

Appeal Decision

Site visit made on 6 August 2024

by Jane Smith MA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd August 2024

Appeal Ref: APP/L3815/D/24/3337888

Oldfield House, Itchenor Road, West Itchenor, West Sussex PO20 7AB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Laurence Keep against the decision of Chichester District Council.
 - The application Ref is WI/23/00732/DOM.
 - The development proposed is described as 'single storey rear extension to existing garage/annexe'.
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Decision

1. The appeal is allowed and planning permission is granted for single storey rear extension to existing garage/annexe at Oldfield House, Itchenor Road, West Itchenor, West Sussex PO20 7AB in accordance with the terms of the application, Ref WI/23/00732/DOM, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters

2. In the banner heading above I have used the description of the proposed development as given on the Council's decision notice. This was amended from the description on the application form, by agreement, and more clearly identifies the building which would be extended.

Main Issues

3. The main issues are:
 - the effect of the proposed development on the character and appearance of the area, and
 - whether the proposed use of the extended building would be acceptable having regard to the Council's spatial strategy.

Reasons

Character and Appearance

4. The appeal site is a substantial residential property in a large, mature garden. It includes an imposing and attractively detailed two storey detached house, with a prominent front gable and steep pitched clay tiled

roof. To one side there is a substantial single storey outbuilding, with steep pitched roof. This currently contains a garage at the front, with living accommodation at the rear and within the roofspace. The living accommodation includes an open plan kitchen/living area and small utility/shower room downstairs, with two bedrooms and a bathroom above.

5. Although the length of the outbuilding already exceeds that of the main dwelling, it has a narrower footprint. It does not have a similarly imposing scale, and the first floor accommodation is within the sloping roof. As the outbuilding is orientated at right angles to the dwelling, the elevation facing Itchenor Road is significantly narrower. Within the street scene, it is clearly understood as a subservient building, despite its scale.
6. An existing link wall between the house and outbuilding largely obstructs views into the rear of the plot. The extension would have very little visual presence from the street, due to its position at the rear of the building and low crown roof. The dwelling would continue to be seen as the principal building on the site and both buildings would continue to stand in a large, spacious plot. Large dwellings with substantial outbuildings are characteristic of the surrounding area and the extended outbuilding would not compete visually with the dwelling any more than it does at present.
7. For the above reasons, I conclude that the proposed development would not have a harmful effect on the character and appearance of the area. It would not conflict with relevant design requirements in Policy 47 of the Chichester Local Plan 2014-2029 (CLP), which requires amongst other things that proposals respect distinctive local character. There would also be no conflict with relevant paragraphs of the National Planning Policy Framework (the Framework), including paragraph 135 which requires that developments are visually attractive and sympathetic to local character including the surrounding built environment.
8. Policy 33 of the CLP, which is referred to in the reason for refusal, is titled 'new residential development' and includes requirements relating to the provision of new dwellings, which is not proposed. Nevertheless, the proposed extension would not conflict with relevant aspects of that Policy, which include that proposals respect the character of the surrounding area and site, having regard to factors which include size and detailed design.

Spatial Strategy

9. The appeal site is outside any settlement boundary, in a location where Policies 2 and 45 of the CLP restrict new development to that which requires a countryside location or meets an essential local rural need or supports rural diversification. New dwellings are not among the uses supported by Policy 45.
10. In its current form, the living accommodation in the outbuilding is described by both parties as an annexe. The internal layout has changed since planning permission was granted to extend the garage and form an annexe in 2018¹. The amount of living accommodation has increased. Nevertheless,

¹ Chichester District Council planning application ref: WI/17/03110/DOM

the Officer Report states that the existing annexe accommodation is considered to be lawful.

