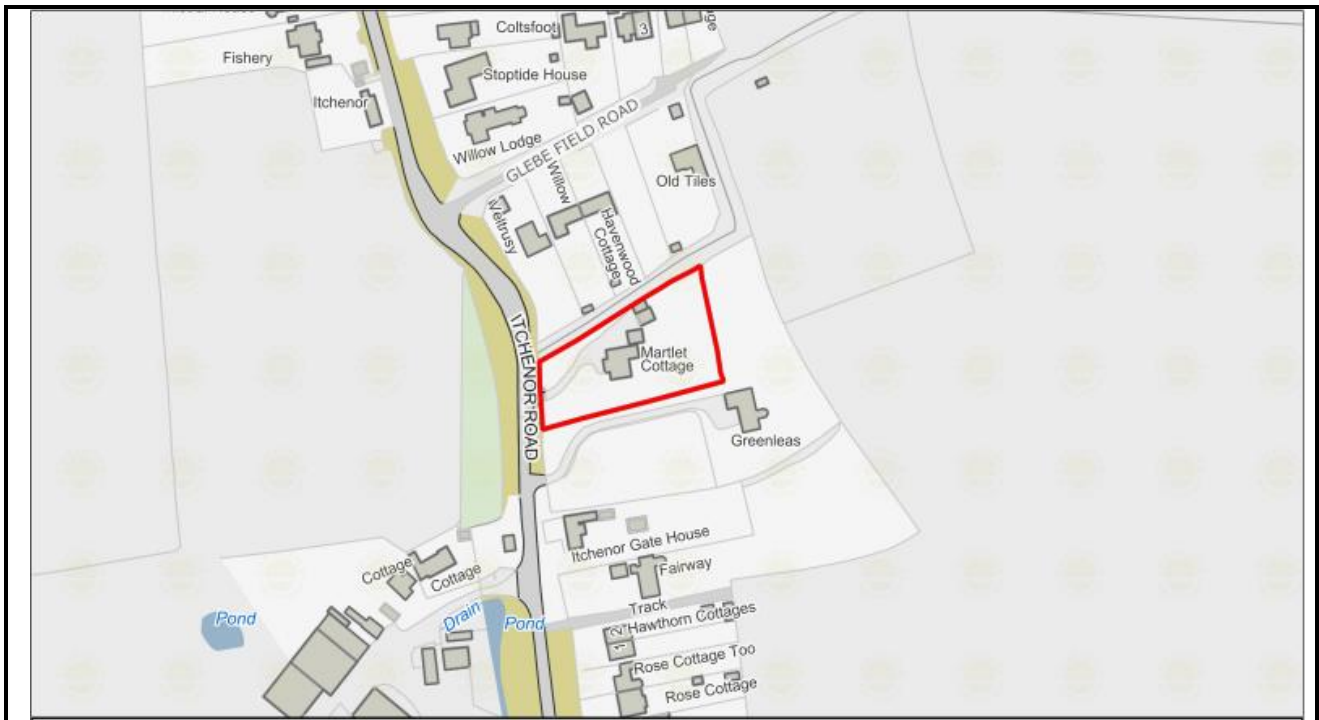



Parish: West Itchenor	Ward: The Witterings
--------------------------	-------------------------

WI/22/02876/FUL

Proposal	Amendments to previously permitted north and west elevation boundary treatments.		
Site	Martlet Cottage Itchenor Road West Itchenor West Sussex PO20 7DA		
Map Ref	(E) 480310 (N) 99956		
Applicant	Mr Salvato	Agent	Mr John Brown

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 Parish Objection - Officer recommends Permit

2.0 The Site and Surroundings

2.1 A two-storey detached residential dwelling is currently being constructed at the site. The site is located on the east side of Itchenor Road, West Itchenor and situated within the Chichester Harbour Area of Outstanding Natural Beauty (AONB) and outside of a settlement boundary. There is agricultural land to the east and west of the site and neighbouring dwellings to the north and south with the dwellings to the north, separated by a Public Right of Way.

