
Appeal Decision

Site visit made on 4 January 2017

by David Cliff BA Hons MSc MRTPI

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

Decision date: 30 January 2017

Appeal Ref: APP/C3810/W/16/3153767

3 Southdown Road, Bognor Regis PO21 2JS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Ms R Tullett against the decision of Arun District Council.
 - The application Ref BR/84/16/OUT, dated 31 March 2016, was refused by notice dated 16 June 2016.
 - The development proposed is the construction of 2 no. 3-bed dwellings and associated works.
-

Decision

1. The appeal is allowed and planning permission is granted for the construction of 2 no. 3-bed dwellings and associated works at 3 Southdown Road, Bognor Regis PO21 2JS in accordance with the terms of the application BR/84/16/OUT dated 31 March 2016, subject to the conditions set out in the attached schedule.

Preliminary matter

2. The application is in outline with details of access, layout and scale to be considered as part of the application whilst details of appearance and landscaping are matters reserved for future consideration. The submitted plans include a drawing of the front elevation of the proposed dwelling. I have taken this drawing into account in my consideration of the scale of the proposal as this is a detailed matter for my consideration. However, in relation to appearance I have treated this drawing as being only indicative or illustrative given that this is a matter reserved for future consideration.

Main Issue

3. The main issue is the effect of the proposed development upon the character and appearance of the area.

Reasons

4. The site is located within an established residential area, with detached, semi-detached and terraced properties all located within the vicinity.
 5. The proposed dwellings would be located adjacent to the end of a terrace of two storey properties on Southover Road. The proposed layout shows that they would be set back from the front elevation of the properties on Southover Road. The scale of the proposed dwellings would be similar to that of the
-

adjacent properties and the indicative details of appearance show how the scheme could be designed to have similar eaves and ridge levels.

6. Although the properties to the east and north east on Southdown Road are detached with a more spacious character, I consider that the proposal would provide an acceptable transition between the higher density properties to the west and those of Southdown Road. The proposed rear gardens would be larger than those of the Southover Road properties and would provide a satisfactory amount of outdoor amenity space for future residents as well as a satisfactory open setting for the new development.
7. The substantial separation distances maintained to properties on Southdown Road would ensure that the development would not appear as visually intrusive in views from this direction. Whilst it would not be attached to the existing terrace and would have its front and rear elevations facing in different directions to the adjacent terrace, the proposal would be read more in terms of its association with the Southover Road properties than Southdown Road.
8. The depth of the proposed dwellings would not be so substantially different to the depth of existing semi-detached properties in Burnham Avenue and would not lead to the proposal appearing as incongruous within its surroundings.
9. Whilst the proposed access road would create an opening in the otherwise fairly uniform street scene, there is currently only a single storey garage building in this location and no significant harm would arise in this respect upon the overall character of the area.
10. Paragraph 53 of the National Planning Policy Framework (the Framework) provides support for resisting the inappropriate development of residential gardens. However, in this case I do not consider that the proposal would result in harm to the local area for the reasons set out above.
11. I therefore do not consider that the proposed development would amount to an overdevelopment of the site. It would satisfactorily preserve the character and appearance of the area, in accordance with the relevant design aims of policy GEN7 of the Arun District Local Plan 2003, policy D DM1 of the emerging Arun Local Plan and the Framework. The emerging Local Plan remains in the examination process which restricts the weight I attach to the policy cited by the Council. However, this does not alter my conclusions on this issue.

Other matters

12. The proposal would not affect the light entering and the outlook from the front windows of 18 Southover Road but it would have an effect on the kitchen and dining room windows adjacent to the boundary with the appeal site. However, the outlook from these ground floor windows is already restricted by an existing boundary wall and I do not consider that the impact upon levels of light through these windows, or the effect upon the rear garden area, would be so significant to result in unacceptable impacts upon the living conditions of the occupiers of this property.
13. The separation distances from the rear elevations of the proposed dwellings to the rear elevation of 5 Southdown Road would be sufficient to prevent any unreasonable overlooking between the respective windows. Whilst some views would be gained of its rear garden, these would be predominantly of the rear portion. The area closer to the rear elevation of No. 5 would be much less

affected and the overall impact would not be so significant to result in an unacceptable loss of privacy for the occupiers. The separation distances would also be sufficient to prevent any harm in terms of outlook.

