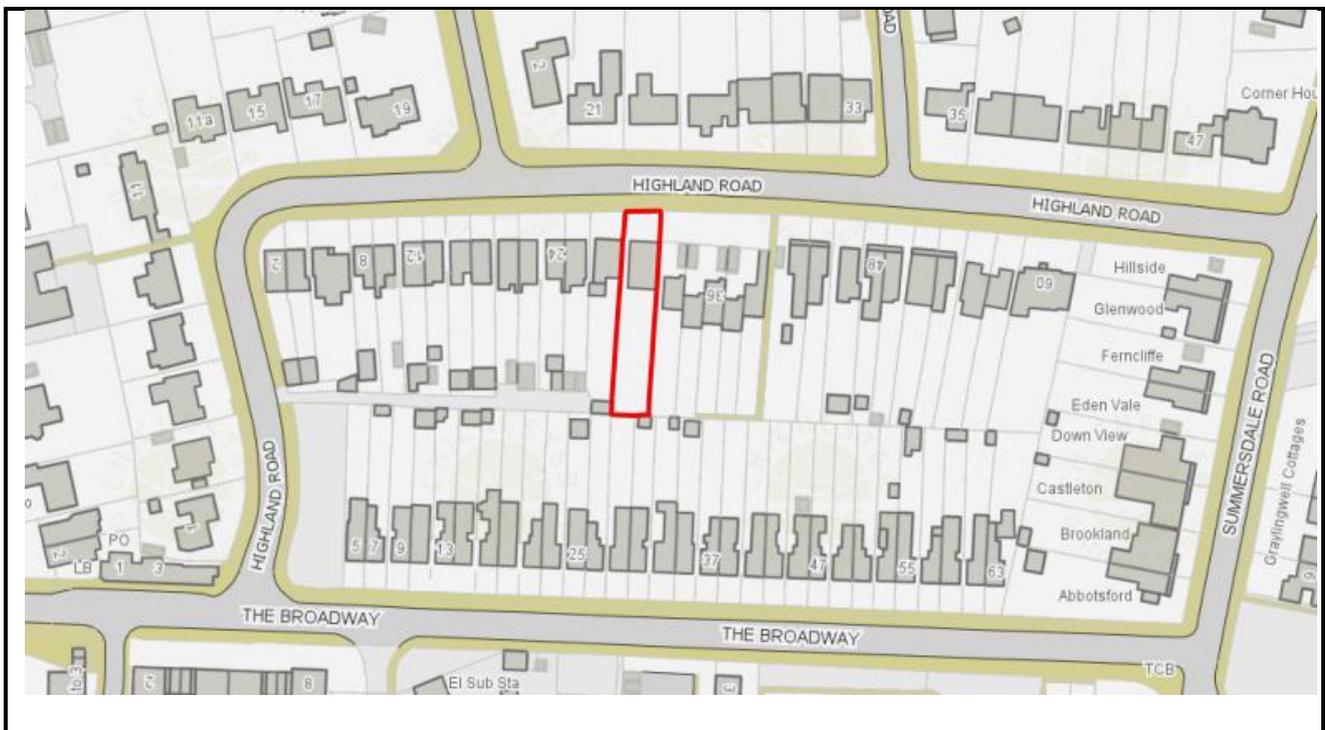


Parish: Chichester	Ward: Chichester North
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**CC/20/01590/DOM**

<b>Proposal</b>	Alterations to existing dwelling together with ground floor rear extension and side porch		
<b>Site</b>	30 Highland Road Chichester West Sussex PO19 5QT		
<b>Map Ref</b>	(E) 486067 (N) 106700		
<b>Applicant</b>	Mr & Mrs P Rogerson	<b>Agent</b>	

**RECOMMENDATION TO PERMIT**



	<p><b>NOT TO SCALE</b></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 Exceptional level of public interest

## **2.0 The Site and Surroundings**

- 2.1 The application site (known as 30 Highland Road) is located within the Chichester Settlement Boundary Area, to the southern side of Highland Road. The site contains a detached dwellinghouse, dating from the early twentieth century. The property is constructed from brick with u-PVC fenestration. Notable features include bargeboard detailing and ground and first floor bay windows to the principal elevation.
- 2.2 The property is situated to the eastern-end of a run of characterful early twentieth century properties, which are a remnant of the historic development of Summersdale.
- 2.3 The application site is flanked by a terrace of mid-late twentieth century properties to the east and it is notable that these are set back from the highway relative to the property subject to this application. The application site is flanked to the west by a pair of semi-detached early twentieth century properties. The site backs onto residential development to the south.
- 2.4 There are no planning constraints with regard to flood risk, protected trees or ecology.

