

Appeal Decision

Site visit made on 2 February 2017

by AJ Steen BA (Hons) DipTP MRTPI

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

Decision date: 6 March 2017

Appeal Ref: APP/L3815/W/16/3162273

47 Gainsborough Drive, Selsey PO20 0HG

- 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 Chichester District Council.
 - The application Ref SY/16/02694/FUL, dated 12 August 2016, was refused by notice dated 12 October 2016.
 - The development proposed is a new dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposed dwelling on the character and appearance of the existing building and surrounding area;
 - the effect of the proposed dwelling on the living conditions of neighbouring occupiers at 53 Landseer Drive with particular regard to outlook; and
 - the effect of the proposed development on the Pagham Harbour Special Protection Area.

Reasons

Character and appearance

3. 47 Gainsborough Drive is located in a residential area of Selsey, comprising a mix of detached, semi-detached and terraced two storey houses and bungalows of similar materials in an open plan layout. This results in a varied appearance to the buildings but with a consistent open character.
 4. The proposed plot would be narrow and the two storeys of the proposed attached dwelling would largely fill that plot width. The proposed dwelling would be visible in the approach over the open plan gardens and bungalows, including the adjacent bungalow with small rear garden fronting Landseer Drive to which it would be in close proximity. This would result in the building being prominent in views along Gainsborough Drive and appearing cramped on the site, dominating the adjacent bungalow.
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5. The proposed development has been designed to reflect the materials of the existing property, but would be narrower than the existing semi-detached dwellings to which it would be attached. In order to provide a more gradual transition from the existing two storey house to bungalows adjacent, the proposed pitched roof would be lower than the existing. However, there would be a flat roof over the projecting two storey front element that would be prominent on the front of the building and would appear incongruous within the surrounding development, where two storey buildings have pitched roofs.
6. For these reasons, I conclude that the proposed new dwelling would harm the character and appearance of the existing building and surrounding area. As such, it would be contrary to Policies 33 and 47 of the Chichester Local Plan (LP) and the National Planning Policy Framework (the Framework) that seek to ensure new development meets the highest standards of design and that they recognise, respect and enhance the local distinctiveness and character of the area.

Living conditions

7. The bungalow at 53 Landseer Drive backs onto the proposed dwelling at 47 Gainsborough Drive and has a small rear garden dividing that bungalow from the property. To the rear of that property is a small flat roofed extension that further reduces the size of that garden, with a flat roofed garage to the side of the rear garden and adjacent to the proposed dwelling.
8. The proposed dwelling would bring two storey built development significantly closer to the boundary with that neighbouring bungalow over a full two floors. Whilst the ridge of the proposed dwelling would be lower than that on the existing dwelling, the eaves would remain at the same level such that the proposed dwelling would dominate the rear garden of that neighbouring property. The proximity, height and bulk of the proposed dwelling would result in it being overbearing and oppressive on the rear of the neighbouring bungalow and its garden.
9. The existing dwelling at 47 Gainsborough Drive is located to the south of 53 Landseer Drive, such that it is likely to overshadow the garden to that property for part of the day. The proposed dwelling would be attached to the side of the existing dwelling but the ridge of the proposed roof would be lower than that of the existing dwelling. As such, there would be limited additional overshadowing of the neighbouring property that is unlikely to lead to a material additional loss of sunlight or daylight to that property, such that it would not affect the living conditions of those neighbouring occupiers. However, this would not overcome the harm I have found above.
10. For these reasons, I conclude that the proposed new dwelling would have a harmful effect on the outlook of occupiers of the neighbouring dwelling at 53 Landseer Drive, such that it would significantly harm their living conditions. As such, the proposed development would be contrary to Policy 33 of the LP and the Framework that seek to ensure development does not cause harm the living conditions of neighbouring occupiers.

Pagham Harbour Special Protection Area

11. The site lies within the zones of influence of Pagham Harbour Special Protection Area (SPA) that is a Natura 2000 site designated under the Habitats Directive.

Policy 51 of the LP requires appropriate avoidance and/or mitigation measures be provided to mitigate the effects of recreational disturbance on those sites from residents of new residential development. The Planning Obligations and Affordable Housing Supplementary Planning Document (SPD) requires financial contributions toward mitigation via planning obligations.

12. The mitigation measures proposed are in the form of on-site wardening and wider education. These measures are not infrastructure projects, so do not fall to be considered under the Community Infrastructure Levy Regulations pooling restrictions. Tariff style planning obligations, such as those requested, should not be sought for schemes of 10 dwellings or less in accordance with the Written Ministerial Statement of 28 November 2014¹. However, contributions may be sought to fund measures with the purpose of facilitating development that would otherwise be unable to proceed because of EU Directive requirements², such as the Habitats Directive.
13. I note that the appellant has suggested they would seek to address this matter in a future planning application, however no legal agreement or other means to secure the appropriate contribution has been supplied with this appeal.
14. For the above reasons I conclude that, in the absence of an appropriate planning obligation, the development would harm the Pagham Harbour SPA. As such, the development is contrary to Policy 51 of the LP, the SPD and the Framework that seek to protect the SPA from development that would affect its integrity.

Other matters

15. I note that the proposed dwelling would contribute in a small way toward the need for new dwellings in this area and small infill development can provide a positive and delicate approach to the provision of new housing. The proposed dwelling would meet relevant standards for new homes and the Council do not object to the proposed access and parking and I see no reason to disagree with their conclusions in this regard. However, these matters are not sufficient to outweigh the harm I have found of the proposed new dwelling on the character and appearance of the area, the living conditions of neighbouring occupiers and the effect of the development on the SPA.

Conclusion

16. For the above reasons and taking into account all other matters raised, I conclude that the appeal should be dismissed.

AJ Steen

INSPECTOR

¹ National Planning Practice Guidance (PPG) reference ID: 23b-031-20160519

² PPG reference ID: 23b-020-20160519