



TO: Planning Committee South

BY: Head of Development

DATE: 15th January 2019

DEVELOPMENT: Erection of second storey extension, two storey side extensions, erection of a detached garage and creation of a new driveway

SITE: The Chantarelle 11A Nyetimber Copse West Chiltington Pulborough West Sussex RH20 2NE

WARD: Chanctonbury

APPLICATION: DC/18/2161

APPLICANT: **Name:** Mr and Mrs Peter Wettler **Address:** The Chantarelle 11A Nyetimber Copse West Chiltington Pulborough West Sussex RH20 2NE

REASON FOR INCLUSION ON THE AGENDA: More than 8 letters of representation have been received within the consultation period with a view contrary to the recommendation.

RECOMMENDATION: To grant permission subject to conditions

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.1 Planning permission is sought for the extension and remodelling of the existing dwelling 'The Chantarelle' in addition to the erection of a detached single garage and the provision of new driveway. The proposal would involve a two storey front extension that would project 1.9m beyond the existing principal elevation and measure 3.7m in width. A separate two storey rear extension is proposed that would project 3.9m beyond the existing rear elevation and measure 3.65m in width. The main bulk of the proposed works relate to the provision of a new roof in order to accommodate a new first floor level within the raised roof area. The total ridge height of the new roof would measure 7.95m in height, with a maximum eave height of 4.25m. The proposed works would, overall, provide a gabled two storey western wing intersected by a gabled projection to the east. Several pitched roof dormers are to be provided, in addition to some decorative detailing and the comprehensive remodelling of external surfaces with contemporary materials.
- 1.2 The proposal would see the closure of the properties existing driveway and the provision of new driveway leading onto an existing cul-de-sac found to the west of the property. The driveway would measure 8m where this adjoins to the private highway, and would provide sufficient space for the parking of two vehicles, or three vehicles if parked in tandem. A proposed garage, measuring 6m in length, 5m in depth and 5.25m in height, would provide an additional parking space.

- 1.3 The Chantarelle' consists of a plot 0.11ha in area. The proposal would result in an overall built footprint of 252m² within this area, approximately equating to 23% of the overall plot. In comparison, the existing dwelling occupies a built footprint of 188m², and 17% of the overall plot. Much of the increase in footprint is attributable to the proposed garage, which possesses an external footprint of 30m².
- 1.4 Amended plans were received by the Local Planning Authority 27.11.18, with a reduction in the amount of glazed surfacing to the properties eastern elevation. Additional contextual elevations, showing the scale of the proposal relative to its surroundings were received 19.12.18.

DESCRIPTION OF THE SITE

- 1.5 The application site comprises of a detached bungalow, of circa 1970s construction, and associated amenity land. The existing dwelling is of an unassuming character, being principally constructed of a red facing brick, plain concrete roof tiles and typical uPVC fascias, windows and doors. The principal elevation features an integral raised planter, projecting bay window and modest extent of white render, elements which act to add some articulation and distinction to an otherwise simple overall vernacular. The application site features a gradual slope away from Nyetimber Copse towards the neighbouring dwelling of Longwood situated towards the south of the application site. A modest amount of mixed planting is found along the southern boundary of the application site, with a more established evergreen hedge found on the neighbouring side of the common boundary. A number of mature and semi-mature trees are present within the highway verge to the front and side of the dwelling.
- 1.6 The wider Copse is a suburban style development, characterised by large detached dwellings sat within generous associated plots. Dwellings in the vicinity of the application site are varied in design, with significant diversity in terms of height, form, materials and colours. The Copse benefits from a distinct sense of spaciousness, which is principally derived from wide grassed highway verges and absence of hard boundary treatments forward of principal elevations.
- 1.7 The application site falls within the defined built-up area of West Chiltington, and is not covered by any site-specific heritage or environmental constraints.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

The following Policies are considered to be relevant to the assessment of this application:

2.2 National Planning Policy Framework

2.3 Horsham District Planning Framework (HDPF 2015)

- Policy 1 - Strategic Policy: Sustainable Development
- Policy 3 - Strategic Policy: Development Hierarchy
- Policy 32 - Strategic Policy: The Quality of New Development
- Policy 33 - Development Principles
- Policy 37 - Sustainable Construction
- Policy 40 - Sustainable Transport
- Policy 41 - Parking

2.4 Neighbourhood Plan:
The West Chiltington Pre-Submission Neighbourhood Plan 2016-2032 has been published under regulation 14. The Council continues to work with stakeholders to progress the Neighbourhood Plan to examination.