## **3.0 The Proposal**

- 3.1 The application seeks planning permission for alterations to the existing dwelling together with ground floor rear extension and side porch. During the course of the application the proposal has been amended and the two storey rear extension originally proposed has been removed.
- 3.2 The proposed side porch would be single storey in height (maximum height approximately 3.15 metres) and would be set back from the front of the property. The porch would be constructed from brick to match existing, clay tiles and a zinc roof.
- 3.3 The proposed rear extension would be single storey in height (maximum height of approximately 3.5 metres) and would partially wrap around the western flank of the property. The extension would predominately comprise a mono-pitch roof and would be constructed from matching brick with a zinc roof.
- 3.4 Other alterations to the property would comprise the enlargement of a first floor window to the rear of the property, addition of rooflights to the rear roof slope, addition of "glass block" glazing to the eastern elevation and re-configuration and additions to fenestration situated to the western elevation of the property.

## **4.0 History**

19/03203/DOM	WDN	Single and two storey extensions to side and rear.
20/01005/DOM	WDN	Garden summerhouse.
21/00693/DOM	PCO	Garden summerhouse, resubmission of 20/01005/DOM.

## 5.0 Constraints

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

## 6.0 Representations and Consultations

### 6.1 City Council

Strong objection on the basis that the proposal would harm the character and appearance of the street scene and the amenity of the local area.

### 6.2 CDC Conservation and Design

The property does not lie within a conservation area but this part of Highland Road comprises a good quality row of early 20C traditional properties which reflect the earliest development of the Summersdale Area. The gap between these properties forms a key part of its character and helps to distinguish the layout of plots from other more modern developments nearby. A previous application proposed a significant two storey extension to the side of 30 Highland Road which would have infilled the gap. The current application has reduced the side extension to a single storey and stepped it back some distance from the front elevation. In oblique views from the street, the gap will be largely preserved, especially at first floor level where it will be most visible.

On this basis the application is acceptable, but is the absolute limit in design terms of what can be accomplished in this gap without harm to visual amenity.

### 6.3 Third party objection comments

47 no. third party representations of objection have been received concerning the following matters:

- a) The summerhouse on site does not comply with permitted development
- b) Proposal does not comply with separation distances outlined within CDC Planning Guidance Note 3. Proposal results in a terracing effect.
- c) Proposal will result in harm to historic streetscene through loss of historic separation between properties.
- d) Proposal will result in inability of no. 28 Highland Road to maintain the eastern exterior wall, roof and drainage
- e) Proposal will be incongruous within streetscene
- f) Access to rear of application property will be available only through the existing house. This creates access issues for emergency services.

- g) Proposal will be detrimental to proposed Summersdale Conservation Area
- h) Alterations to rear of property are out of character with existing property
- i) Proposed two storey side extension to eastern elevation is unacceptable and excessive
- j) Proposed extension to western elevation is against normal planning and building regulation practice for maintaining a distance between separate properties and protecting amenity
- k) Building an extension with both flank walls on both boundaries of site would set a dangerous precedent along Highland Road
- l) no. 30 Highland Road has no rights of light or access over 32 Highland Road. The proposed glass blocks will lead to a dispute over planting or means of access over the garden of no. 32 Highland Road. If approved glass blocks should be obscure glazed to maintain privacy
- m) Two storey extension will reduce the evening light from front garden of no. 32 Highland Road.
- n) If approved, conditions should be used to ensure unimpeded and safe wheel chair access is provided to the rear garden of no. 32 Highland Road as the occupant is disabled and the disabled ramp is situated in this location
- o) Hours of construction should be limited
- p) Certificate of Ownership-Certificate A has been incorrectly signed by the applicant. The boundary line is shown to be incorrect. The application should therefore be made invalid or refused.
- q) The development does not take into consideration the impact upon trees. The pittosporum tree is jointly owned as it is on the boundary and no consent to remove has been granted
- r) Plan 5c would appear to show on the south elevation a fence along this new flank wall but this is not shown on either the east elevation or on Plan 1G.
- s) Balcony rooflights would result in overlooking of neighbouring properties
- t) The red line is shown differently on plan 1G and 4D
- u) Line of tree planting along eastern boundary is reflective of legal boundary
- v) Tall flank walls to side extension and porch will have an unacceptable impact upon western neighbouring property.
- w) No reference to side description in proposal

