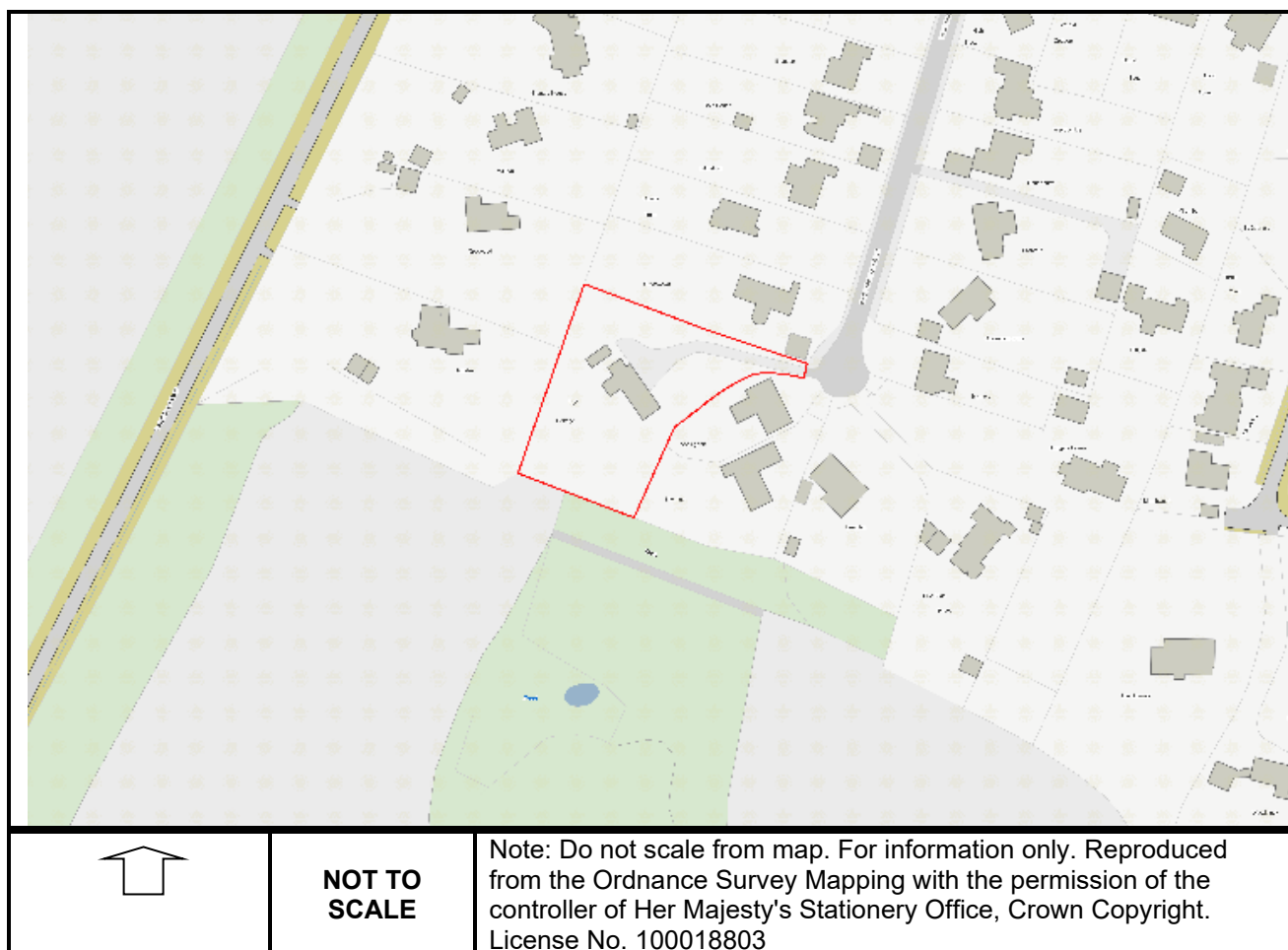


Parish: Chichester	Ward: Chichester West
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**CC/22/02355/DOM**