2.5 **Planning History and Relevant Applications:**
No relevant or previous planning history

3. **OUTCOME OF CONSULTATIONS**

3.1 Where consultation responses have been summarised, it should be noted that Officers have had consideration of the full comments received, which are available to view on the public file at www.horsham.gov.uk

3.2 **WSCC Highways:** No objection:-

The Local Highways Authority (LHA) considered that the proposal would not have a 'severe' impact on the operation of the highway network. The LHA officer identified that the application site was situated on a privately maintained road, and therefore that permission would be required from relevant proprietors prior to the commencement of works to implement access works. No highway safety concern was raised, given the established nature of connection to Common Hill and the anticipation of vehicles exiting onto the publicly maintained highway in a forward gear. A condition was recommended to secure details of covered and secure cycle parking facilities prior to the occupation of the proposed development.

3.3 **West Chiltington Parish Council:** No objection:-

The Parish Council, in response to amended plans received 27.11.18, raised no objection to the proposal. The response highlights that the Parish Council reached a split vote, with four councillors voting for no objection and two councillors objecting.

The earlier response of the Parish Council (dated 07.11.18) raised an objection to the proposal, on the basis of the domineering appearance of the proposal, its size relative to its associated plot, adverse impacts on the street scene and non-compliance with the emerging Neighbourhood Plan.

PUBLIC CONSULTATIONS

3.4 52 letters of public representation from 37 different addresses were received in response to the proposal; of which 46 raised comments in objection, 2 responded neither objecting nor supporting and 4 raised comments in support.

3.5 The main material grounds for objection can be summarised as follows:

- Overdevelopment
- Relationship with character of surrounding buildings
- Loss of character of original building
- Increase in scale, height and massing
- Overly domineering appearance within the street scene
- Non-compliance with local planning policy and guidance
- Insufficient parking spaces and increased likelihood of on-street parking
- Proportionality of proposed development relative to size of associated plot
- Treatment of highway verges on submitted plans

- Increased density
- Overbearingness
- Loss of privacy to neighbouring occupiers
- Loss of light to neighbouring occupiers
- Proximity of development and existing bungalow to highway verge
- Harm to the semi-rural, open character of Nyetimber Copse
- Potential precedents for similar development elsewhere
- Disruption resulting from construction works
- Unsympathetic appearance in relation to surrounding buildings

3.6 The main material grounds for support can be summarised as follows:

- Diversity of surrounding development
- Limited increase in footprint
- Improvements to the aesthetic quality of the existing dwelling
- No proposed loss of trees
- Current prevalence of on-street parking on Nyetimber Copse
- General need for refurbishment of existing dwelling
- Level of existing dwelling relative to level of street
- Likely safety highway improvements resulting from proposed access

3.7 It is noted that several public representations seek to address the intended treatment of highway verges, and relevant treatments, as issues of proprietorship. It should be clarified that the arboricultural impacts of proposed development are material planning considerations, however, the specific ownership arrangements and relevant covenants governing the management of private verges are not material considerations in the determination of this planning application. The grant of planning permission would not circumnavigate the requirement of the applicant to satisfy any private legal agreement in respect of the management of highway verges.

4. HOW THE PROPOSED COURSE OF ACTION WILL PROMOTE HUMAN RIGHTS

4.1 Article 8 (Right to respect of a Private and Family Life) and Article 1 of the First Protocol (Protection of Property) of the Human Rights Act 1998 are relevant to this application, Consideration of Human rights forms part of the planning assessment below.

5. HOW THE PROPOSAL WILL HELP TO REDUCE CRIME AND DISORDER

5.1 It is not considered that the development would be likely to have any significant impact on crime and disorder.

6. PLANNING ASSESSMENTS

Principle of Development

6.1 Policies 3 and 4 of the Horsham District Planning Framework (HDPF) (2015) provide the overall spatial strategy for development in the District. These confirm that the overarching approach of the HDPF is to concentrate development within the defined built-up areas of the District; where development is best supported by existing infrastructure, amenities and services. Development will be required to be of a scale and nature that maintains the settlement characteristics of its setting, as defined under policy 3, but would not be required to serve a specific purpose or meet an identified need within a built-up area.