11. There is no application for a separate dwelling before me. The application is for enlargement of the existing annexe, and I have considered the appeal on that basis. The annexe already provides kitchen and bathroom facilities, as well as two small bedrooms. As well as the area for preparing food, the kitchen/living area includes seating, a dining table and a desk. As such, while the amount of floorspace would increase, the extension would not introduce any facilities which aren't available in the existing layout. The annexe is physically very close to the main dwelling and is accessed by means of a side door behind the link wall, within the private garden area. At the front, there is a single access and parking area which appears to serve both buildings equally.
12. There are exposed excavations immediately to the rear of the annexe and part of the existing fencing appears to be for safety reasons, to prevent access into this area. Otherwise, occupiers of the annexe have apparently unencumbered access to the main garden and large patio area behind the dwelling. It is not unusual for a large garden to include areas marked out for different uses and the fencing does not, in isolation, demonstrate that a separate dwelling or residential curtilage has been created.
13. The proposed living accommodation would remain suitable for use as an extension of the dwelling, by a multi-generational family living as a single household. The Officer Report indicates that works sited completely within the domestic curtilage of the existing dwelling would be acceptable in principle, having regard to Policies 2 and 45 of the CLP, despite the countryside location. Should a material change of use be proposed in future, to create a separate dwelling, that would require a separate grant of planning permission and use of the building as a separate dwelling would be at risk of enforcement action if such permission is not granted.
14. For the reasons given above, I conclude that the proposed use of the extended building would be acceptable having regard to the Council's spatial strategy. On the basis that the extended living accommodation would continue to be used as part of the dwelling, there would be no conflict with Policies 2 and 45 of the CLP.

Other Matters

15. In addition to the policies mentioned above, the reason for refusal refers to CLP Policy 1. This requires amongst other things that planning applications that accord with policies in the CLP will be approved unless material considerations indicate otherwise. Having concluded that the proposed development would not conflict with Policies 2, 33, 45 and 47 in the CLP, no conflict would arise with relevant requirements in Policy 1. For similar reasons, there is no conflict with relevant paragraphs in sections 2 and 4 of the Framework which relate to achieving sustainable development and decision-making.
16. The appeal site is within the West Itchenor Conservation Area and the Chichester Harbour National Landscape (CHNL), which is the updated title of the Area of Outstanding Natural Beauty. The significance of the Conservation

Area includes its relationship with the waterfront, with the historic village centre being focussed on the harbourside and a ribbon of housing extending to the south. The latter includes well detailed early 20th century dwellings such as the one on the appeal site.

17. The CHNL takes in the wider rural landscape around Chichester Harbour. Within the CHNL, the retention of trees and hedges, and conservation of historic village character are important relevant considerations, as highlighted in the Chichester Harbour SPD².
18. As described above, public views of the attractive and well detailed main dwelling would be substantially unaltered and its role as a positive building within the Conservation Area would not be undermined. The protection of existing trees, with replacement planting if required, can be secured through suitable conditions. Notwithstanding the alleged harm by reason of the size and design of the extension, and its relationship with the main dwelling, the Council did not allege any harm to the visual amenity and character of the Conservation Area and the CHNL. Based on the evidence before me, I have no reason to reach a different view. The proposal would preserve the character and appearance of the Conservation Area and the natural beauty of the CHNL would be conserved.

Conditions

19. The Council has suggested a number of conditions which I have considered against advice in the Framework and Planning Practice Guidance (PPG). As a result, I have amended some of them for consistency and clarity and have omitted others.
20. A condition to secure the use of suitable external materials is necessary in the interests of the character and appearance of the area. However, there is no need for details to be approved in advance, since the materials are specified on the plans and would match those used on the existing building. I have also imposed a condition specifying the approved plans, for certainty.
21. The decision notice for the 2018 planning permission was included in the appellant's statement of case and does not appear to include a condition restricting use of the building to an annexe. However, since the proposed extension would further increase the living accommodation, a condition to restrict its use is both reasonable and necessary to ensure that the development is acceptable in planning terms, and I have imposed a condition to that effect. I have adapted the wording suggested by the Council, since the annexe includes primary living accommodation which can be regarded as part of the single dwelling on the site, rather than an ancillary use. However, the wording would also allow for use of the building for purposes ancillary to the dwelling, such as garaging. Both parties have had the opportunity to comment on the amended wording and have not raised any objection to it.
22. A condition requiring compliance with the proposed tree protection measures is necessary, given the importance of tree cover to the character and appearance of the Conservation Area and the natural beauty of the CHNL.