<b>Proposal</b>	Double garage with storage/home office above.		
<b>Site</b>	Rye Cottage West Broyle Drive Chichester West Sussex PO19 3PP		
<b>Map Ref</b>	(E) 484066 (N) 106516		
<b>Applicant</b>	Mr & Mrs R. Bennett	<b>Agent</b>	Mr Richard Stefanski

## RECOMMENDATION TO PERMIT



### 1.0 Reason for Committee Referral

- 1.1 Red Card: Cllr Apel: Important information/opinion to raise in debate (design, impact on neighbour amenity, trees, potential for use as separate dwelling)

## **2.0 The Site and Surroundings**

- 2.1 The application property is a substantial two-storey detached dwellinghouse, located west of West Broyle Road cul-de-sac, outside of the Settlement Boundary within Chichester Parish. The dwellinghouse is of brick construction, with pitched tiled roof and white fenestration. It occupies a large plot, with the main dwelling being set back from the access road. The site features lawned amenity space, a detached single-storey outbuilding, gravel driveway and parking area, and mature trees. Boundary treatments include mature hedgerows.
- 2.2 The dwellinghouse is surrounded to the north, east and west by detached residential properties of mixed scale and style. To the south of the property is farmland and woodland.

## **3.0 The Proposal**

- 3.1 Construction of double garage with storage/home office above
- 3.2 Dimensions:
- 8.00 metres width
  - 7.30 metres depth
  - 5.60 metres height

## **4.0 History**

03/02512/DOM	PER	Two storey extension to rear and side of existing dwelling with single storey extension to dining room and new porch.
06/05388/OUT	REF	Erection of new dwelling.
07/00025/REF	DISMIS	Erection of new dwelling.

## **5.0 Constraints**

Listed Building	NO
Conservation Area	NO
Rural Area	YES
AONB	NO
Strategic Gap	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 Parish Council**

None received

### **6.2 Third party objection comments**

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

- a) Potential for use as a separate dwelling or commercial office space
- b) Design and impact on visual amenity and rural character on grounds of excessive scale and height, and inappropriate siting.
- c) Impact on neighbouring amenity on grounds of loss of privacy through overlooking, loss of light, siting, light pollution and excessive noise
- d) Impact on trees and hedgerow
- e) Errors within submitted plans
- f) Sets precedent for future development for conversion into a separate dwelling
- g) Sets precedent for future development of similar scale, design and size along West Broyle

## **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 Parish 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 45: Development in the Countryside  
Policy 49: Biodiversity

### **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 early 2023. 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 The revised National Planning Policy Framework (NPPF) was published in 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 Sections 1 (Introduction), 2 (Achieving sustainable development), 12 (Achieving well-designed places) and 15 (Conserving and enhancing the natural 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: Design Guidelines for Alterations to Dwellings and Extensions (revised 2009)
  - West Sussex County Council Guidance on Parking at New Developments (September 2020)
- 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
- iv. Trees

### Assessment

#### i. Principle of development

- 8.2 As stated within paragraph 47 of the National Planning Policy Framework (NPPF), planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 8.3 Policy 1 of the Chichester Local Plan (CLP) applies a presumption in favour of sustainable development providing applications accord with the policies in the plan. Policy 2 of the CLP states that development in the Rest of Plan Area (outside of any settlement boundary) is restricted to that which requires a countryside location in accordance with Policy 45. Policy 45 of the CLP further states that planning permission will be granted for sustainable development in the countryside where the proposal is well related to an existing building, does not prejudice agricultural operations, and requires a countryside setting, ensuring scale, siting, design and materials would have minimal impact on the landscape and rural character of the area.
- 8.4 While the application site is within the 'Rest of Plan Area' as defined by Policy 2 of the CLP, the proposed development directly relates an existing dwellinghouse, which is located within an established residential area. The principle of development within the curtilage of the dwellinghouse is therefore acceptable, subject to compliance with other Development Plan policies, and other material considerations.

