

Appeal Decision

Site visit made on 24 January 2017

by R Barrett BSc (Hons) MSc Dip UD Dip Hist Cons MRTPI IHBC

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

Decision date: 17th February 2017

Appeal Ref: APP/L3815/W/16/3161952

Pampas Cottage, Claypit Lane, Westhampnett PO18 0NU

- 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 K Krasoski against the decision of Chichester District Council.
 - The application Ref WH/16/02396/FUL, dated 18 July 2016, was refused by notice dated 27 September 2016.
 - The development proposed is a 'new dwelling'.
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Decision

1. The appeal is dismissed.

Main Issues

- Whether the appeal proposal would result in satisfactory living conditions of future occupiers of the proposed dwelling, with regard to privacy;
- The effect of the appeal proposal on the character and appearance of the locality, highway safety and protected habitats and species.

Reasons

Character and Appearance

2. The appeal site includes the large front garden to a detached dwelling. That dwelling is set back from the street and its front garden is generally laid to grass with some planting and hardsurfacing. Despite an outbuilding which is situated at the front of a nearby property, in this locality dwellings are generally set back from the street and set apart from one another, which gives it a generally spacious and informal feel. Open land nearby, together with planting and trees, give the locality a generally semi-rural character and appearance. Deep, grassed and planted front gardens, together with the planting and trees within them, contribute to the locality's spacious, verdant and semi-rural character and appearance. The open, green and planted appearance of the appeal site positively contributes to that character and appearance.
 3. The appeal proposal would sit within the host dwelling's front garden. It would be closer to the street than other dwellings nearby and would appear unduly prominent in the street scene. It would result in development where none was previously, would replace the open and green garden with built development and result in the loss of some planting. Together this would erode the green, verdant and spacious qualities of the locality. It would be close to the host dwelling and result in a tighter, more formal and urban type of development
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than the norm nearby, which would diminish the locality's semi-rural feel. For all these reasons, it would appear out of place.

4. I conclude that the appeal proposal would adversely affect the character and appearance of the locality and would therefore fail to accord with Chichester Local Plan: Key Policies (2014-2029) (LP) Policy 33. That policy seeks new residential development to meet the highest standards of design.

Living Conditions

5. The appeal dwelling would be close to the existing dwelling. As Pampas Cottage is on higher ground and has two large front windows at first floor level, views would be afforded into the proposed property's private rear garden. Further, as the proposed living room would have a large area of glazing on the elevation fronting Pampas Cottage, views from the host dwelling would be afforded into that main living area. This adds to my concern for the unsatisfactory privacy that would be afforded for future residents of the proposal. As the windows on Pampas Cottage are at first floor and that property would be at a higher level than that proposed, a fence to divide the two would not overcome my concern. For the same reasons and as planting would not be a permanent feature, a condition to secure landscaping would not resolve this matter.
6. I conclude that the appeal proposal would fail to result in satisfactory living conditions for future occupiers of the proposed dwelling, with regard to privacy. The appeal development would therefore fail to accord with LP Policy 33.

Highway Safety

7. The appeal proposal includes a garage. However, that would be too small to accommodate the average modern vehicle. A car parking space is shown behind the proposed garage and the appellant refers to one space at the front of the proposed dwelling. In total two usable spaces would be provided. The Council confirms that the proposed parking would not accord with the West Sussex County Council Guidance for Parking in New Residential Developments (2010) (WSCGP).
8. On my site visit, I was able to assess on-street parking conditions. Claypit Lane, at this point, is one way and accommodates a cycle lane with on-street parking. At the time of my site visit, there were some parking spaces available and I noted the school nearby. The Council suggests that at school drop-off and pick-up times, in particular, on-street parking is in demand. In the absence of substantive justification for a lower parking provision than indicated in WSCGP at the appeal site, even though I accept that the appeal dwelling would be located close to some local facilities, services and public transport, I cannot be assured that additional pressure for on-street parking would not result. If that were the case, as the street is quite narrow, it would result in conflict between cars waiting to pick-up and drop-off children and moving traffic, which would reduce highway safety. As it has not been demonstrated that adequate provision, in addition to turning and manoeuvring space, could be provided at the appeal site, the use of a planning condition in this regard would not be appropriate.
9. I conclude that the appeal has failed to demonstrate that it would not adversely affect highway safety. For this reason, it would fail to accord with LP Policy 39,

which seeks development that should not create or add to problems of safety and congestion, amongst other things. It would also fail to accord with WSCGP. As that LP has recently been through examination and recently adopted, in the absence of substantive evidence to the contrary, I have no reason to take the view that LP Policy 39 or the parking standards to which it refers, do not accord with the National Planning Policy Framework (the Framework).

Protected Species and Habitats

10. The appeal application does not include a Phase 1 Habitat Survey. Even though the appeal site includes domestic garden and hardsurfacing, in the absence of a baseline study to determine its biodiversity value, I cannot be assured that harm to protected habitats or species would not result. Whilst I note that Natural England did not raise objection on this basis, the Council's Environment Officer did. As such information is necessary to determine any potential harm, a condition to secure such information, after determination of the proposed development, would not be appropriate. For this reason, it would fail to accord with LP Policy 49, which generally seeks to safeguard the biodiversity value of a site.

Other Matters

11. I note an emerging Westhampnett Neighbourhood Plan. However, no document is before me. As its environmental proposals are still being formulated, and on the basis of my conclusions on this appeal, I have no reason to consider this matter further.
12. I note the appellant's views on the way in which the Council determined the appeal application. However, that is a matter between the appellant and the Council in the first instance.

Conclusion

13. I have found that, whilst there would be benefits of the appeal proposal, overall, it would result in unacceptable harm. For this reason it would not fall within the wide definition of sustainable development, as set out throughout the Framework.
14. For the above reasons, and taking all other matters raised into consideration, I conclude that the appeal should be dismissed.

R Barrett

INSPECTOR