- 6.2 Policy 1 of the HDPF provides a general presumption in favour of sustainable development, reflective of paragraph 11 of the National Planning Policy Framework, and stipulates that planning applications that accord with the policies of the local plan will be approved, unless material considerations indicate otherwise.
- 6.3 It is considered that the existing policy basis would provide no restriction on the principle of residential extension within a defined built-up area, subject to other material considerations relating to design, scale and appearance and any resultant impact on neighbouring amenity or highway operation.

Character, Design and Appearance

- 6.4 Policies 32 and 33 of the HDPF require development to be of a high standard of design and layout. Development proposals must be locally distinctive in character and respect the character of their surroundings. Where relevant, the scale, massing and appearance of development will be required to relate sympathetically with its built-surroundings, landscape, open spaces and to consider any impact on the skyline and important views.
- 6.5 Section 12 of the National Planning Policy Framework places renewed emphasis on good design. Paragraph 127 *inter alia* requires planning policies and decisions to ensure that development is visually attractive, relates sympathetically to local character and history, and to add to the overall quality of an area whilst not preventing appropriate innovation or change; such as increased densities.
- 6.6 The existing dwelling is considered to be of limited architectural or aesthetic significance, comprising mainly of stock materials and incorporating no design features of any especial significance. Consequently, whilst the existing dwelling is inoffensive in appearance, this possesses a character that is not distinctly worthy of preservation in planning terms. The predominant design issue pertinent to this application, therefore, relates to the setting of the proposal relative to its surroundings.
- 6.7 In this respect it is noted that there is notable diversity in design in the immediate locale of the application site, seemingly with each dwelling being individually designed and no consistent form or colour palette. As such, beyond the general spatial arrangement of dwellings in the street scene, there is no type of built-development that can be said to be necessarily characteristic of the area.
- 6.8 It is considered that the design of the proposal is overall coherent in nature, and possesses a far greater degree of architectural interest than the existing dwelling. Whilst the increase in scale and massing is notable, sufficient articulation is provided through varying roof slopes and dormer windows to ensure that the proposal avoids overly linear surfaces and an unacceptably prominent bulk. The proposed principal elevation is considered to be of particular merit, incorporating an overhung extended roof slope and distinctive double height glazing. Decorative timber detailing is proposed to each gable end, including those of the proposed garage, which reinforces consistency between each elevation.
- 6.9 The proposed use of materials is readily reflective of the contemporary use of materials on neighbouring dwellings, especially external render. It is therefore envisaged that the proposal would appear visually consistent with its surroundings.
- 6.10 The built area of the plot, beyond the provision of a detached garage, would not change significantly by virtue of the proposed works. Whilst respecting that The Chanterelle occupies a less generous plot than some nearby dwellings, this remains generous in actual terms and it is not anticipated that the proposal would occupy a disproportionate built-area within this plot. In any instance sufficient amenity land would be preserved to the east of the dwelling to ensure a high standard of amenity for existing and future users, as required by paragraph 127(f) of the National Planning Policy Framework.

- 6.11 It is acknowledged that several representations have sought to address the proposal in light of its setting in, and proximity to, the street scene. The principal elevation of the facing gable end would be positioned approximately 7.9m from Nyetimber Copse, 4.6m of which would be within the incidental curtilage of the application property and 3.3m within the grassed highway verge. Whilst it is recognised the highway verge does not fall within the private ownership of the applicant, there is no pedestrian pavement present in this location. As such, whilst it would be possible for the passing public to appreciate the dwelling from the verge, realistically the dwelling would be understood from the highway. Given that the main roof surface of the principal elevation slopes away from the public highway, and the dwelling is situated on a slightly lower elevation, it is not considered that the proposal would appear unduly domineering in the immediate context. The degree of separation to the highway, irrespective of the exact point of measurement, is deemed sufficient to preserve the open character of Nyetimber Copse; with long views on a west/east axis along the highway uninterrupted by the proposal.
- 6.12 The introduction of a detached garage is deemed appropriate, and would not be considered to adversely influence the visual amenities of the street scene. The garage would maintain a clearly subservient relationship to the main dwelling and would be set back from the western elevation. As such, the garage would not appear unacceptably prominent within the public realm.
- 6.13 The provision of a new driveway would involve the laying of hardstand within the root protection area of two semi-mature and a single mature tree. These trees do not benefit from any formal protection, and do not make a significant contribution to the character of the application site or its surroundings. As such no fundamental objection to their removal would be raised, however, the submitted plans indicate that these specimens are to be retained, a measure which would be welcomed. In order to secure the protection of these trees, it would be possible to impose an appropriate condition relating to proposed protection and construction methods of the driveway surface in order to overcome any objection on arboricultural grounds.
- 6.14 It would overall be considered, therefore, that the design of the proposal well-relates to the character of its surroundings and satisfies the relevant design criteria of policies 32 and 33 in addition to the National Planning Policy Framework. Whilst it is recognised the increase in scale is notable, the contextual elevations provided 19.12.18 effectively exhibit the acceptable setting of the proposal within the street scene. Paragraph 127(c) of the National Planning Policy Framework would confirm, that where a proposal sympathetically relates to the local character, appropriate innovation or change is acceptable, and a refusal of planning permission on grounds of increased density or scale would be unjustified.

