
Appeal Decision

Site visit made on 11 July 2017

by AJ Steen BA (Hons) DipTP MRTPI

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

Decision date: 8 August 2017

Appeal Ref: APP/L3815/W/17/3173566

1 Boxgrove Corner, Arundel Road, Tangmere PO18 0DU

- 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 & Mrs Sendall against the decision of Chichester District Council.
 - The application Ref TG/16/03798/FUL, dated 21 November 2016, was refused by notice dated 14 February 2017.
 - The development proposed is the erection of 1 no. 3 bed chalet bungalow.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the location of the proposed development would be consistent with the strategy for development set out within the development plan, or if there are any material considerations sufficient to override any conflict with policy; and
 - the effect of noise from the adjacent road on the living conditions of occupants of the proposed dwelling.

Reasons

Development plan

3. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the appeal should be determined in accordance with the development plan unless material considerations indicate otherwise. In this case the Chichester Local Plan (LP) and made Tangmere Neighbourhood Plan (NP) comprise the development plan for the area.
4. The National Planning Policy Framework (the Framework) is a material consideration that carries great weight in the planning process. It seeks to boost significantly the supply of housing, including through local planning authorities identifying the objectively assessed needs for housing and identifying sites to provide five years' worth of housing against their requirements. In this case, it is not disputed that the Council are able to demonstrate a 5 year supply of deliverable housing sites, albeit based on a reduced outstanding annual need, so that, in accordance with paragraph 49 of

the Framework, relevant policies for the supply of housing within the development plan are up-to-date and should be given full weight.

5. The Framework provides a presumption in favour of sustainable development that, where development plan policies are up to date, requires the approval of development proposals that accord with the development plan without delay. Sustainable development has three dimensions that must be considered together, being economic, social and environmental.
6. 1 Boxgrove Corner is half of a pair of semi-detached dwellings of traditional design constructed in brick and flint with a substantial rear garden. It is located between the housing estate at Garland Square and the roundabout on the junction of the A27 dual carriageway and Meadow Way that leads into Tangmere from the A27. To the rear of the property is a small open area that is largely overgrown separating the site from the roundabout, and a new housing estate currently under construction over Meadow Way. On the opposite side of the A27 is further residential development within Boxgrove. Neighbouring development accessed from Garland Square is at a higher level, such that it is not visible from the appeal site. Consequently, although the site appears to be at the edge of the settlement, it is actually surrounded by residential development.
7. Notwithstanding this setting and the concerns expressed by the appellants as to the process of preparation of the NP, the location of the proposed dwelling is outside the defined settlement area of Tangmere as defined by the NP. Policy 1 of the NP resists development proposals outside the settlement boundary, unless according with countryside policies of the development plan.
8. Policy 2 of the LP sets a development strategy for the district and a settlement hierarchy, in which Tangmere is defined as a settlement hub. As such, it contains a range of workplaces, social and community facilities. The policy enables new development that would meet identified local needs, including homes, within the settlement boundaries.
9. Given its location outside the settlement boundaries and use as garden, the appeal site is defined as previously developed land. Nevertheless, it comprises a new dwelling outside the development boundaries of the settlement, where Policy 1 of the NP and Policy 2 of the LP confirm that development must accord with countryside policies of the development plan.
10. Policy 45 of the LP is such a policy and requires that proposed development should require a countryside location or is intended to meet the essential, small scale and local need or that cannot be met within the adjacent settlement. The next section of the policy provides criteria relating to where such development would be appropriate, but given the proposal would not require a countryside location, or meet essential, small scale and local need, it does not fall to be assessed against this part of the policy.
11. For these reasons, I conclude that the proposed development would be contrary to the development strategy for the area, in particular Policy 1 of the NP and Policies 2 and 45 of the LP. This conflict with the development plan carries great weight in the planning process.

Noise

12. The site is located close to the junction of the A27 with Meadow Way that leads into Tangmere, with a roundabout junction. Vehicles on the A27 accelerate away from the roundabout on the carriageway closest to the site and this results in a noisy climate to the existing rear garden of 1 Boxgrove Corner. The planning application was accompanied by a Noise Study prepared by Ardent Consulting Engineers, which refers to noise measurements for another development in close proximity to the A27. This recommends an acoustic barrier to the boundary of the proposed development and, during the course of the appeal, alternative trickle ventilation has been proposed that would reduce the need for open windows in accordance with BS8233.
13. The Noise Study assumes that no windows would be provided within the elevation facing toward the A27, but there would be two roof lights to serve bedroom 1 and the staircase. The Council have suggested increased traffic on the A27, particularly relating to a new business park, would increase noise in the vicinity of the site, although I have been provided with very limited information on this and how it would affect noise. Open windows and doors would result in high levels of noise within the property.
14. Taking all the above into account I conclude that, subject to the installation of the noise mitigation measures proposed, acceptable noise levels would be achieved at the proposed property. As such, sufficiently high quality living environment for occupiers of the proposed dwelling would be achieved, as required by Policy 33 of the LP.

Other material considerations

15. As set out above, the Framework seeks to boost significantly the supply of housing. The proposed development would contribute toward housing supply within the district and would comprise a windfall unit, which come from sites that are not allocated for development but unexpectedly become available, although they would normally comply with policies contained within the development plan. Consequently, although the housing requirements are not a cap on delivery of homes, the proposed development is not necessary to contribute toward the Council's housing figures and so the contribution of a single dwelling to the supply of housing can only carry limited weight in this instance.
16. The proposal would comprise a chalet bungalow that would not be visible from surrounding public vantage points except in brief glimpses, given the topography of the surroundings, mature trees and existing buildings. Whilst a different design from the closest dwellings that are all two storey, its limited visibility combined with the variety in the design of surrounding properties ensure that it would not adversely affect the character and appearance of the area. Given the modest nature of the proposals and surrounding development including A27 dividing Boxgrove and Tangmere, it would not contribute to the coalescence of these settlements.
17. Access to the proposed dwelling would be shared with the existing property, via a route granted permission under planning permission reference TG/15/01510/FUL. Adequate parking would be provided to meet the needs of the existing and proposed dwellings and there is no evidence of a risk of flooding to the proposed dwelling.

18. There would be economic benefits arising from the development in the form of employment during construction and expenditure in local business and future residents would contribute toward the viability of services and facilities within Tangmere and the surrounding area. The provision of a dwelling would have a minor social benefit in contributing to housing supply and the dwelling would be located in reasonably close proximity to services and facilities. These benefits add modest weight in favour of the scheme.

Conclusion

19. For the reasons given above and taking all matters into account, I conclude that the proposed single dwelling would be contrary to the relevant policies of the development plan, comprising the Council's Local Plan and the Tangmere Neighbourhood Plan. Whilst there are a number of material considerations in favour of the scheme, they mostly relate to the basic requirements of development plan policy and are not of such weight, either individually or cumulatively, as to warrant a decision other than in accordance with the aforementioned development plan. Consequently, the appeal should be dismissed.

AJ Steen

INSPECTOR