

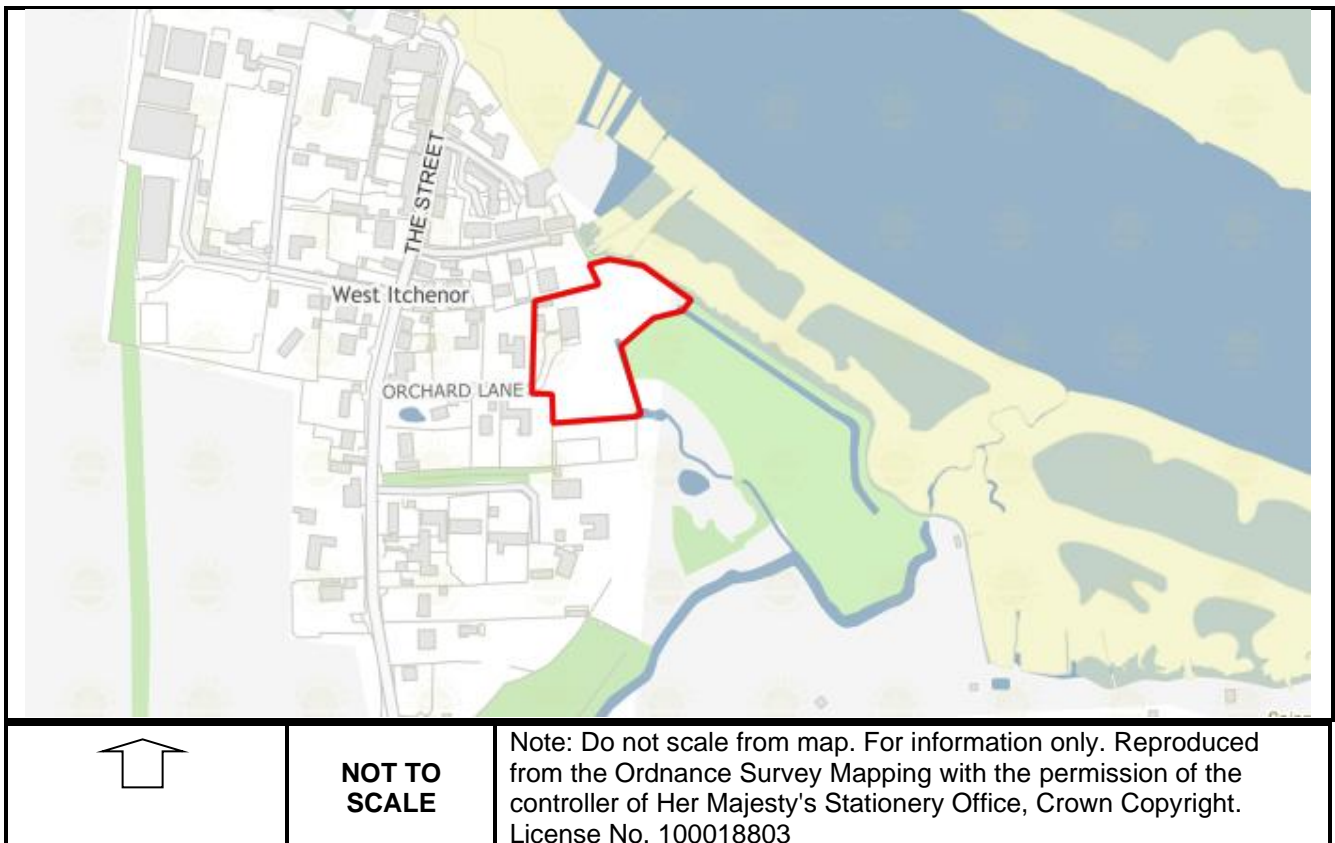
Parish:  
West Itchenor

Ward:  
The Witterings

**WI/24/00308/FUL**

<b>Proposal</b>	Incidental domestic greenhouse.		
<b>Site</b>	Orchard House Orchard Lane Itchenor Chichester West Sussex PO20 7AD		
<b>Map Ref</b>	(E) 480072 (N) 101237		
<b>Applicant</b>	Mr M Boughton	<b>Agent</b>	Mrs Maria Tomlinson

## RECOMMENDATION TO PERMIT



### **1.0 Reason for Committee Referral**

1.1 Parish Objection - Officer recommends Permit

### **2.0 The Site and Surroundings**

2.1 The application site relates to a two-storey dwelling which is currently under construction. The dwelling is situated on a large plot, with a pool-house and tennis court also under construction. The application site is well screened by mature planting, and situated to the

end of Orchard Lane, where the coast and countryside are visible to the east of the property.

