
Appeal Decision

Site visit made on 19 June 2017

by Tim Wood BA(Hons) BTP MRTPI

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

Decision date: 11 July 2017

Appeal Ref: APP/C3810/W/17/3171399

21 Greencourt Drive, Bognor Regis PO21 5EU

- 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 Matt Lush against the decision of Arun District Council.
 - The application Ref BE/138/16/OUT, dated 12 September 2016, was refused by notice dated 2 December 2016.
 - The development proposed is 2 dwellings.
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Decision

1. The appeal is allowed and planning permission is granted for 2 dwellings at 21 Greencourt Drive, Bognor Regis PO21 5EU in accordance with the terms of the application, Ref BE/138/16/OUT, dated 12 September 2016, subject to the following conditions:
 - 1) Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place 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 3 years from the date of this permission.
 - 3) The development hereby permitted shall take place not later than 2 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: 1611.05 and 1611.06.
 - 5) The development shall not be started until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the local planning authority. No building shall be occupied until the complete surface water drainage system has been implemented in accordance with the approved details, which shall thereafter be maintained in good working order.

Application for costs

2. An application for costs was made by the appellant against the Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The appeal relates to an outline application with all matters reserved for future consideration.

Main Issues

4. The main issues in this appeal are as follows;
 - The effects of the proposal on the Pagham Harbour Special Protection Area
 - The effects of the proposal on the character of the area.

Reasons

The effects of the proposal on the Pagham Harbour Special Protection Area (SPA)

5. The appeal site sits within 5km of the Pagham Harbour which is a designated SSSI, SPA and Ramsar site. It is a designated Local Nature Reserve which is managed by the RSPB. Its importance derives from the fact that it supports breeding colonies of rare birds and provides an important over-wintering site. It has been identified that the site is vulnerable from, amongst other things, the human population using the site for recreational purposes and in particular for dog walking.
6. Due to the current pressure and to pressure that would arise from a growing local population the Council has agreed a mitigation strategy that would help to limit the likely disturbance to the SPA. The Council has agreed that Strategic Access Management Measures (SAMMs) will be provided for by means of a Planning Obligation which will include developers making a financial contribution. Without such measures, it is likely that the increased recreational demands arising from a growing local population would have an unacceptable effect on the SPA.
7. The Council's reason for refusal does not refer to unacceptable effects on the SPA but the submitted Committee report identifies this as material consideration. The planning application was recommended for approval by officers but subsequently refused at the relevant Committee. The report proposed that the relevant financial contribution should have been sought within 2 months of the Committee date, and only then that planning permission would be granted. The appellant has provided a planning obligation which satisfies the Council in this respect and I consider that it complies with the CIL Regulations and shall afford it weight in this appeal.

The effect of the proposal on the character of the area

8. The appeal site sits within a residential area, generally characterised by a variety of detached, semi-detached and terraced houses, bungalows and some flats. The more immediate locality contains similarly designed semi-detached houses. The appeal site comprised of an area used by a mobile catering business and also areas of former gardens of the adjacent houses. It forms a T shape with access onto the road.
9. The proposal is in outline form but the illustrative submissions indicate a pair of detached bungalows being sited at opposite sides of the wider rear of the site. The Council appears to acknowledge that the principle of residential

development on this site is acceptable; this is set out in the submitted Committee report and is not contradicted by the reason for refusal. I agree that, taking account of the location of the site within the built up area and the requirements of the Bersted Neighbourhood Development Plan Policy (BNDP) HDQ3, the principle is acceptable.

10. Relating to the detail of the proposal, taking account of the indications on the illustrative submissions, I consider that it would be possible to locate 2 dwellings within the site with sufficient setting and amenity space. The single storey dwellings indicated would mean that the buildings would be unobtrusive and would be sufficiently distant from the neighbours such that their amenity and outlook would not be unacceptably affected. In my judgement, sufficient space would be provided around the dwellings to provide for the outdoor amenity needs of any future residents. From the street, the view would be of an access (as presently exists) but with a likely improved appearance and landscaping. The proposed buildings could be set to either side and thus would be unobtrusive and barely visible from within the street, if the illustrative scheme were to be followed.
11. With regard to the effects of traffic, the existing site accommodates a number of vehicles on a regular basis and is said to involve early and late comings and goings. I consider that the likely activity generated by the use of 2 modest dwellings would be less than the current use of the site.

Conditions

12. I have had regard to the advice in the Planning Practice Guidance in relation to conditions and I have used those set out by the Council in its report as a basis for my assessment. The standard conditions relating to the submission of reserved matters and the commencement of development are included. I have also included a condition in relation to the approved plan so that the site is properly identified. The Council suggest a lengthy condition relating to surface water drainage; based on the evidence before me I agree that a condition is necessary but I have chosen to provide a more succinct version, without hindering the intent of the condition.

Conclusions

13. I have taken account of the representations submitted by neighbouring residents in relation to the proposal. I have addressed some matters above and additionally, in my view the proposal would not give rise to any unacceptable overlooking, loss of outlook or disturbance due to the disposition of the site, the space around the dwellings and the ability to control detailed matters at the reserved matters stage.
14. I have agreed with the appellant in relation to the effects of the proposal on the character of the area, the proposal would involve development which would be likely to give rise to increased recreational pressure on the nearby important protected site at Pagham Harbour and the submitted Obligation provides a mechanism to secure mitigation. Therefore, the appeal is allowed.

S T Wood

INSPECTOR