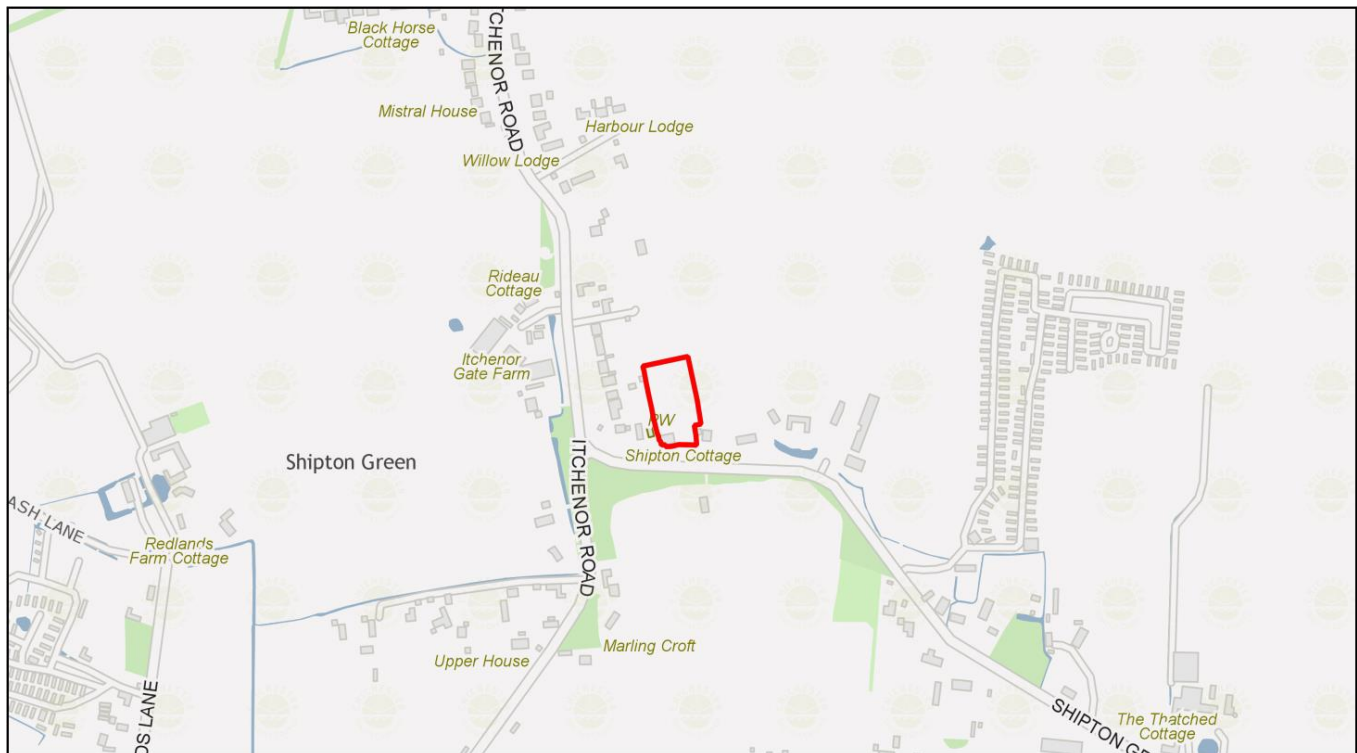



Parish: West Itchenor	Ward: The Witterings
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**WI/21/02059/DOM**

<b>Proposal</b>	Detached garage with store/home studio over for ancillary use in connection with Mulberry Cottage.		
<b>Site</b>	Mulberry Cottage Shipton Green Lane West Itchenor PO20 7BZ		
<b>Map Ref</b>	(E) 480399 (N) 99704		
<b>Applicant</b>	Mr & Mrs Topham	<b>Agent</b>	Mrs Natalie McKellar

**RECOMMENDATION TO PERMIT**



	<b>NOT TO SCALE</b>	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
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**1.0 Reason for Committee Referral**

- 1.1 Red Card: Cllr Hamilton - There is concern as to what the use of the dwelling/proposed garage would be. Additionally, third party representations have raised concerns regarding the size, scale and design of the proposal.
- 1.2 Parish Objection - proposal contravenes guidance including the West Itchenor Village Design Statement.