- 2.2 Neighbouring properties are visible across boundary hedging, but large plots allow separation between the application site and neighbouring properties. These neighbouring properties are composed of a mixture of materials, including brick and panelling.
- 2.3 The application site is located outside of the West Itchenor settlement boundary, within Flood Zones 2 and 3, the Chichester Fluvial Catchment Area, Chichester Harbour SPA Buffer, and Chichester Harbour National Landscape, a designated Area of Outstanding Beauty (AONB).

### **3.0 The Proposal**

- 3.1 The application seeks planning permission for a domestic greenhouse incidental to the use main dwellinghouse and within its garden. Full planning permission is required because the main house is not yet constructed and occupied, otherwise a householder application would be required.
- 3.2 The proposed greenhouse would measure 9m by 4.5m, with a gabled roof with an eaves height of 1.6m and a ridge height of 3.6m, brick wall with a height of 2.4m. The materials would be glass, powder coated aluminium, and brick plinth.

### **4.0 History**

22/00374/FUL	PER	Replacement dwelling, outbuildings and associated works.
22/02130/FUL	PER	Replacement dwelling, outbuildings and associated works (Variation of condition 2 from planning permission WI/22/00374/FUL - Amendments to outbuilding/pool house).
22/02393/DOC	PER	Discharge of condition 4 of permission 22/00374/FUL.
22/02759/DOC	PER	Discharge of condition 5 from planning permission 22/00374/FUL
22/02740/FUL	PER	Replacement dwelling, outbuildings and associated works. (Variation of condition 2 of permission 22/00374/FUL - amendments to facade, fenestration changes, infill to southwest corner and roof alterations).
23/00351/FUL	PER	Replacement dwelling, outbuildings and associated works. (Variation of condition 2 (plans condition) of permission 22/00374/FUL - amendments to lantern, windows, front canopy, and turret).

23/01065/DOC	PER	Discharge of condition 6 of permission 22/02740/FUL.
23/01942/FUL	PER	Replacement dwelling, outbuildings and associated works - (variation of Conditions 2 and 4 of Planning Permission WI/22/00374/FUL for amendments to; fenestration, front entrance canopy and associated steps, roof shingles added to side entrance, man safe cleaning and maintenance system added (roof hooks and platform (main house)) and changes to materials schedule, to main house and outbuilding/pool house).

## 5.0 Constraints

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

## 6.0 Representations and Consultations

### 6.1 Parish Council

West Itchenor Parish Council objects to this application. The proposed development of garden land is not appropriate in this location as the visibility of this development from the sea wall will result in urbanisation of open land. Additionally, the proposed walls of varying heights will form an enclosure within open garden land.

### 6.2 Chichester Harbour Conservancy

No Objection With Conditions:

Conditions:

1. Greenhouse remains incidental to the main dwelling;
2. Colour finish to the powder coating to be a muted colour;
3. No electric lighting to be installed.

### 6.3 Natural England

No Objection. Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

### 6.4 CDC Environmental Strategy

#### Bats

Any lighting scheme for the site will need to take into consideration the presence of bats in the local area and the scheme should minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding.

We require that a bat box is installed on the buildings onsite facing south/south westerly positioned 3-5m above ground.

#### Reptiles

We are happy that a precautionary approach can be undertaken on the site for reptiles. This involves any removal of scrub, grassland or ruderal vegetation to be done sensitively and done with a two phased cut.

#### Nesting Birds

Any works to the trees or vegetation clearance on the site should only be undertaken outside of the bird breeding season which takes place between 1st March - 1st October. If works are required within this time an ecologist will need to check the site before any works take place (within 24 hours of any work).

We would like a bird box to be installed on the building / and or tree within the site.

#### Hedgehogs

Any brush piles, compost and debris piles on site could provide shelter areas and hibernation potential for hedgehogs. These piles must be removed outside of the hibernation period mid-October to mid-March inclusive. The piles must undergo soft demolition. A hedgehog nesting box should be installed within the site to provide future nesting areas for hedgehogs.

### 6.5 Third party objection comments

No third party representations of objection have been received.

### 6.6 Third party support comments

No third party representations of support have been received.

