



Appeal Decision

Site visit made on 8 January 2018

by Andrew Dawe BSc(Hons) MSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 January 2018

Appeal Ref: APP/L3815/W/17/3180254

Marsh Farm, Farm Lane, Nutbourne, England PO18 8SA

- 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 Martin Barden against the decision of Chichester District Council.
 - The application Ref SB/17/00858/FUL, dated 10 April 2017, was refused by notice dated 6 June 2017.
 - The development proposed is alterations to approved garage (application – SB/16/03112/FUL) to connect it to the new proposed pool cover.
-

Decision

1. The appeal is allowed and planning permission is granted for alterations to approved garage (application – SB/16/03112/FUL) to connect it to the new proposed pool cover at Marsh Farm, Farm Lane, Nutbourne, England PO18 8SA in accordance with the terms of the application, Ref SB/17/00858/FUL, dated 10 April 2017, subject to the following conditions:
 - i) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - ii) The development hereby permitted shall be carried out in accordance with the following approved plan: 16054-300.
 - iii) No development shall be carried out until a schedule and samples of materials and finishes to be used for external walls and roofs of the proposed building and for any associated external hard surfacing have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details/samples.
 - iv) Apart from sensor controlled security lighting, no other external lighting shall be installed to the development hereby permitted without details of that lighting having first been submitted to and approved in writing by the local planning authority. That lighting shall be installed and maintained in accordance with the approved details.
 - v) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking, re-enacting or modifying that Order) the building hereby permitted shall not be used or occupied at any time other than for

purposes ancillary to the residential use of the dwelling referred to on the approved plan as Marsh Farm.

Procedural Matters

2. The description of development in the fourth bullet point of the above header refers to alterations to the approved garage, albeit that the submissions highlight some uncertainty as to whether a drawing, No 16054_07 Rev A, relating to the elevations of that proposed garage was formally approved. I saw that that garage had not been implemented and, despite the above circumstances, I have determined the appeal scheme on its own merits.
3. The Council, in its decision notice, refers to the Adopted Joint Chichester Harbour Area of Outstanding Natural Beauty Supplementary Planning Document (the SPD). I have afforded some weight to that document due to its role in supporting the relevant development plan policies.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the site and surrounding area, including the Chichester Harbour Area of Outstanding Natural Beauty (the AONB).

Reasons

Main issue

5. The site is located within the AONB. Paragraph 115 of the Framework states that great weight should be given to conserving landscape and scenic beauty in AONBs.
6. The proposed development would be associated with and detached from a new two storey dwelling currently under construction a short distance to the west and within a large overall plot. It would occupy a large part of the space currently enclosed by a wall of varying height. It would replace large sections of the eastern and northern parts of that wall, aligned with that remaining to the east and straddling that to the north, whereas the previously approved garage would just extend to the north of it.
7. The proposal would extend noticeably higher than the existing wall enclosing the existing pool area. Although it would have a fairly large footprint in the context of being an ancillary outbuilding relating to the main dwelling, it would be of a fairly simple design with shallow pitched or mono-pitched roof slopes. It would therefore have a fairly modest height to both eaves and ridge level, particularly compared with the main dwelling. It would also be lower in height than a fairly large nearby outbuilding associated with the new dwelling just to its south-east with a steeply pitched roof, the extension to which I saw was nearing completion and a recently completed barn a short distance to the south-east of the site on land owned by the appellant.
8. For these reasons, the proposal would not only be closely tied to and set within the context of a cluster of other existing buildings, but it would be less prominent than those others in terms of height and have a sufficiently subservient appearance in relation to the main dwelling. A generally high degree of openness and spaciousness would also be retained on the site due to the overall plot size and the degree of space retained between buildings.

9. Furthermore, due to its comfortable containment within the existing site boundaries and proximity to existing buildings, the proposal would not materially encroach upon, and would be distinctly separated from, the openness of the surrounding fields and harbour. It would be seen as such from surrounding public vantage points on the nearby coast path to the east and south of the site, the path linking to it from Nutbourne and also from Farm Lane. Furthermore, from those vantage points, it would be likely to be screened or softened by existing vegetation and any new planting to varying degrees, albeit that the extent to which that is retained or maintained in the future could not be guaranteed.
10. The proposed materials would also be complementary to those of the main dwelling, and the intended use of darker colours would further minimise the degree of prominence and attention drawn to the proposal. The use of grey brick would not match that of the existing wall surrounding the pool area. However, it would complement the materials of the main dwelling and so be unlikely to appear as a jarring factor in that context. Although it would result in the loss of existing sections of the pool area wall, I have received no substantive evidence to indicate that that wall is of sufficient importance in its own right to justify its complete retention.
11. The proposal would therefore not be a dominating or incongruous feature of the site and surrounding area generally, and would be unlikely to appear as part of an overly domestic complex of buildings.
12. For the above reasons, the proposed development would not cause unacceptable harm to the character and appearance of the site and surrounding area, and would conserve the landscape and scenic beauty of the AONB. As such, it would accord with policies 33, 43, 45 and 48 of the Chichester Local Plan: Key Policies, policies 4 and 7 of the Southbourne Parish Neighbourhood Plan (2014-2029), and the SPD which together require, amongst other things, new development to be of the highest standards of design, to respect and where possible enhance the character of the surrounding area and site, to relate to an existing group of buildings, and to reinforce and respond to, rather than detract from, the distinctive character and special qualities of the AONB. It would also accord with paragraph 115 of the Framework, to paragraph 17 which states that planning should, amongst other things, always seek to secure high quality design and take account of the different character of different areas, and to section 7 which relates to requiring good design.

Conditions

13. The Council has suggested five conditions that it considers would be appropriate were I minded to allow the appeal. I have considered these in the light of advice in the Government's Planning Practice Guidance and amended some of the wording. The standard time condition would be necessary and, in the interests of proper planning, a condition requiring that the development is carried out in accordance with the approved plans would also be required.
14. In the interests of the character and appearance of the surrounding area, including the AONB, conditions to secure details of the proposed external materials for the building concerned and for any associated external hard surfacing, and to secure details of any external lighting other than sensor controlled security lighting, would be necessary. The Council's suggested

condition relating to lighting is for no external lighting other than the sensor controlled security lighting. However, that would be unreasonably restrictive as it would prevent the opportunity for the installation of some sensitively designed and positioned lighting that would not materially increase the effects of any light coming from the site during the hours of darkness.

15. In the interests of preventing inappropriate development in the countryside, a condition to ensure that the building concerned remains ancillary to the main dwelling would also be necessary.

Conclusion

16. For the above reasons, I conclude that the appeal should be allowed.

Andrew Dawe

INSPECTOR