## **2.0 The Site and Surroundings**

- 2.1 The application site is located north of Shipton Green Lane outside of a settlement boundary area and within the Chichester Harbour Area of Outstanding Natural Beauty. The surrounding application plots are large and considerably distanced from one another creating an open and rural character.
- 2.2 The application property forms a two storey detached dwelling situated on a large application plot. The dwelling is located on the south west corner of the application site with amenity space including lawn, sheds and a swimming pool to the east and north. The site is accessed by a track north of Shipton Green Lane. Surrounding the track is the Common which is public land outside of the ownership of the application site.
- 2.3 The site is surrounded and is home to a variety of established vegetation creating a natural screening to the site.
- 2.4 Neighbouring property, Shipton Cottage has an existing detached garage to the west of the dwelling.

## **3.0 The Proposal**

- 3.1 The application seeks planning permission for a detached garage with a store/home studio for ancillary use in connection with Mulberry Cottage. The proposal was amended over the course of the application to reduce the size and footprint, lower the ridge, change the roof form, and to relocate the staircase from internal to external.
- 3.2 The proposed building would measure approximately 5.9 metres in height, 6 metres in width (6.8 metres including external staircase) and 9.8 metres in length (10.7 metres including external staircase).
- 3.3 The garage would provide 2 no. indoor parking spaces and 1 no. parking space in the carport. The first floor of the building would provide a home studio and store.

#### 4.0 History

01/02687/FUL	PER	Re-locate gravel access across Shipton Green to Mulberry Cottage.
72/00028/WI	PER	Replacing existing timber garage.
73/00006/WI	PER	New garage to replace old.
77/00001/WI	REF	Outline detached house and garages.
77/00003/WI	REF	Outline 3 residential houses.
77/00015/WI	PER	Rear extension with bedroom and bathroom alterations over.
02/03219/FUL	REF	Erection of detached dwelling and garage.
04/00302/FUL	REF	Erection of 1 no. detached dwelling and garage.
09/01989/DOM	PER	Construction of 2 storey side extension to replace existing side extension. construction of single storey rear extension. Associated alterations.
19/03158/PREHH	PRE	Detached garage with loft room over for ancillary use in connection with Mulberry Cottage.
20/01555/DOM	PER	Erection of boundary fence, pool store and changing outbuilding, covered seating area and replacement swimming pool terrace
04/00054/REF	DISMIS	Erection of 1 no. detached dwelling and garage.

#### 5.0 Constraints

Listed Building	NO
Conservation Area	NO
Rural Area	YES
AONB	YES
Tree Preservation Order	NO
EA Flood Zone	
- Flood Zone 2	NO
- Flood Zone 3	NO

## **6.0 Representations and Consultations**

### **6.1 Parish Council**

Original comment (2nd August 2021) -

West Itchenor Parish Council strongly objects to this proposed development which is considered to be in contravention of the West Itchenor Village Design Statement 2nd Edition 2012.

The building is in Character Area 5 'Itchenor Green and Shipton Green' where the guidelines emphasise that the Common is a special feature of the village which enjoys an open nature in this part of Itchenor. The guideline 5.1 seeks to prevent the loss of gaps between houses. Should the Planning Authority consider approving the application the WIPC will ask it to be made the subject of the Red Card procedure.

Updated comment (19th October 2021) -

West Itchenor Parish Council has reviewed the substitute plans and has agreed to retain its objection to this application. Additionally, the plans supplied appear to outline defined areas of parking on Common Land where there is no right to park.

### **6.2 Chichester Harbour Conservancy**

Holding objection, to be removed if building depth reduced, single dormer substituted for the three rooflights shown, retention of established beech hedge and use of complimentary facing and roofing materials. No separate dwelling should be formed and the accommodation should remain at all times ancillary to Mulberry Cottage.

### **6.3 CDC Drainage**

There is an existing ordinary watercourse, some of which is culverted crossing the site. We were asked the potential for any impacts of the current proposal.

The proposal is wholly within flood zone 1 (low risk) and we are satisfied that the proposal is sufficiently far from the watercourse that it will not have a significant impact. Therefore we have no objection to the proposal.

Due to the scale of the proposed development we have no conditions to request. Surface water drainage should be designed and constructed to meet building regulations.

### **6.4 Third party objection comments**

8 third party representations of objection have been received concerning the following matters:

- a) Size, dominance and mass of garage would have an adverse and detrimental visual impact when viewed from Shipton Green Common. Not in keeping with the area as a whole. Prominent on the streetscene due to its location and height
- b) Insufficient existing parking arrangements. Cars park on Shipton Green Common which is outside of domestic curtilage. Conflicts with West Itchenor VDS and Commons Act. Proposal would not improve existing parking arrangements due to the property operating as holiday rental accommodation and loss of existing parking spaces on gravel
- c) Unneighbourly