### 6.7 Applicant/Agent's Supporting Information

The applicant/agent has provided the following supporting information during the course of the application:

- a) The garden walls, framing this part of the garden, were approved as part of the hard landscaping scheme under reference 23/01065/DOC.
- b) The greenhouse would be modest in size and suitable to the site context, seen relative to the spacious garden, tennis and pool features, and main house. The predominant percentage of the garden remaining undeveloped and rural in appearance.

## **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 42: Flood Risk and Water Management  
Policy 43: Chichester Harbour Area of Outstanding Natural Beauty (AONB)  
Policy 44: Development around the Coast  
Policy 45: Development in the Countryside  
Policy 48: Natural Environment  
Policy 49: Biodiversity

### 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 Spring 2024. 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 (2023)

## National Policy and Guidance

7.4 Government planning policy now comprises the revised National Planning Policy Framework (NPPF 2023), which took effect from 20 December 2023. 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: 12 (Achieving Well-Designed and Beautiful Places), and 15 (Conserving and Enhancing the Natural Environments) of the NPPF. 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:

- Planning Obligations and Affordable Housing SPD
- CHC Chichester Harbour AONB Management Plan (2024-2025)
- 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/AONB
- iii. Impact upon amenity of neighbouring properties
- iv. Ecological considerations
- v. Flood Risk

## Assessment

i. Principle of development

- 8.2 Section 2 of the NPPF and Policy 1 of the Chichester Local Plan includes a presumption in favour for sustainable developments, that are within settlement boundaries, as stated in Local Plan Policy 2. Where development is located outside of defined settlement boundaries, as is the case with the current site, the most relevant considerations under which the principle of development could be considered acceptable is Policy 45 of the CLP which relates to the development in designated countryside and Policy 48 which considers the developmental impacts on the natural environment.
- 8.3 Although the application site falls outside of the West Itchenor Settlement Boundary Area, the proposal is situated within the residential curtilage of a dwelling and it would not result in development encroaching into the countryside. It is therefore considered that the principle of provision of an outbuilding in this location is acceptable, subject to compliance with the development plan and other material considerations.

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

- 8.4 Policy 43 states that proposals must not detract from the character of the AONB. Policy 44 states that development around coastal areas should have high quality design. Policy 45 of the LP refers to development in the countryside and proposals being complementary to the surrounding area. Policy 48 of the LP refers to maintaining the natural environment, where design and materials should have minimal impact on the landscape. Section 12 of the NPPF states that good design is key to creating high quality development. Section 15 of the NPPF, in particular paragraph 182, refers to development within the AONB being sensitively located and designed to avoid or minimise adverse impact on the AONB.
- 8.5 The proposal is for a detached greenhouse, situated to the southern end of the property, within the residential curtilage, close to the tennis court and pool house. The greenhouse would be modest in the context of the overall application site which benefits from a large spacious garden. The proposal would be well-related to the existing buildings on the site, sited close to the pool house and tennis court. The brick is proposed to be the same as that used in the pool house, the proposed greenhouse would be sympathetic to the surrounding development. It is to be sited along the neighbouring boundary, thus reducing the bulk when viewed from the coast. Additionally, the greenhouse would mostly be made up of glass, which would also reduce the visual impact, thus protecting the visual amenity of the area. It is considered that the proposal would have an attractive design which would preserve the character of the area.
- 8.6 Overall, the proposal is considered to be in keeping the character of the area and to have a neutral impact upon the AONB. Therefore, the proposal by reason of its size, design and appearance is considered to be appropriate with regards to its form, layout, siting and scale alongside the existing property is considered to accord with the Chichester Local Plan Policies 43, 44, 45 and 48, the West Itchenor Design Statement, the Planning Principles within Chichester Harbour Management Plan, and NPPF sections 12 & 15.

iii. Neighbouring Amenity

- 8.7 The NPPF states in paragraph 135 that planning should ensure a good quality of amenity for existing and future users (of places). The proposed development sits within a large

garden and the neighbouring properties also benefit from large gardens. It is considered that due to the siting of the proposed greenhouse, combined with its mass, scale and the domestic nature of the use, the proposal would not result in harm to the amenity of the neighbours. Thus, the proposal complies with NPPF Paragraph 135.