Neighbouring Amenity

- 6.15 Policy 33 of the HDPF provides that development will be required to ensure a design that avoids unacceptable harm to the occupiers/users of nearby property and land.
- 6.16 The Chantarelle is situated within a corner plot, with the main form of the proposed dwelling located some distance from neighbouring dwellings. The proposal would see the introduction of additional windows, mainly as dormer windows, at first floor level. Proposed rear dormers would be located approximately 20.5m from Longwood, (to the south of the application site) western dormers approximately 25m from New Providence (opposite the site to the west) and northern dormers approximately 21m from Fairbank (opposite the site to the north east). The proposal would further see the introduction of windows and feature glazing within the new gabled element of the principal elevation, which would be sited approximately 32m opposite Elm Cottage to the north of the application site.

- 6.17 By virtue of the distances separating The Chantarelle to neighbouring properties, and its siting to the north west of Longwood, it is considered that the built mass of the proposal would not provide an overbearing impression to neighbouring occupiers, or result in an unacceptable loss of natural light to neighbouring living spaces or land.
- 6.18 Whilst the distance separating the proposal from neighbouring dwellings would be deemed sufficient in as of itself, it is furthermore recognised the occupiers Longwood benefit from an established boundary treatment that contributes to a sense of disassociation between the application site and Longwood. Similarly, the occupiers of Fairbank and Elm Cottage further benefit from the natural gradient with the proposal sited below the level of neighbouring properties.
- 6.19 In respect of privacy, it is acknowledged that the introduction of additional windows at first floor level would influence the privacy enjoyed by neighbouring occupiers. The Council's Design Guidance Advice Leaflet No.1 (House Extensions), references 21m as the expected distance between facing first floor windows of neighbouring properties. In this instance, given the non-uniform arrangement of properties, there would no directly facing relationship between proposed windows and those of neighbouring properties. The most significant affect is considered to arise from the proposed window for bedroom 3, which outlooks towards the south east. It is considered that the eastern wing of Longwood would be visible from this vantage at an approximate angle of 45° and 20.65m in distance. Given that this distance is not unsubstantial, however, and that no directly facing relationship would arise, this relationship would not be considered to amount to unacceptable harm for the purposes of policy 33.
- 6.20 Other first floor windows, including the south facing window to bedroom 1 and the northern facing window for the associated en-suite are to be obscure glazed in nature, as indicated on the submitted plans. As such no relationship of overlooking could be established in these instances. A condition is recommended that the south facing window is obscure glazed and fixed shut to a height of 1.7m above the floor of the room in which it is installed. Once installed the obscured glazing and non-openable parts of this window shall be retained permanently thereafter. This will ensure that the privacy of the property to the south of the site is retained.
- 6.21 The gable facing towards Elm Cottage would not be considered to result in an unacceptable loss of privacy to the occupiers of Elm Cottage. It is acknowledged that the feature glazing and window leading to bedroom 5 would near directly face towards Elm Cottage, however, 32m is considered a noteworthy degree of separation that is well in excess of a typical facing relationship for a built-up area. Furthermore, seeing as the feature glazing leads to a void at first floor level, this window does not necessarily provide a vantage towards the north, with any associated loss of privacy likely being perceived as opposed to demonstrable.
- 6.22 New Providence features two windows orientated towards the application site, one of which is believed to not serve neighbouring living space. Given the degree of separation between the application property and New Providence of 25m, and the limited degree of mutual overlooking the proposal would not be considered to result in unacceptable harm to the amenities of the occupiers of New Providence, nor to detract from the reasonable residential enjoyment of neighbouring land.