#### 6.4 Third party support comments

23 no. third party representations of support have been received concerning the following matters:

- a) The applicants work hard for the community and culture in Chichester
- b) Works would be undertaken with care
- c) The existing kitchen is too small and there is an insufficient number of bathrooms
- d) Proposal will not have a detrimental impact upon historic views of the road
- e) Works would be completed to the highest standard and would be of the best quality
- f) The development is appropriate and in keeping with local ambience
- g) Proposal would allow for a live in carer accommodation if need arises in the future

## 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 CDC Site Allocation Development Plan Document 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:

### Chichester Local Plan: Key Policies 2014-2029

Policy 1: Presumption in Favour of Sustainable Development  
Policy 2: Development Strategy and Settlement Hierarchy  
Policy 33: New Residential Development  
Policy 47: Heritage

### 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 2022. 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 2023. 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 revised National Planning Policy Framework (NPPF 2019), which took effect from 19 February 2019. Paragraph 11 of the revised Framework states that plans and decisions should apply a presumption in favour of sustainable development, and 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 of 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 the following paragraph and sections: Sections 4 (Decision-making), 12 (Achieving well-designed places) and 16 (Conserving and

enhancing the historic environment). The relevant paragraphs of the National Planning Practice Guidance have also been taken into account.

### Other Local Policy and Guidance

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

CDC Planning Guidance Note 3

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 character of the surrounding area
- iii. Impact upon heritage assets
- iv. Impact upon trees
- v. Impact upon amenity of neighbouring properties
- vi. Other matters

### Assessment

i. Principle of development

8.2 Policy 2 of the Chichester Local Plan includes a presumption in favour of sustainable development within settlement boundaries. Therefore, as the application site falls within the Chichester Settlement Boundary Area, the principle of an extension or other alteration can be considered acceptable in principle subject to compliance with the development plan and assessment of other material considerations.

ii. Design and impact upon character of the surrounding area

8.3 Policy 33 of the Chichester Local Plan sets out that any proposed development must meet the highest standards of design and provide a high quality living environment in keeping with the character of the surrounding area and its setting in the landscape. This includes considering its proportion, form, massing, siting, layout, density, height, scale and neighbouring and public amenity.

8.4 The proposed porch extension would be set-back from the front of the property and this, in combination with the proposed single storey nature, would ensure that it would read as a subservient addition to the property. Furthermore, it is not considered that the proposal would appear cramped or result in the overdevelopment of the site. A number of third party comments have raised concerns that the proposal would result in a terracing effect. In considering the single storey nature of the porch and set-back from the front of the

property, the proposal would be suitably scaled and proportioned so as not to result in a terracing effect that would have any harmful impact upon the streetscene. The porch would be constructed from brick with an element of hanging tile finish. The pitch of the roof would largely obscure the zinc roof from view within the streetscene, however in any event, the proposed zinc roof would ensure an appropriate high-quality of finish.

- 8.5 The proposed single storey rear/wrap-around side extension would also constitute a subservient addition to the property. The rearwards projection of the extension would be sufficient to ensure that sufficient amenity space would be retained to the rear of the property, and this would not be dissimilar to the rearwards projection of neighbouring properties. The use of brick to match the existing property would ensure that the proposal is visually well-integrated into the property.
- 8.6 The application proposes the introduction of a number of rooflights to the rear roofslope. The proposed rooflights would not be perceptible from any public vantage point and are not considered to result in harm to the character and appearance of the area. The proposed glass blocks to the eastern elevation would be largely obscured from public view when approaching the site from the east due to the positioning of a flat roof garage associated with the neighbouring property to the east and accordingly, it is not considered that the glass blocks would constitute a prominent or harmful feature within the streetscene. A condition is recommended to ensure that the glass blocks are appropriate in finish. The other alterations to fenestration would have a neutral impact upon the appearance of the property.
- 8.7 For the reasons set out above it is considered that the proposal would constitute an appropriate form of development that would harm neither the visual amenity of the streetscreen or the character of the locality. The proposal therefore accords with national and local policies in this respect.

