The Planning Inspectorate

Appeal Decision

Site visit made on 25 March 2019

by Kenneth Stone BSC Hons DipTP MRTPI

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

Decision date: 18 April 2019

Appeal Ref: APP/L3815/W/18/3207022
306 Main Road, Southbourne, PO10 8JN

- 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 The Southern Co-operative Ltd against the decision of Chichester District Council.
- The application Ref SB/18/00201/FUL, dated 25 January 2018, was refused by notice dated 14 May 2018.
- The development proposed is the demolition of the existing building and construction of five homes with associated parking, access and landscaping.

Decision

1. The appeal is dismissed.

Procedural matters

2. I have been provided with a completed Unilateral Undertaking to make a financial contribution towards the provision of access mitigation measures in respect of the Chichester and Langstone Harbours Special Protection Area. I have also been provided with a receipt in connection with the payment of the said contribution. I return to these matters in my reasoning below.

Main Issues

3. The main issues are:

- The effect of the proposed development on the character and appearance of the surrounding area;
- Whether the proposed development would provide acceptable living conditions for future occupants with regard to privacy and private amenity space;
- The effect of the proposed development on the living conditions of the occupants of surrounding properties with particular reference to privacy and outlook;
- The effect of the proposed development on the vitality and viability of Southbourne village centre; and
- The effect of the proposed development on the Chichester and Langstone Harbours Special Protection Area (CLHSPA).

Reasons

4. The development plan for the area includes the Chichester Local Plan: key Policies 2014-2029 (CLP) and the Southbourne Neighbourhood Plan 2014-2029 (SNP). The parties have both identified policies 1, 2, 29, 33, 39, 43 and 50 of the CLP and policies 1, 4, 6 and 7 of the SNP as being those policies that are most relevant to this appeal. These are the policies that are cited in the reasons for refusal.

5. The appeal site is located at the junction of Main Road and the Crescent It contains a former co-op retail store which is presently vacant. It sits at a reasonably prominent position at a mini roundabout junction in the settlement. The frontage of the existing building has a domestic scale and fenestration on the upper floor with the ground floor having been altered to present a more commercial façade. There is a substantial single storey rear addition with a long blank wall along The Crescent.

Character and appearance

6. The existing building with its original presentation to the junction is in keeping with the scale and form of surrounding buildings. The proposed development proposes to replace this frontage with two pairs of semi-detached houses on a staggered building line. This would be reasonably reflective of the form and layout of the existing pattern of development along this frontage and would not appear out of keeping. The proposed front elevations however would incorporate roofs with higher ridge lines and lower eaves lines than the properties adjacent to the east. The elevations also incorporate small gabled features. The resultant effect is that the roofs are a more dominant feature of the design and somewhat alien in the context of the adjacent residential properties. Whilst the roof forms are pitched with ridges running parallel to the road the lower eaves and higher ridge results in a greater and more dominant expanse of roof which is further accentuated by the introduction of the gable features this would appear at odds with the simple proportions of the adjoining buildings.

7. Moving to the bungalow to the rear of the site this would front The Crescent which has a mixed character of property designs and ages. There are bungalows towards the eastern end, close to the appeal site, but two storey properties further to the west. There is also a mix of detached and semi-detached properties.

8. The proposed bungalow is a chalet style design which is orientated to have a flank elevation onto the street. The height scale and form of the roof with a high ridge, low eaves and raised flank eaves is particularly incongruous in the street scene. It appears by its flank elevation as two storeys with a lowered eaves but with the lowered front and rear roof slopes coming down to ground floor level seeks to suggest a bungalow form. The property would be significantly taller than the bungalows at this end of the street and be in a highly prominent and visually sensitive location at the eastern termination of the east west section of the street. It pays little regard to the general pattern and form of properties in the street and its orientation adds to the alien appearance that it would introduce.

9. The overall lack of separation between the buildings within the development, proximity to the property boundaries and the surrounding properties is a function of the lack of space within the site and the excessive level of development that is proposed. This creates a cramped appearance as well as issues in respect of living conditions which I turn to further below.

10. Overall for the reasons given above I conclude that the proposed development would result in material harm to the character and appearance of the surrounding area. Consequently, it would conflict with policies 1 and 33 of the CLP and policy 4 of the SNP which seek to achieve sustainable development through, in part, high quality design that is sympathetic to local character. This is consistent with the National Planning Policy Framework (the Framework).

Living conditions of future occupants

11. The proposed bungalow would be orientated on a north south alignment with its flank wall addressing the street. There would be no rear garden area but an amenity space is identified to the front of the property which is in excess of 9m long. The ground floor windows in the flank wall would afford views into the property, including the kitchen, stairs and a wc, and would be close to the highway. The rear and west flank wall are set in close proximity to the rear boundary and with the proximity of the adjoining building to the west boundary this would be a particularly oppressive relationship. The proposed amenity space would be dominated by the adjoining building and given its narrow dimension and location between the adjoining building and proposed car parking for the proposed development would not provide for a particularly pleasant environment even if screened to some extent by fencing. Overall the living conditions provided for the future residents of this property would be poor.

12. The proposed houses fronting main road have limited depth of rear gardens, in the region of 8m. The separation between plots 3 and 4 and the bungalow ensures that these areas are not dominated by built development. However, plots 1 and 2 with slightly shorter gardens are relatively close to the flat block at 10/12 Church Road. The garden spaces and the rear elevations of the proposed houses would be overlooked by the properties at 10-12 which contain a number of windows. These would afford views down into the rear gardens and the windows in the rear elevations of the proposed properties. This would be at reasonably close proximity and to the detriment of the privacy of the future occupants of those properties.