- d) Damage to the rural aspect of Shipton Green by reducing views between Mulberry Cottage and Shipton Green due to location of garage to the side of the property. Damages the natural beauty of the locality
- e) Detract from the distinctive character of this part of the village. Would not conserve or enhance existing features of Shipton Green
- f) Not compliant with AONB SPD or West Itchenor Village Design Statement
- g) Proposal does not maintain a setback from the boundary of the property
- h) The potential for the garage to be made into a new dwelling. No physical connection between the garage and the dwelling
- i) Lack of detail of access gate (opening outwards onto the common)
- j) Drainage concerns
- k) Inconsistent and misleading plans, plans appear to show the land to the south within the applicant's ownership but is in fact Common Land managed by the Parish Council
- l) Encroachment into the open space of the Common
- m) Concern that hedging on the southern boundary will be removed resulting in a lack of screening to proposal

## **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 West Itchenor 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 39: Transport, Accessibility and Parking
- Policy 43: Chichester Harbour Area of Outstanding Natural Beauty (AONB)
- Policy 45: Development in the Countryside
- Policy 48: Natural Environment

#### 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 20 July 2021. 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 sections: 2 (achieving sustainable development), 11 (making effective use of land), and 12 (achieving well-designed places).

## Other Local Policy and Guidance

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

- Surface Water and Foul Drainage SPD
- CHC Chichester Harbour AONB Supplementary Planning Document
- West Itchenor Village Design Statement

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 amenity of neighbouring properties
- v. Drainage
- vi. Other matters

## Assessment

### i. Principle of development

8.2 The proposed development comprises a detached garage with storage/home studio over within the residential curtilage of Mulberry Cottage. The outbuilding would be used for purposes ancillary to Mulberry Cottage only and would not create an independent dwelling. Since the ancillary building would be located within the garden of the existing dwelling it is considered that the principle of the proposal would comply with the principle requirements of the current development plan, subject to the balanced consideration of the other requirements within the plan and any considerations material to the case.

### ii. Design and impact upon character of the surrounding area

8.3 Policies 45, 47 and 48 of the Local Plan refer to development within the countryside, design, and the impacts upon the natural environment. The policies state that proposals must be well related to an existing group of buildings, not prejudice any viable agricultural operations on a farm and ensure that their scale, siting, design and materials would have minimal impact on the landscape and rural character of the area. Alongside requirements to; respect the distinctive local character and sensitively contributes to creating places of a high architectural and built quality, respects natural landscapes and the tranquillity of the rural character of the area, meets the highest standards of design and a high quality living environment in keeping with the character to the surrounding area and its setting in the landscape and maintains individual identity of settlements. Additionally, Policy 43 of the Chichester Local Plan requires that the natural beauty and locally distinctive features of the AONB are conserved and enhanced.

8.4 The proposed building would be located to the east of the application dwelling and approximately 4 metres from the eastern boundary. Due to the size and scale of the proposal and the size of the application plot, it is not considered that the proposal would result in overdevelopment, and sufficient garden space would be retained. The West Itchenor Village Design Statement highlights that the infilling of gaps between dwellings is normally discouraged in order to retain the rural character of the area. Despite the proposal being located to the side of the application dwelling, it would not result in a continuous frontage across the site and it would remain subservient to the main dwelling. It is therefore not considered that the proposal would be of detriment to the rural nature of the surrounding vicinity.

8.5 The outbuilding would have a full hip on the southern elevation and a gable end with external stairs on the northern elevation. The hipped roof on the southern elevation combined with the position of the building, set back within the site and screened by the boundary hedge, would minimise the visual impact of the proposal when viewed within the streetscene. It is also important to note that the neighbouring property, Shipton Cottage, has an existing detached garage, which would be adjacent to the proposal, and therefore it is considered that the proposal would not appear out of character in the streetscene. The Chichester Harbour Area of Outstanding Natural Beauty Supplementary Planning Document states that garages should be set back from the front face of the dwelling to avoid dominating the streetscene and increasing the mass of a house. The proposal is considered to be in accordance with this section of the guidance.

8.6 The proposed garage would have an external staircase on the north elevation, 2 no. garage doors and 3 no. rooflights on the west elevation. It is considered that a condition requiring blinds to prevent light spillage from the rooflights would be reasonable in order to protect the dark skies which form part of the character of the Chichester Harbour AONB. In addition, a condition is recommended to secure the use of the proposed materials; natural timber and slate, which would be sensitive to the character of the surrounding area.

8.7 Overall, the proposal would not detract from the scenic beauty of the AONB or the character and appearance of the streetscene. The proposal would therefore be acceptable in this respect.

iii. Impact upon amenity of neighbouring properties

8.8 The National Planning Policy Framework in paragraph 130 states that planning decisions should create places that offer a high standard of amenity for existing and future users.