iv. Ecological Considerations

- 8.8 Policy 49 details that biodiversity of the site must be safeguarded, and the proposal must enhance biodiversity as part of sustainable development.
- 8.9 An Ecological Appraisal Report and Ecological Update Survey provide mitigation for the biodiversity within the application site, and so these will be conditioned along with the conditions from CDC Environmental Strategy. An Arboricultural Impact Assessment and Arboricultural Drawings show that the proposed development would not impact trees, with the mitigation from these reports also to be conditioned. It is therefore considered that the development complies with policy 49 of the CLP.

v. Flood Risk

- 8.10 The proposal is within flood zones 2 and 3. The application is for a garden structure and would therefore not increase flood risk. Therefore, the proposal would accord with policy 42 of the CLP which seeks to ensure that there is no increased flood risk and section 14 and paragraph 173 which states that flood risk is not increased and that no vulnerable development is situated within flood risk areas.

Conclusion

- 8.11 Based on the above, it is considered the proposal is acceptable being situated in close proximity to existing garden outbuildings and of an acceptable size, design and scale such that the development would not cause harm to the character of the area, amenity of neighbours, ecology or flood risk. The proposal therefore complies with Chichester Local Plan Policies 43, 44, 45 and 48 and guidance set out within the NPPF, in addition to the other material considerations, and it is recommended for approval.

Human Rights

- 8.12 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) The development hereby permitted shall not be first brought into use until the following ecological enhancements have been implemented

a. The integration of a bat box into the extension hereby approved, or the provision of a bat box within the dwelling or a tree sited within the dwelling or grounds of the development proposal. The bat box shall face a south/south westerly and positioned 3-5m above ground.

b. The integration of a bird box to the extension hereby approved or within the dwelling or a tree sited within the dwelling or grounds of the property.

c. The provision of hedgehog nesting boxes within the site.

Thereafter, the ecological enhancements shall be retained and maintained in perpetuity.

Reason: In the interests of securing a biodiversity enhancement.

4) The following ecological mitigation measures shall be adhered to at all time during construction

a. Any brush piles, compost and debris piles on site could provide shelter areas and hibernation potential for hedgehogs and therefore shall be removed outside of the hibernation period (mid-October to mid-March inclusive).

b. If any works need to take place to the trees or for vegetation clearance within the site, works should only be undertaken outside of the bird breeding season which takes place between 1st March 1st October. If works are required within this time an ecologist will need to check the site before any works take place (within 24 hours of any work).

c. A precautionary approach for reptiles. Any removal of scrub, grassland or ruderal vegetation to be done sensitively and done with a two phased cut.

Reason: In the interests of protecting biodiversity and wildlife.

5) The development hereby permitted shall be carried out in strict accordance with the Ecological Appraisal report and Ecological Update Survey and the methodology and mitigation recommendations they detail, unless otherwise agreed in writing by the authority.

Reason: In the interests of protecting biodiversity and wildlife.

6) The development hereby permitted shall be carried out in strict accordance with the Arboricultural Impact Assessment and Drawings and the methodology and

mitigation recommendations they detail, unless otherwise agreed in writing by the authority.

Reason: In the interests of protecting biodiversity and wildlife.

7) 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.

8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) no external illumination shall be provided on the site other than in accordance with a scheme that shall first have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the proposed location, level of luminance and design of the light including measures proposed to reduce light spill. Thereafter the lighting shall be maintained in accordance with the approved lighting scheme in perpetuity.

Reason: In the interests of protecting wildlife and the character 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 - LOCATION PLAN	21032-000	P1	12.02.2024	Approved
PLAN - PROPOSED GREENHOUSE SITE SECTION	2116-246	A	29.02.2024	Approved
PLAN - HARDWORKS (SITE PLAN)	21160-110	D	29.02.2024	Approved
PLAN - PROPOSED GREENHOUSE DRAWINGS	32214-DFC SHEET 1 OF 5		29.02.2024	Approved
PLAN - PROPOSED GREENHOUSE DRAWINGS	32214-DFC SHEET 2 OF 5		29.02.2024	Approved

## INFORMATIVES

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

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

The onus is therefore on you to ascertain whether any such species are present on site, before works commence. If such species are found or you suspected, you must contact Natural England (at: Natural England, Sussex and Surrey Team, Phoenix House, 32-33 North Street, Lewes, East Sussex, BN7 2PH, 01273 476595, [sussex.surrey@english-nature.org.uk](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 Annie Gietzold on 01243 534734

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=S8QH7CERH6X00>