
Appeal Decision

Site visit made on 17 August 2016

by Jane Miles BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 23 September 2016

Appeal Ref: APP/C3810/W/16/3152756

83 Pevensey Road, Bognor Regis, West Sussex PO21 5NZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr A Gibbs against the decision of Arun District Council.
 - The application ref: BR/31/16/PL, dated 26 January 2016, was refused by notice dated 13 April 2016.
 - The development proposed is a '2 bedroomed dwelling in rear garden'.
-

Decision

1. The appeal is dismissed.

Reasons

2. No. 83 is a semi-detached property in a suburban residential area. It is a corner property, such that the proposed dwelling in its rear garden would front onto Arun Road. The **first main issue** in this appeal is the effect of the proposal on the character and appearance of the surrounding area.
 3. Key characteristics of the relatively uniform semi-detached pairs on the south-east side of Pevensey Road and in Arun Road include buildings with hipped roof forms, in layouts where there are spaces between pairs, frontages of similar depths and long rear gardens. However, due to the constraints of the plot for the proposed dwelling, which reduces slightly in width towards the south-east boundary, that dwelling would sit tight to the garden boundaries of the adjacent existing pair (nos. 83 and 81). It would also be much closer to the street (Arun Road) than is characteristic in this locality, and at an angle to it.
 4. The consequent lack of space around the dwelling and the incongruous effect of its offset siting so close to the street would result in a cramped appearance that would seriously detract from the established, more spacious, character of its surroundings. The building design, featuring a gable rather than the characteristic hipped roof form, would add to the incongruous visual impact. It is primarily for these reasons, rather than simply the position of the garden to the side of the dwelling, that I conclude the proposal would seriously harm the character and appearance of the surrounding area. In this respect it would conflict with saved Policy GEN7 of the Arun District Local Plan (LP) (2003) which seeks to ensure schemes of high quality design and layout.
 5. The **second main issue** is the adequacy of the living environment that would be created for future occupiers of the dwelling. It appears the Council's concerns in this respect stem primarily from the size of the garden area and
-

whether or not it would be sufficiently private. In terms of size, Policy D DM3 of the emerging Arun Local Plan 2011-2031 (eLP) expects 85sq.m of private and useable outdoor space, excluding parking and turning areas, for a two-bedroom terraced house. Excluding the proposed 'porous grass paved' driveway to the existing garage, the Council calculates the size of the garden space to be around 60sq.m, whilst the appellant's figure is 75sq.m.

6. The origins of this eLP standard are not explained in the supporting text and although the eLP is a material consideration it is not clear at this stage whether Policy D DM3 will remain in its current form, which limits the weight I can give it. In any event some flexibility is appropriate in applying space standards, as there will usually be additional factors to take into account. In this instance the orientation of the garden area would be favourable; it would not be enclosed or overshadowed by other buildings; fencing and gates along the highway boundary would provide sufficient privacy. Moreover, given the intervening garages and the overall separation distance, I find it unlikely that any scope for overlooking from the side elevation of no. 2 Arun Road would be so great as to cause undue loss of privacy in the side garden of the proposed dwelling.
7. On balance therefore I find no sufficiently compelling grounds to conclude the appeal scheme would fail to provide a good standard of amenity for its future occupiers. I therefore find no material conflict in this respect with LP Policy GEN7 or with the *National Planning Policy Framework*.

Other matters and overall conclusions

8. In its appeal representations the Council explains that the term 'unneighbourly' in the first refusal reason relates to living conditions for occupiers of the proposed dwelling rather than any adverse impact on amenity at neighbouring properties. I acknowledge the layout has been carefully considered to minimise impact on neighbouring properties and to make efficient use of the limited space available. I note the lack of objection from the Town Council and local residents at the application stage and also the list of residents supporting the scheme (submitted with the appeal).
9. Although I note the positive pre-application advice given in 2013 I have assessed the proposal before me on its merits, as did the Council. None of these other matters, my conclusion on the second main issue or any other matters raised are sufficient to alter or outweigh my conclusion on the first main issue, which I find to be the determining matter in this case. Overall I conclude that the harm the proposal would cause in terms of character and appearance would be such that the proposal would not accord with the development plan or with all three dimensions of sustainable development (as described in the *Framework*). It follows therefore that the appeal must fail.
10. That being so, there is no need to consider whether or not it is appropriate to take into account the Section 106 agreement completed during the application process (to provide for contributions towards affordable housing and mitigation measures for the Pagham Harbour Special Protection Area).

Jane Miles

INSPECTOR