Highways

- 6.23 Policy 40 of the HDPF states that transport access and ease of movement is a key factor in the performance of the local economy. The need for sustainable transport and safe access is vital to improve development across the district.

- 6.24 Policy 41 of the HDPF stipulates that development must provide adequate parking and facilities to meet the needs of anticipated users, with consideration given to the needs of cycle parking, motorcycle parking and electric/low emission vehicles. Development which involves the loss of existing parking spaces will only be allowed if suitable alternative provision has been secured elsewhere or the need for development overrides the loss of parking and where necessary measures are in place to mitigate against the impact.
- 6.25 The West Sussex County Council Parking Demand Calculator would reach a calculated parking demand of 3 parking spaces for a dwelling of the level of accommodation proposed. The proposal would provide a total of four parking spaces, with vehicles parked in tandem, as such the proposal would satisfy its anticipated parking demand. Furthermore the proposed garage is of sufficient dimensions to enable the parking of a vehicle and the additional parking of cycles as required.
- 6.26 It is acknowledged that the layout of the driveway would likely necessitate vehicles to manoeuvre in reverse gear in the adjacent cul-de-sac when exiting/entering the application site. Given the quiet nature of this road, and the likely slow speed of vehicles, there would be no indication that such an arrangement would give rise to a highway safety concern. It is further noted that a similar arrangement exists for New Providence opposite the application site.

Conclusions

- 6.27 The principle of residential extension within a defined built-up area is acceptable, being deemed compliant with the spatial strategy of the local development plan, as set out under policies 3 and 4. The proposed extension is considered to be of an acceptable scale, form, scale, massing and appearance appropriate to the character of its wider surroundings. The proposal would not be considered to result in any unacceptable impact on the amenities of neighbouring occupiers. Sufficient off-street parking would be provided to satisfy the calculated parking demand for the application property, with no wider impact on highway operation anticipated. The proposal is, therefore, considered compliant policies 1, 3, 4, 32, 33, 40 and 41 of the Horsham District Planning Framework (2015) and is recommended for approval, subject to the conditions listed below.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1st October 2017.

It is considered that this development constitutes CIL liable development. At the time of drafting this report the proposal involves the following:

Use Description	Proposed	Existing	Net Gain
District Wide Zone 1	321.13	171.08	150.05
		Total Gain	150.05
		Total Demolition	0

Please note that exemptions and/or reliefs may be applied for up until the commencement of a chargeable development.

In the event that planning permission is granted, a CIL Liability Notice will be issued thereafter. CIL payments are payable on commencement of development.

7. RECOMMENDATIONS

7.1 That planning permission be granted subject to the following conditions:-

1 **Plans**

- 2 **Standard Time Condition:** 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.

- 3 **Pre-Commencement Condition:** No development or other operations shall commence on site in connection with the development hereby approved, (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and/or widening, or any operations involving the use of motorised vehicles or construction machinery) until a detailed Construction Specification/Method Statement for the proposal has been submitted to and approved in writing by the Local Planning Authority. This shall provide for the long-term retention of the trees. No development or other operations shall take place except in complete accordance with the approved Construction Specification/Method Statement.

Reason: As this matter is fundamental to protecting the trees which are to be retained on the site during construction works in the interest of the visual amenities of the area and to comply with policies

- 4 **Pre-Commencement (Slab Level) Condition:** No development above ground floor slab level of any part of the development hereby permitted shall take place until a schedule of materials and finishes and colours to be used for external walls, windows and roofs of the approved extension has been submitted to and approved by the Local Planning Authority in writing. All materials used in the construction of the development hereby permitted shall conform to those approved.

Reason: As this matter is fundamental to enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 5 **Pre-Occupation Condition:** The extension hereby permitted shall not be occupied until the south facing window to bedroom 1 at first floor level (as detailed on the submitted elevation plans 2.02 F, submitted 27.11.18) has been fitted with obscured glazing. No part of that window that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Once installed the obscured glazing and non-openable parts of this windows shall be retained permanently thereafter.

Reason: To protect the privacy of adjacent occupiers in accordance with Policy 33 of the Horsham District Planning Framework (2015).