3.0 The Proposal

- 3.1 The application proposes amendments to the previously permitted north and west boundary treatments.
- 3.2 The boundary treatments to the previous dwelling at the site consisted of a Leylandii hedge to the front (west) boundary and a fence to the side (north) boundary. Planning permission was granted in September 2021 under application 21/01676/FUL to replace the dwelling. The Design and Access Statement and site plan submitted for that application stated that works were proposed to the west and side boundaries. A post and rail fence with a Hornbeam hedge behind was approved to the front boundary, with the existing five-bar gate retained. To the side boundary, a post and rail fence with a Hornbeam hedge behind was approved, together with a section of brick wall.
- 3.3 Amendments are proposed to both of these boundaries within this current application. To the front, a limestone facing retaining wall is now proposed with Tudor brick capping. The height of the retaining wall would be 0.49m and behind that, the applicant proposes a 1.05m high post and rail timber fence, with a Hornbeam hedge planted behind. A pair of five-bar timber gates are also shown centrally on the proposed plans. To the side boundary, the previously proposed brick wall is now proposed to be clad in treated timber.
- 3.4 The boundary treatments have been proposed to be more in keeping with the local vernacular. These works are in the process of being constructed.

4.0 History

21/01676/FUL	PER	Replacement dwelling and combined garage and annex and new swimming pool.
22/00012/DOC	PER	Discharge of condition 3 of permission 21/01676/FUL.
22/02637/FUL	PDE	Adjustment to previously permitted swimming pool location and new pool room and associated pool plant.

22/02730/FUL	PER	Replacement dwelling and combined garage and annex and new swimming pool (Variation of condition 2 from planning permission WI/21/01676/FUL - Amendments to plans to reflect the actual as-built construction on site which consist of internal and external alterations.
22/02963/FUL	PER	Replace permitted dormer window with 3 no. velux roof windows fitted with night activated black out blinds.

5.0 **Constraints**

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

6.0 **Representations and Consultations**

6.1 **West Itchenor Parish Council**

Further comments (17.03.23)

This village was encouraged to produce the West Itchenor Village Design Statement in 2012 with the help of CDC planning Officers and with help from the Conservancy; the application (22/02876) concerns building a front wall facing Itchenor Road where residents have agreed not to build walls and instead to use natural planting along the boundary. Can we ask the applicant to read the VDS before insisting on rights granted under National Permitted Development legislation. They are building in a sensitive environment where Village Design Guidelines have been very carefully considered and ratified by CDC. We would ask that the VDS should be preferred to the use of the National Permitted Development legislation.

Further comments (07.03.23)

West Itchenor Parish Council has no further comments, its objection comments have not been addressed and therefore stand.

Original comments (23.01.23)

West Itchenor Parish Council objects to this application because it considers that the proposed low level limestone wall on the western boundary is contrary to the West Itchenor Village Design Statement; Areas 3 and 4 Guidance 3/4.5 Improvements to the boundary treatments (eg. Hedges) along the roadside which are of an appropriate rural character will be supported. The use of bricks, panel fences and other hard boundary treatments should be discouraged.

6.2 Chichester Harbour Conservancy

Summarised:

No objection. Conditions suggested on the proposed materials and no landscaping removal works should be undertaken during the bird nesting season.

The proposed boundary treatment does not raise concern to the environmental character and appearance of the site. The character and atmosphere of the AONB are unlikely to be substantially altered by the proposal.

6.3 Third party other comments

None received

7.0 Planning Policy

The Development Plan

7.1 The Development Plan for the area comprises the Chichester Local Plan (LP): Key Policies 2014-2029, , the Site Allocations DPD and any Neighbourhood Plan for the area. There is no 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 43: Chichester Harbour AONB
Policy 45: Development in the Countryside
Policy 48: Natural Environment

Chichester Local Plan 2021 – 2039: Proposed Submission (Regulation 19)

7.3 Work on the review of the adopted Local Plan to consider the development needs of the Chichester Plan Area through to 2039 is now well advanced. Consultation on a Preferred Approach Local Plan has taken place. Following detailed consideration of all responses to the consultation, the Council has published a Submission Local Plan under Regulation 19, which was approved by Cabinet and Full Council for consultation in January 2023. A

period of consultation took place from 3rd February to 17th March 2023, and the Submission Local Plan is expected to be submitted to the Secretary of State for independent examination in Summer 2023. In accordance with the Local Development Scheme, it is anticipated that the new Plan will be adopted by the Council in 2024. At this stage, the Local Plan Review is an important material consideration in the determination of planning applications, the weight that can be attached to the policies contained therein is dependent on the significance of unresolved objection attributed to any relevant policy, commensurate with government policy at paragraph 48 of the NPPF (2021).