14. The limited traffic movements arising from two dwellings would not result in any significant noise or disturbance for the occupiers of the two residential properties adjacent to the proposed access road.
15. I have also considered the implications of the scheme for the residential living conditions of other properties in the vicinity of the site and find that that separation distances would be sufficient to prevent any harmful impacts.
16. The vehicular access to the proposal would be from Burnham Avenue. This does not appear to be a busy road and the average speed of traffic driving along it is likely to be low. I note the existence of on street parking adjacent to the access. However, taking account of the limited intensity of use of the access serving only two dwellings, I do not consider that the proposal would result in any severe highway safety impacts.
17. The site is located within the 400m to 5km zone (Zone B) of the Pagham Harbour Special Protection Area (SPA). I consider that the proposal for two new dwellinghouses would, in combination with other developments, have the potential to result in significant harm to the SPA due to the increased recreational activity that would be likely to result from the proposed development upon the European protected site.
18. The appellant has provided a unilateral undertaking to make a financial contribution towards Strategic Access Management and Monitoring in accordance with the approach agreed by the Council's Cabinet in July 2015. I also note that Natural England has not objected to the proposal. I am satisfied from the information before me that such measures would not represent infrastructure and therefore would not be excluded by the pooling restrictions under Regulation 123 of the Community Infrastructure Regulations 2010. On this basis, I am satisfied from the evidence before me that the potential adverse effects in this case would be mitigated so that the integrity of the SPA would not be adversely affected.

Conditions

19. I have attached conditions limiting the life of the planning permission and setting out requirements for the reserved matters in accordance with the relevant legislation. I have included a requirement to include boundary treatments with the landscaping details for the avoidance of doubt and to safeguard residential living conditions. This also avoids the need for a separate condition covering this matter. I have specified the approved plans for the avoidance of doubt and in the interests of proper planning.
20. As tree protection details are not clear from the application details, a relevant condition is necessary in the interests of the overall appearance of the scheme. I have used a more simplified and precise condition to that suggested by the Council. A construction method statement is necessary in the interests of highway safety. Surface water drainage details are necessary in order to provide for appropriate local drainage and to promote sustainable urban drainage. Refuse and recycling storage details are needed in order to safeguard local amenity. Cycling storage is required to promote sustainable transport use. I have amalgamated the access, parking and driveway

requirements into one condition, these requirements being necessary to provide for appropriate access and parking provision.

21. The Council has suggested a condition excluding the use of permitted development rights for extensions. However, the Planning Practice Guidance advises that conditions restricting the future use of permitted development rights will rarely pass the test of necessity and should only be used in exceptional circumstances. The Council has not demonstrated such circumstances and I therefore do not consider the condition to be necessary in this case.
22. Some conditions require details to be approved before development takes place. It is necessary in the case of conditions 5 and 6 because these conditions address impacts during construction. It is also necessary in the case of condition 7 because these conditions may affect the design of the scheme.
23. I have made minor alterations to the wording of some conditions suggested by the Council in order to be precise, but these do not alter the essence of such conditions.

Conclusion

24. For the above reasons, and having regard to all other matters raised, I conclude that the appeal should be allowed.

David Cliff

INSPECTOR

Schedule of Conditions

- 1) Details of the appearance of the development and the landscaping of the site including boundary treatment (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: 0899/DPA11, 0899/DPA12, 0899/DPA13, 0899/DPA14 and 0899/DPA15.
- 5) No development shall take place, including demolition, until details of all trees/bushes/hedges to be retained, along with measures to protect them during demolition and construction works, have been submitted to and approved in writing by the Local Planning Authority. The development shall take place in accordance with such approved details.
- 6) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) details of all temporary buildings utilised in association with the construction works.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
- 7) No development shall take place until full details of a surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. No building shall be occupied until the approved surface water drainage system has been implemented in accordance with the approved details and subsequently retained in good working order.
- 8) No development above damp proof course level shall take place until details for the storage of refuse and recycling have been submitted to and approved in writing by the Local Planning Authority. The approved storage shall be made available prior to first occupation of either dwelling and subsequently retained thereafter.
- 9) The development hereby permitted shall not be occupied until the access, driveway and parking areas have been constructed in accordance with the approved plans, and thereafter shall be retained.

- 10) The development hereby permitted shall not be occupied until covered and secure cycle storage has been provided in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority, and thereafter shall be retained.