iii. Impact upon heritage assets

- 8.8 The application site is not situated within a Conservation Area, nor does it form the setting of any designated heritage asset. The property is however situated to the eastern-end of a run of characterful early twentieth century properties, which are a remnant of the historic development of Summersdale. The property, as a result of its age, architectural features and setting, can be considered to form a non-designated heritage asset.
- 8.9 Paragraph 197 of the NPPF 2019 requires that 'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application'. Additionally, criterion 2 of Policy 47 of the Chichester Local Plan requires 'development respects distinctive local character and sensitively contributes to creating places of high architectural and built quality'
- 8.10 The historic pattern of development, including the separation between properties, is an important part of the character of this part of Summersdale. The proposed porch extension, as a result of the low overall height and set-back from the front of the property, would largely visually maintain the separation between the application property and no. 28 Highland Road to the west, particularly when viewed from an oblique angle within the streetscene. Additionally, the proposed extension would maintain the separation between the properties at first floor level, ensuring the prominence of the existing dwellings within the streetscene is maintained. The subservience of the porch to the existing house and

the retention of the visual separation between properties would ensure that the proposal would not be harmful to the non-designated heritage asset or the historic pattern of development to this part of Summersdale.

iv. Impact upon trees

- 8.11 The rear of the application site contains a number of trees that have the potential to be impacted by the proposed works. A Tree Survey and Arboricultural Impact Assessment has been provided in support of the application. This identifies that 4 no. trees will be impacted by the proposal, with T1 being removed, T2 and T3 transplanted on site away from the proposed development and T4 retained in situ as a result of tree protection measures put in place. T1 comprises a Pittosporum measuring 6-7 metres in height. Removal is proposed due to the close proximity between the two properties which is currently resulting in foliage touching the neighbouring dwellinghouse.
- 8.12 A condition is recommended to ensure that the transplanting of trees and the tree protection measures proposed are fully implemented for the duration of the works. Subject to compliance with conditions, it is not considered that the proposal would not have a significant detrimental impact upon the green and verdant character of the locality.

v. Impact upon amenity of neighbouring properties

- 8.13 The National Planning Policy Framework in paragraph 127 states that planning decisions should create places that offer a high standard of amenity for existing and future users. Additionally, Policy 33 of the Chichester Local Plan includes a requirement to protect the amenities of neighbouring properties.
- 8.14 The proposed porch extension and the wrap-around element of the rear extension would be situated in close proximity to the western boundary of the site; largely in-filling the gap between the application property and no. 28 Highland Road. It is notable that approval was granted under LPA ref. 18/03247/DOM for a single storey rear and partial side extension to the neighbouring property to the west. It is understood from the representations received from no. 28 during the course of the application that this extension is in the process of being implemented. The neighbouring property does not contain any eastern facing ground floor windows and it is not considered that the proposal would result in a detrimental impact to the neighbouring property to the west in respect of loss of light or unneighbourly massing.
- 8.15 The proposed ground floor extension would be situated adjacent to the western flank wall of the neighbouring property to the east. The properties are separated by a closeboard fence approximately 1.8 metres in height and it is notable that the neighbouring property does not have any windows to this elevation. In considering this, and the single storey nature of the proposal, it is not considered that the proposal would result in loss of light or unneighbourly massing to the neighbouring property to the west.
- 8.16 A number of contributors have raised concerns that the proposed rooflights would result in the overlooking of neighbouring properties. The rooflight arrangement would see those windows positioned lower in the roof slope, and potentially those having the greatest views of neighbouring properties, positioned to the western side of the rear roofslope. Given the positioning of the neighbouring property to the east relative to the application property, it is not considered that loss of privacy or the perception of loss of privacy would occur relative

to the neighbouring property. Additionally, the rooflights would be suitably located behind the existing gable projection and positioned at an oblique angle relative to the neighbouring property to the west, so as to prevent unacceptable loss of privacy or the perception of overlooking.

- 8.17 It is proposed to install glass blocks to the eastern elevation of the existing property. It is considered that a condition requiring these windows to be fitted with obscure glazing would be sufficient to ensure that loss of privacy or perception of interlocking does not occur relative to the neighbouring property to the east.
- 8.18 It is thus considered that the proposal would be sufficiently scaled and designed so as not to have an unacceptable impact upon the amenities of the neighbouring properties, in particular to their outlook, privacy or available light. It is therefore judged acceptable in accordance with Policy 33 of the Chichester Local Plan