Relevant policies from the published Chichester Local Plan 2021 – 2039: Proposed Submission (Regulation 19) are:

S1: Spatial Development Strategy

S2: Settlement Hierarchy

NE10: Development in the Countryside

NE13: Chichester Harbour Area of Outstanding Natural Beauty

P1: Design Principles

P2: Local Character and Distinctiveness

P5: Spaces and Landscaping

P6: Amenity

P7: Alterations and Extensions

P8: Materials and Detailing

National Policy and Guidance

7.4 The revised National Planning Policy Framework was published in July 2021. Paragraph 11 of the revised Framework states that plans and decisions should apply 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), 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:

- West Itchenor Village Design Statement
- The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

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/landscape

- i. Principle of development

8.2 The application site is located in the rural area outside of any Settlement Boundary, which is defined as the 'Rest of the Plan Area'. As per Policies 2 and 45 of the Chichester Local Plan, development outside of settlement boundaries must require a countryside location and meet an essential, small scale, local need which cannot be met within or immediately adjacent to an existing settlement.

8.3 The principle of the proposal was established under application 21/01676/FUL, the general principle of the development is therefore acceptable.

- ii. Design and impact upon character of the surrounding area/landscape

8.4 Policy 33 of the Local Plan refers to new residential development and sets out that the scale, form, massing and siting, height and design of development must respect and enhance the character of the surrounding area and site. Policy 43 requires that the natural beauty and locally distinctive features of the AONB are conserved and enhanced; and that proposals reinforce and respond to, rather than detract from, the distinctive character and special qualities of the AONB.

8.5 It is considered that the timber cladding proposed to the permitted wall on the side boundary would give the wall a more natural finish and therefore be more in keeping with the surrounding area. No objections have been raised to these works.

8.6 The Parish has objected to the amendments proposed to the front boundary treatment. It has stated that the proposed front boundary would be contrary to Areas 3 and 4 Guidance of the West Itchenor Village Design Statement that was produced in 2012. Guidance 3 /4.5 states:

Improvements to boundary treatments (e.g. hedges) along the roadside which are of an appropriate rural character will be supported. The use of bricks, panel fences and other hard boundary treatments should be discouraged.

- 8.7 The proposed wall would be set back from the road and separated from the road by a grass verge. It would be 0.49m in height, with a post and rail timber fence above with a Hornbeam hedge behind. There are similar types of boundary treatments to the front boundaries of other properties along Itchenor Road. The neighbouring property to the south has a post and rail fence with a hedge behind to its front boundary and the next property to the south has a similar sized brick wall with a hedge behind to its front boundary.
- 8.8 The proposed wall would be contrary to the Village Design Statement, and Village Design Statements are a material consideration in the determination of planning applications, but other policies and legislations must also be taken into consideration. Under permitted development rights, The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) would allow a 1m high wall to be constructed to the front boundary. At 0.49m in height, the proposed wall would be less than half the height that could be constructed under permitted development rights, and this is a reasonable fallback position for the applicant. In addition, a hedge is also proposed to the front boundary which would soften the front boundary treatment, giving it a rural appearance. A hedge does not require planning permission. If this application is permitted, a condition could be added requiring that the hedge be planted within the first planting season following the permission.
- 8.9 When taking all material considerations into account it is considered that due to the proposed size, siting and design of the proposed works, they would not be out of keeping with the visual amenity of the area and would conserve the natural beauty of the AONB. The proposals therefore accord with local and national development plan policies relating to visual amenity. In addition, what could be allowed under permitted development rights is a material consideration that weighs in favour of the proposed development.

Conclusion

- 8.10 Due to the siting, size and design of the proposed works they would be acceptable in terms of their design and impact upon the surrounding area. Based on the above assessment it is considered the proposal complies with the National Planning Policy Framework and the Chichester Local Plan Key Policies and there are no material considerations that indicate otherwise.

Human rights

- 8.13 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 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 planting comprised in the approved plans BT-001 and BR-021 shall be carried out in the first planting season following this permission, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the District Planning Authority gives written consent to any variation.

Reason: In the interests of preserving the visual amenities 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 - Proposed West (Front) Boundary Elevation Plan	BR-021		25.01.2023	Approved
PLAN - Location Plan	10284-DFA-01	A	18.01.2023	Approved
PLAN - Permitting Site Plan	10230 - DPA - 03		01.12.2022	Approved
PLAN - Proposed Boundary Treatment, North and West Elevations	BT-001		01.12.2022	Approved

INFORMATIVE

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.

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=RL86B5ERFQH00>