13. The Council make reference to a standard guideline of 15m that should be adhered to however this is for three storey properties and is in respect of extensions to dwellings as is pointed out by the appellant. Whilst this may give a measure the proposed properties are two and a half stories and there is not a specific new build guideline provided. This however does not detract from the conclusions I have reached in respect of the harm that I have identified.

14. On the basis of the above I conclude that the proposed development would not provide for satisfactory living conditions for future occupants of the development with reference to privacy and amenity space. Consequently, it would conflict with policies 1 and 33 of the CLP and policy 4 of the SNP which seek to ensure sustainable development that provides for a high quality living environment. This reflects part f) of paragraph 127 of the Framework.

Living conditions of occupants of surrounding properties

15. In noting the relationship and disposition of the proposed houses to 10-12 Church Road there is also a reciprocal effect. Whilst the appellant notes that the arrangement of rooms reduces the potential for overlooking the small utility room could still be used as an office or other habitable room. They have not suggested this room could include obscure glazing, and it would be inappropriate to do so. Given the close proximity of the buildings and the windows I conclude that there is a potential for the occupants of the proposed properties to affect the privacy of the occupiers of the existing properties at 10-12 Church Road.

16. The proposed bungalow is set only a short distance off the western boundary and although there are reduced windows at this end of the elevation of that building there is a ground floor window which would be dominated by the proposed bungalow. I noted that this window was already partially covered by the existing fence but the upper half of the window would allow light in and afford views out. The positioning, height and scale of the proposed bungalow would substantially reduce any amenity afforded by this window to the occupants of that property and would be harmful to their living conditions.

17. The separation and siting of the proposed bungalow would not be such that would significantly intrude into the views of the occupants of the bungalows adjacent in The Crescent such that would warrant the dismissal of this appeal.

18. For the reasons given above I conclude that the proposed development would result in material harm to the living conditions of the occupants of properties in the surrounding area. Consequently, it would conflict with policies 1 and 33 of the CLP and policy 4 of the SNP which seek to ensure sustainable development that provides for a high quality living environment. This reflects part f) of paragraph 127 of the Framework.

Vitality and viability of Southbourne village centre

19. Policy 29 requires that in established shopping centres or other local centres retail uses will be protected subject to the proposal not resulting in the reduction of shopping facilities or there is no demand, demonstrated by adequate marketing. Policy 6 of the SNP states that development proposals to change the use of existing shops or commercial units will be resisted unless it can be demonstrated their continued use is no longer viable.

20. The proposal would result in the loss of a premises the last use of which was for retail. On the face of it these policies would apply. There is no evidence before me of marketing of the premises or the viability of the future retail use of the premises or other matters covered in Annexe E of the CLP. As matters stand the proposal would remove the premises from retail use and would therefore reduce shopping facilities that exist in the settlement today. There has been no evidence or demonstration of the viability of a retail use and therefore the proposal would conflict with the policies in the development plan.

21. The Appellant argues that a previous redevelopment of a nearby garage site and relocation of the Co-Op store within the village has improved the retail offer in the village and that this was not envisaged by the policy and they are therefore not strictly applicable. Whilst the proposal for the redevelopment of

the garage increased the retail element on that site. I do not have the detail of that decision and the factors that where weighed in the balance at that time. I do not have figures on the total amount of net retail floor space that was provided and the balance between that provided there and what would be lost here. However, that is not the point of the policies. They seek to retain the existing retail premises and facilities in the village and if these are to be lost these need to be reasonably justified. The current premises could have been marketed and if found not to be viable or no interest then that could have supported the submission.

22. On the basis of the information before me the proposed development conflicts with the LP and SNP which are recently adopted documents, and which seek to retain existing retail facilities in settlements such as Southbourne. The proposals would therefore have a harmful effect on the vitality and viability of Southbourne village centre thorough the loss of commercial premises.

The CLHSPA

23. The Council have confirmed that they have undertaken an Appropriate Assessment in light of the People Over Wind decision by the Court of Justice of the European Union and that they concluded that the impacts of the development could be adequately mitigated through a financial contribution towards the Solent recreation Mitigation Strategy. I have no evidence to suggest differently. As noted above the appellant has concluded a Unilateral Undertaking to make such a contribution and indeed has paid the contribution to the Council and provided a receipt as evidence.

24. As the appropriate contribution has been further secured and that the mitigation would address the impacts from additional activity from recreational use the proposal would comply with CLP policy 29 and there would be no harm to the CLHSPA that was not mitigated.

Other matters

25. The proposal provides for five additional homes in an accessible location.

Overall conclusions and planning balance

26. The proposed development would result in material harm to the character and appearance of the area and the living conditions of the occupants of existing properties in the area and the future occupants of the proposed development. Moreover, the proposed development would harm the vitality and viability of Southbourne village centre. Against these conclusions I give limited positive weight to the provision of five new homes in an accessible location. The effect on the CLHSPA is a neutral factor as it is a mitigated effect.

27. On balance I therefore conclude that the development is unacceptable and would conflict with the development plan as a whole and there are no material considerations that would indicate that a decision otherwise than in accordance with the development would be appropriate.

28. For the reasons given above I conclude that the appeal should be dismissed.

Kenneth Stone

INSPECTOR