
Appeal Decision

Site visit made on 4 January 2017

by R J Marshall LLB DipTP MRTPI

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

Decision date: 2 February 2017

Appeal Ref: APP/L3815/W/16/3159339

1, Streamside, St Leodegars Way, Hunston, PO20 1PE

- 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 Mr Edward Rees against the decision of Chichester District Council.
 - The application Ref HN/16/01665/OUT, dated 10 May 2016, was refused by notice dated 15 August 2016.
 - The development proposed is erection of 1 No. 3 bed dwelling.
-

Decision

1. The appeal is dismissed.

Background

2. The appeal is in outline with access, layout and scale to be considered at this stage. Appearance and landscaping are reserved for later consideration.

Main Issues

3. The main issues in this appeal are: **first**, the effect of the proposed development on the character and appearance of the surrounding area; **second**, whether satisfactory living conditions would be provided for future occupants of the proposed development; **third**, the effect of the proposed development on highway safety; and **fourth**, the effect of the proposal on matters of ecological importance.

Reasons

Character and appearance

4. The appeal site is in the small village of Hunston. It comprises the site on which an end terrace house is located set well back from the highway. This property has a fairly extensive side garden, and it is on this area that the proposed detached house would be located.
5. I see no problem per-se in a detached house in this location, notwithstanding a predominance of terraced houses in the locality. Nor would adding to the density of development in the area be in itself harmful. However, the appeal site is of an irregular shape. As a result although the existing house has a large front garden the proposed house would have a notably truncated area forward of it. And on land in front of the proposed dwelling, in close proximity to its front elevation, would be a pre-fabricated garage on land in another

ownership. The proximity of the proposed dwelling to this structure would cause it to appear a cramped and unattractive form of development.

6. I noted land to the north of the appeal site is being built upon. I have been given no substantial details of what is being constructed. However, nothing that I saw suggested that with this site developed the proposal before me would appear any more satisfactory.
7. It is concluded that that the proposed development would detract from the character and appearance of the surrounding area. It would conflict with Policies 33 and 47 of the Chichester Local Plan: Key Policies 2014 – 2019 (LP) which require new development to be in character with the surrounding area.

Living conditions

8. The proximity of the front elevation of the proposed house to the pre-fabricated garage referred to above would create a very cramped living environment forward of it. This would be likely to result in, depending on the design of the elevation, either a notably restricted outlook from a ground floor window or an undesirably cramped entrance to the front door. I appreciate that with appearance a reserved matter drawings of the front elevation are indicative only. However, from what I saw it would be difficult to design a house on the site without the disadvantages referred to.
9. It is concluded that satisfactory living conditions would not be provided for future occupants of the proposed development. Thus there would be conflict with LP Policy 33 which requires new development to provide a high quality living environment.

Highway safety

10. The proposed development would use the same vehicular access onto the B2145 as the existing house. From what I saw adequate sight lines would be provided to the south over what appears to be highway verge. Sight lines to the north would be partly over private land. However, as this land provides access to a garage it is unlikely to be built over and visibility in this direction should most likely remain unimpeded. In any event the access is already used. One additional house would not add to use of the access to a degree that would be harmful even if there were some deficiencies in sight line provision.
11. A bus stationary in a small layby at a bus stop to the south of the site would be a slight impediment to views from the site access. However, it is unlikely that this would be a frequent occurrence and on such occasions, with care, the proposed access would still be safe to use. With a fairly narrow access point there is a possibility that a vehicle leaving the site would impede access to one seeking to enter it. However, with only 2 houses being served by the access the frequency of this would be so minimal that harm to highway safety would be unlikely to arise.
12. It is concluded that the proposed development would not be detrimental to highway safety. Thus there would be no conflict with LP Policy 39 which requires new development to be provided with a safe access.

Matters of ecological importance

13. A small stream runs forward of the application site. To access the site from the B2145 a small bridge crosses this stream. This stream and an adjoining waterway is home to water voles, a protected species. However, given the level of existing development in the area I see no reason why an additional house would be harmful to the habitat of this species. Moreover, much of the Council's concern on this point arises from its belief that the bridge over the stream is to be widened. This is not, though, what the application plans show. Thus there would be no works to the stream's banks that could harm the voles' habitat.
14. The appeal site is also within 3.5km of the Pagham Harbour Special Protection Area (SPA) and 5.6km of the Chichester and Langstone Harbours SPA and would result in a net increase in residential development within the Zones. It is Natural England's advice that all such increases are likely to have a significant effect on the SPAs either alone or in combination with other developments unless avoidance/mitigation measures are provided. This is to avoid the likelihood of significant effects on the SPAs. LP Policies 50 and 51 indicate appropriate avoidance/mitigation measures and they include financial contributions towards appropriate management or a mitigation strategy. Although the appellant indicates that he may be willing to make such a contribution none has been provided. In these circumstances it cannot be concluded that there would be no adverse effect on the integrity of the SPAs.
15. Although there would be no harm to the habitat of the water voles there would, given my finding in relation to the SPA, be harm to matters of ecological importance. This would be contrary to LP Policies 50 and 51 which seek to protect the integrity of the 2 SPAs.

Other matters

16. There are some advantages to the proposed development in that it would provide an additional house within a settlement boundary and in a reasonably sustainable location. However, with the provision of just one additional house the advantages of this would be small.
17. Neither party has referred specifically to 5 year housing land supply considerations. However, the appellant has referred to paragraphs 14 and 49 of the National Planning Policy Framework (the Framework) in a way that suggests he may consider no such supply exists. I deal below with the implications for this decision should that be the case.
18. Were there to be no 5 year housing land supply paragraph 14 of the Framework says that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole or specific policies in the Framework indicate that development should be restricted. On the latter point such policies relate to sites protected under the Birds and Habitats Directive which is the case here. Following from this Paragraph 119 of the Framework says that the presumption in favour of sustainable development does not apply where, as in this case with the absence of mitigation measures, development requiring appropriate assessment under the Birds and Habitats Directive is being considered.

19. A third party has raised concerns on how development on the site to the north is being undertaken. However, that is not within the remit of my decision. Concerns on harm that could arise from noise and disturbance in the construction of the proposed house could have been dealt with by condition had I been minded to allow the appeal.

Overall balancing

20. I have found that there would be no harm to highway safety and that not all third party concerns are justified. There are some advantages, albeit small, to the proposed development as outlined above. Thus some development plan Policies would be complied with. However, these considerations are greatly outweighed by the harm I have found on the first, second and fourth issues and with regard to the development plan Policies relating to them. Indeed such would be the scale and nature of the harm that, even were it necessary to apply the paragraph 14 and 49 tests of the Framework on 5 year housing lands supply grounds, this would not support the proposal. Seen in the round, for reasons given above, this proposal is contrary to the development plan and would not be a scheme supported by the presumption in favour of sustainable development.

Conclusion

21. For the reasons given above it is concluded that the appeal should be dismissed.

R J Marshall

INSPECTOR