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

- 8.5 Paragraph 130 of the NPPF requires planning decisions to ensure that developments are visually attractive and sympathetic to local character, including the surrounding built environment and landscape setting. Policy 33 of the CLP states that planning permission will be granted for new residential development where it can be demonstrated that the proposal respects and where possible enhances the character of the surrounding area and site, its setting in terms of its proportion, form, massing, siting layout, density, height, size, scale and detailed design. As above, Policy 45 of the CLP further requires proposals to ensure their scale, siting, design and materials would have minimal impact on the landscape and rural character of the area.
- 8.6 With reference to the planning history, a planning application for the erection of a new dwelling (06/05388/OUT) was refused in 2007 on the basis of not complying with the requirements of 'infill' development within the countryside, as defined within the adopted Local Plan of the time (1999). It was considered that the proposed development would involve the unacceptable sub-division of a curtilage resulting in a contrived back-land development damaging to the character of the area. A subsequent appeal was dismissed

by the Inspectorate in the grounds of the proposal not satisfying criteria for development in the countryside, and being harmful to the character of the area as a result of limited amenity space in the context, and proximity to the boundary with neighbouring property Greenways (07/00025/REF refers).

- 8.7 The proposed development under consideration is not for a new dwellinghouse, and therefore previous issues of curtilage sub-division and separation of amenity space are not relevant. The proposed design is consistent with use ancillary to the main dwelling, demonstrating reliance in terms of kitchen, bathroom and bedroom facilities. It is recommended that a condition is imposed to secure ancillary use of the building in perpetuity.
- 8.8 As originally submitted, the proposed scale and siting of the garage were comparable to the previously refused development. However, the following third party objection comments and in response to Officer concerns raised with regards to the scale of the proposal, amended plans submitted show a 1.8 metre reduction to the ridge height, and a 2 metre reduction to the width of the building. West Sussex County Council guidance advises that for garages to be of sufficient size, they should be at least 6 metres by 3 metres internally. It further comments that garages meeting these dimension requirements will be regarded as an allocated parking space of 0.5. Given that the proposed development is for a double garage, it is assessed that the proposed internal dimensions of approximately 6.9 metres by 6.3 metres are aligned with this guidance and therefore not excessive.
- 8.9 In addition to providing garaging facilities, the proposed development is for home office/storage space, to be provided a first-floor level, with associated WC at the ground floor. To maximise the loft space, two no. east-facing dormer windows are proposed. Amended plans show a reduction in the scale of the windows in response to third party concerns. While CDC design guidance generally discourages dormer windows on front elevations, it is considered that their visual impact is acceptable on account of their symmetrical positioning and being subordinate to the main garage roof. In addition, the building's setback position from the highway and the street scene significantly reduces any harmful impact. When considering the overall scale of the development, its context in terms of the substantial size of the main dwellinghouse as well as the application plot is an important factor. The scale is not assessed to be excessive on this basis.
- 8.10 When considering potential impact on the character of the surrounding area it is recognised that similar approved developments exist within the vicinity, including a triple garage with games room above at adjacent neighbouring property Argeles (14/0421/DOM refers) and a triple garage with storage and home office above at Dale House, West Broyle Drive (19/02527/DOM refers). Indeed, the proposed development is arguably less impactful with regards to visual amenity than the referenced approved developments, being positioned further from the highway, and lesser in terms of height and footprint. The proposed form and materials are considered to be in-keeping with the general style of the residential area, and the broader rural context.
- 8.11 In summary, the proposal, by reason of its scale, design and appearance, is assessed to be appropriate with regards to the existing property, its immediate residential surroundings and the wider countryside. It is therefore considered to comply with the NPPF and policies 2, 33 and 45 of the Local Plan.

iii. Impact upon amenity of neighbouring properties

- 8.12 Paragraph 130 of the NPPF reflects that planning decisions should create places that offer a high standard of amenity for existing and future users. Policy 33 of the CLP recognises that planning permission will be granted where it can be demonstrated that a proposal respects and where possible enhances the character of the surrounding area and site, including in terms of its neighbouring amenity.
- 8.13 The amended siting of the garage building is 2.5 metres from the northern boundary, and 3.7 metres from the western boundary at its closest points. Adjacent dwellinghouses Argeles, Croxwood, Greenways, and Applegarth are at least approximately 30 metres from the proposed development, which is likely to benefit from significant screening as a result of the substantial existing hedgerow boundaries. It is therefore suggested that the proposed development is unlikely to impact neighbouring amenity as a result of loss of light or through being overbearing in terms of its mass or scale.
- 8.14 With regards to loss of privacy associated with the potential for overlooking, it is assessed that, in view of the set-back and distanced position of the garage, and the amended orientation of the building away from the northern boundary, the likelihood of overlooking from the proposed dormer windows is minimal. Indeed, existing front-facing first floor windows within the main dwellinghouse offer more direct lines of sight to neighbouring property Greenways and its private amenity space.
- 8.15 In response to objections raised in relation to noise, it is recognised that the proposed use of the garage and home office is for domestic use of the existing occupants, and an increase in traffic or visitors to the application is not anticipated as a result of development. Again, it is recommended that the domestic and incidental use of the building is secured by condition to avoid future harmful impacts on neighbouring amenity. Overall, the proposed development is considered to comply with national and local policies in relation to neighbouring amenity, subject to conditions.