8.9 The block plan shows the proposed garage to be distanced no less than 10 metres from the dwelling to the east. Due to this separation distance and the presence of the existing garage on the adjoining property, which enhances the separation distance by creating a physical block between the proposed garage and the dwelling at Shipton Cottage, the proposal would not have a significant effect in terms of being overbearing or loss of light. In addition, the proposal would be used for purposes ancillary to the main house and therefore would not result in a significant increase in noise disturbance to neighbouring properties.

8.10 In terms of overlooking, no fenestration would be provided on the east or south elevations. During the course of the application, the external staircase on the north elevation of the proposed garage was amended to increase the balustrade height to 1.7 metres to act as a privacy screen to reduce any potential overlooking to Shipton Cottage. Fenestration is proposed on the west elevation, however, as this faces the application dwelling, overlooking to neighbouring amenity is not of concern and no obscure glazing is required.

8.11 It is considered that the proposal would be sufficiently scaled and designed to not have an unacceptable impact upon the amenities of the neighbouring properties, with regard to their outlook, privacy or available light. The proposal would therefore be acceptable in this respect.

iv. Drainage

8.12 The Coastal and Drainage Team were consulted as part of the assessment due to the presence of a watercourse within the application site. The Coastal and Drainage Engineer stated that there is an existing ordinary watercourse, some of which is culverted crossing the site, however the proposal would be sufficiently distanced from the watercourse such that it would not have a significant impact. As the proposal is wholly within flood zone 1 (low risk), the impact of the proposal on flood risk would not be a concern. Therefore, no objection was raised to the proposal and no conditions were requested. It is advised that the applicants should design and construct the surface water drainage to meet building regulations.



v. Other matters

8.13 Concerns have been raised about the use of the application dwelling and proposed garage. The agent confirmed that Mulberry Cottage's primary use is a second home for the applicants. When the applicants are not using the dwelling, it is made available to rent. The dwelling is managed and kept accordingly as a family home. The applicants intend to have Mulberry Cottage as their primary accommodation over the next 3-4 years. It has also been confirmed that the proposed garage would be used solely for storage purposes (bikes, sailing equipment, garden machinery etc.) and car parking, and would not be available to rent or for habitable accommodation. The proposal would not change the use of the site, and the use of the main dwelling as rental accommodation is not material to the planning application under considered. It is however recommended that the outbuilding be used for purposes ancillary to the main dwelling only in the interests of ensuring that it not used for commercial purposes or for purposes independent of the main dwelling, which may in turn impact upon neighbours or the character of the area.

8.14 Concerns have also been raised that the proposal would be sited on common land, the proposal would be situated within the established garden of the main dwelling, set back from the southern boundary and the adjacent common land.

Conclusion

8.15 Based on the above it is considered that the proposal's design, scale and materials, coupled with the necessary planning conditions to regulate its use, would be acceptable in respect of its impacts upon neighbours and the character of the locality. It is considered that the proposal would not be of detriment to the rural character of the local vicinity and would not harm the Chichester Harbour Area of Outstanding Natural Beauty and the proposal would comply with development plan policies 33, 39, 43, 45 and 48, the Chichester Harbour Area of Outstanding Natural Beauty Supplementary Planning Document and the West Itchenor Village Design Statement. Therefore the application is recommended for approval.

Human Rights

8.16 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 first use of the proposal hereby approved, the 3 no. rooflights on the west elevation shall have automatic internal blinds (to block all internal light emissions) installed that shall be kept closed dusk until dawn every day. Thereafter the blinds shall be retained and maintained to an operational manner in perpetuity.

Reason: In accordance with dark skies policy, and to preserve the special character of the AONB and tranquil character of the countryside.

4) 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.

5) 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 building hereby permitted shall be used only for purposes incidental to the enjoyment of the dwelling house and for no other purpose.

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

6) 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 window(s) or door(s) shall be inserted into the east elevation of the garage 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 - Location Plan	1261/DP100	02	30.09.2021	Approved
PLAN - Block Plan	1261/DP101	03	30.09.2021	Approved
PLAN - Proposed Floor Plans	1261/DP103	02	30.09.2021	Approved
PLAN - Proposed Elevations	1261/DP104	03	30.09.2021	Approved
PLAN - Proposed Street Scenes	1261/DP105	03	30.09.2021	Approved
PLANS - Plans PLAN - Substitute roof/site plan	1261/DP102	04	28.10.2021	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 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](mailto: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 Alicia Snook on 01243 534734

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QVLY9NERK9900>