#### Other matters

- 8.19 A number of representations received have raised concerns regarding the accuracy of the plans and issues of boundary ownership. Officers have looked into this matter extensively, including reviewing the site history of both the application site and neighbouring properties, reviewing the Land Registry Plans provided by the neighbouring property. The need to provide accurate plans and serve the correct notice has been raised with the applicant. Officers consider that best endeavours and due diligence has been undertaken to ensure that the plans and ownership certification are correct as far as can be reasonably established and it is considered that the boundary shown on the plans represents the reality on the ground as far as can be discerned. During the course of the application, revised plans were provided in response to the concerns raised by third parties and re-consultation was undertaken. Whilst there remains a divergence in views on the ownership of the land between the applicant and third parties, this is deemed a separate legal matter.
- 8.21 A third party has raised concerns that the red line boundary is shown differently on plan 1G and 4D. Officers do not consider this to be the case.
- 8.22 A third party has raised concerns that the proposal must not impede the ability of the occupier of the neighbouring property to the east to access the rear of the property. Albeit this is separate legal matter, it is considered that construction could take place entirely under land owned by the applicant and would not necessitate the existing passageway between the properties becoming obstructed.
- 8.23 A number of third parties have commented that the proposal would result in difficulties for the neighbouring property to the west to access their external wall and guttering as a consequence of the limited separation distance and therefore is not a sustainable form of development. Whilst the construction of a new party wall to adjoin the extensions would resolve this issue, the council must consider the application as proposed. The proposal would not encroach onto land under the ownership of this neighbouring property. Concerns about this issue are a civil matter between the parties involved, and therefore is not material planning consideration.
- 8.24 Given the scale of development, it is not considered that the imposition of a construction management plan would be justifiable or proportionate to the development proposed.

Additionally, it is not considered that it is reasonable to require certain hours of construction are adhered to given that this is controlled via other legislation.

- 8.25 It is notable that the summerhouse on site is subject to a separate planning enforcement case and planning application (21/00693/DOM) therefore this is not a consideration for this application.
- 8.26 A number of third parties have raised that access would only be available to the rear of the property through the house and that this may result in issues of access for emergency services. It is not considered that this arrangement would be dissimilar to the arrangement found on many terraced houses and this is not considered to be a planning concern.

### Conclusion

- 8.27 Based on the above it is considered that the proposal would be suitably designed to ensure that it would not result in any harmful impact upon the character and appearance of the streetscene nor would it be unacceptably detrimental to the legibility of the historic pattern of development of this part of Summersdale. Additionally the proposal would not have a harmful impact upon neighbouring amenity. The proposal therefore complies with development plan policies 1, 2, 33 and 47 and therefore the application is recommended for approval.

### Human Rights

- 8.27 In reaching this conclusion the Human Rights of the applicants and nearby occupiers have been taken into account and it is concluded that the recommendation to permit is justified and proportionate.

### **RECOMMENDATION**

**PERMIT** subject to the following conditions and informatives:-

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

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

- 2) The development hereby permitted shall 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) Prior to the installation of the "glass blocks", as shown to the eastern elevation at ground floor level on plan 5C, full details of the finish, colour and material, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the works shall be carried out in full accordance with the approved details and the development shall be maintained as approved in perpetuity.

Reason: To ensure appropriate design and appearance in the interests of protecting the visual amenity/character of the development and surrounding area.

- 4) Prior to the commencement of works to construct the rear extension hereby approved, T2 (Laurel) and T3 (Yew) as identified within the Tree Survey and Arboricultural Impact Assessment compiled by Arbortech dated October 2020 shall be transplanted to a suitable location, beyond the rear extension, to the rear of the property.

Reason: In the interests of protecting existing trees on site.

- 5) Notwithstanding any indication shown on the approved plans and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order), the "glass blocks", as identified to the eastern elevation at ground floor level on drawing 5C, shall hereby be glazed with obscure glass at all times. The "glass blocks" shall be maintained as such in perpetuity and shall not at any time be replaced by clear glazing unless otherwise agreed in writing by the LPA.

Reason: To protect the privacy of the occupants of the adjoining residential property(ies)

- 6) 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.

- 7) The development shall be carried out in strict accordance with the arboricultural method statement outlined within appendix 3 of the submitted Tree Survey and Arboricultural Impact Assessment compiled by Arbortech dated October 2020

Reason: In order to preserve the contribution that existing trees on site make to the verdant and character appearance of the locality

## 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 Floor Plans	2			Approved
PLAN - Existing Elevations	3			Approved
PLAN - SUBSTITUTE PLAN 04.02.21 PROPOSED ELEVATIONS (A3)	5	REV C	12.02.2021	Approved
PLAN -	1	REV G	06.01.2021	Approved
PLAN -	4	REV D	06.01.2021	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.
- 2) The applicant should note that in granting this permission the Local Planning Authority is making no statement or approval concerning the accuracy of any property boundaries shown on the submitted application plans.

For further information on this application please contact William Price on 01243 534734

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QCHAFDER10R00>