² Chichester District Council and Havant Borough Council Joint Chichester Harbour Area of Outstanding Natural Beauty Supplementary Planning Document 2017

23. The Arboricultural Method Statement³ (AMS) and Arboricultural Impact Assessment (Arbtech drawing no. AIA 01) state that part of tree group G1 would be removed to facilitate construction access. This is a boundary group of predominantly laurel, although the position and dimensions of individual trees are not specified. That being the case, a condition requiring replacement tree planting is reasonable and necessary in line with recommendations in the Chichester Harbour SPD. The Council would be able to confirm the extent of any required replacement planting in accordance with the monitoring and supervision arrangements in the AMS.
24. The proposal would have a modest footprint and would not materially reduce the ecological value of the extensive existing garden. The Arbtech Preliminary Roost Assessment dated May 2023 (PRA) concludes that the existing building has negligible to no value for protected species, including roosting bats or nesting birds. In the event that protected species are unexpectedly present, they would be protected under other relevant legislation.
25. That being the case, a condition to require provision of ecological enhancements such as bat, bird and hedgehog boxes would not meet the relevant tests, since it would neither be directly related to the development, nor fairly and reasonably relate to the proposed extension in scale and kind. I have, however, imposed conditions to control external illumination and light spill from the proposed roof light, which are necessary in order to limit the effect of artificial light on wildlife and to maintain dark skies within the CHNL. These cover relevant mitigation measures included in the PRA, so a separate condition to that effect is not required.
26. A condition regarding the arrangements for surface water drainage, as requested by an interested party, is not necessary since this would be adequately addressed through compliance with the Building Regulations.

Conclusion

27. For the reasons given above the appeal should be allowed.

Jane Smith

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The external surfaces of the extension hereby permitted shall be constructed in the materials specified on drawing no. 22162-02 Rev D and the materials used shall match those on the existing building.

³ Arbtech Arboricultural Method Statement to BS5837:2012, 29 May 2023

- 3) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - 22162-01 Rev D: Existing Site Block Plan, Site Location Plan, Floor Plans, Sections
 - 22162-02 Rev D: Proposed Site Block Plan, Site Location Plan, Floor Plans, Sections
 - Arbtech TPP 01: Tree Protection Plan
 - Arbtech AIA 01: Arboricultural Impact Assessment
- 4) The extension hereby permitted, and the building to which it would be attached, shall not be used other than as part of and/or for purposes ancillary to the use of the dwelling known as Oldfield House.
- 5) The development hereby permitted shall be carried out in strict accordance with the Arbtech Arboricultural Method Statement dated 29 May 2023, and associated Arboricultural Impact Assessment (Arbtech AIA 01) and Tree Protection Plan (Arbtech TPP 01).
- 6) Within the first planting season following the completion of the felling of the trees in the rear garden two replacement trees for every one tree felled shall be planted within the curtilage of the application property. Any root balled trees shall be planted in accordance with standard arboricultural practices as set out in British Standard BS 8545: 2014 (Transplanting Root Balled Trees). In the event that any of these trees die or become seriously damaged or diseased it shall be replaced in the next planting season with another of a similar size and species.
- 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) no external illumination shall be provided on the development hereby permitted 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.
- 8) Prior to first occupation of the extension hereby permitted, the rooflight hereby permitted shall be fitted with blinds that shall be operated between dusk and dawn. Thereafter the blinds shall be maintained and operational between dusk and dawn in perpetuity.

END