iv. Trees

- 8.16 Paragraph 131 of the NPPF recognises that trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change, recommending that opportunities are taken to incorporate trees in development. Furthermore, it recommends appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible. In addition, policy 49 of the CLP states that planning permission will be granted where it can be demonstrated that demonstrable harm to habitats or species which are protected or which are of importance to biodiversity is avoided or mitigated.
- 8.17 Following the Officer's site visit and subsequent concerns raised regarding the accuracy of submitted plans in relation to trees and the potential for development to impact observed existing trees of high amenity and likely high biodiversity value, an Arboricultural Impact Assessment was conducted and submitted (South Downs Ecology report, dated 20 November 22 refers). It is recommended that the proposed arboricultural methods and mitigations are secured by a pre-commencement condition to ensure implementation prior to construction. In particular the detailed design of the foundations of the garage building shall be determined and approved by an arboriculturalist to ensure root protection areas are not disturbed.

## Conclusion

- 8.18 Based on the above it is considered the principle of the proposed development, as well as its design and assessed impacts on visual amenity, neighbouring amenity and trees are considered acceptable. The proposal complies with development plan policies 1, 2, 33, 45, and 49 and therefore the application is recommended for approval.

## Human Rights

- 8.19 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) No development shall commence on site, before the necessary protective measures are in place in accordance with the submitted Tree Retention and Protection Plan (GSO86.RyeCottage.TRPP, dated 18 November 2022) and Arboricultural Impact Assessment (produced by South Downs Ecology, dated 20 November 2022) and British Standard BS 5837 (2012). In particular, the detailed design of the foundations of the garage building shall be determined and approved by an arboriculturist to ensure root protection areas are not disturbed. Thereafter once major construction works (installation of foundation, construction of walls and roof) have been completed, the remaining works will be undertaken by individual contractors in standard vehicles. At this point it would be acceptable for the protective barriers to be removed, with contractors informed that all parking and materials storage must occur on existing gravel or within the new garage itself. No unauthorised access or placement of goods, fuels or chemicals, soil or other materials shall take place inside the fenced area; soil levels within the root protection area of the trees/hedgerows to be retained shall not be raised or lowered, and there shall be no burning of materials where it could cause damage to any tree or tree group to be retained on the site or on land adjoining at any time.

Reason: To ensure that trees, shrubs and other natural features to be retained are adequately protected from damage to health and stability, and to ensure that demonstrable harm to habitats of importance to biodiversity is avoided or mitigated.



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 ancillary to the enjoyment of the dwelling house and for no other purpose whatsoever.

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

## 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	PL-100		15.09.2022	Approved
PLAN - EXISTING SITE BLOCK PLAN	PL-101		15.09.2022	Approved
PLAN - SUBSTITUTE PLAN 25.11.2022 PROPOSED SITE AND PHOTOGRAPH LOCATION PLAN	PL-102	REV B	02.12.2022	Approved
PLAN - SUBSTITUTE PLAN 16.11.22 PROPOSED FLOOR PLAN AND ELEVATIONS	PL-103	REV C	22.11.2022	Approved
PLANS - Plans PLAN -	GSO86.RYEC OTTAGE.TCP	3	22.11.2022	Approved
PLANS - Plans PLAN -	GSO86.RYEC OTTAGE.TRP P	3	22.11.2022	Approved

For further information on this application please contact Eleanor Midlane-Ward on 01243 534734

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RI9AEDERLE400>