



Appeal Decision

Site visit made on 20 June 2019

by G Ellis BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th July 2019

Appeal Ref: APP/C3810/W/19/3223827

1 Finch Gardens, Bognor Regis PO22 9EQ

- 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 Ms Kelly Wesson against the decision of Arun District Council.
 - The application Ref BE/74/18/PL, dated 18 June 2018, was refused by notice dated 15 November 2018.
 - The development proposed is the erection of 1 No. attached dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of 1 No. attached dwelling at 1 Finch Gardens, Bognor Regis PO22 9EQ in accordance with the terms of the application, Ref BE/74/18/PL, dated 18 June 2018, subject to the conditions set out in the attached schedule.

Procedural Matter

2. A Section 106 Agreement was completed during the course of the planning application to secure a contribution towards access management which I have had regard to.

Main Issues

3. The main issues are the effect of the development on the character and appearance of the area, and highway safety.

Reasons

Character and appearance

4. The existing semi-detached property is located at the end of Finch Gardens at its junction with Woodlands Road. To the side of the property is a detached garage and the frontage forms hardstanding for parking.
5. The area comprises a range of semi-detached, terraced houses and bungalows all of a similar style and materials. The extension of the pair of semis by virtue of the same form, height and materials would create a building comparable to the terraced properties in the area. Further the design of the proposed property follows the fenestration and detailing of the host property. There would be a small single storey projection to the rear which would enable a downstairs toilet to be accommodated, but otherwise the layout is the same as the neighbouring host property.

6. The built form would not be located any closer to Woodlands Road than the existing garage, and the existing side boundary wall and grass verge would be retained. The property would align with 27 Finch Gardens opposite and given its end position and relationship with the road it would not, in my view, appear cramped in the street scene. Thereby, whilst two storeys, I do not find that the visual impact of the built form would be harmful to the spaciousness or layout of the estate.
7. Having regard to the design and the existing character of the area I conclude that the proposal would not represent an overdevelopment of the site. It would be in keeping with the area and thus accord with Arun Local Plan (2011-2031) policies D DM1 and S SP1 which require development of good design, to make efficient use of land, and to respond to the character of the area. These policies reflect advice under paragraphs 122 and 127 of the National Planning Policy Framework (the Framework). Additionally, the proposal would respond to the locality and integrate visually as per Bersted Neighbourhood Plan (2014-29) policies ES1, HDQ2 and HDQ5.

Highway Safety

8. The proposal would utilise the existing area to the front for three parking spaces to serve both the existing and proposed dwelling, with a further space to the rear of the proposed dwelling. Whilst located close to the road junction, the proximity of vehicle movements using the site would be unchanged from the existing arrangements. The visibility splays for the spaces are in excess of the minimum requirements and notably there is no objection to the proposal from the highway authority in terms of highway safety.
9. The Council have raised concerns regarding limited on street parking, although this position is not substantiated. On my site visit I observed a number of on street spaces available in the short cul de sac of Finch Gardens. Furthermore, the scheme accords with the County Council's parking calculator, and with 4 spaces the development would be compliant with Bersted Neighbourhood Plan policy HDQ8 which requires a minimum of 2 spaces per dwelling. Therefore, there is no evidence before me to suggest that the proposal for a modest 2-bedroom property would exacerbate any parking issues.
10. I therefore find that the proposal accords with Arun Local Plan policy T SP1 which requires developments to provide safe access and promotes sustainable transport. Additionally, there are no identified significant impacts on highway safety which would result in conflict with paragraph 108 of the Framework.

Other matters

11. The appeal is accompanied by a signed Section 106 Agreement dated 2 October 2018 which secures provision of a financial contribution towards access management. The contribution is based on the cost of delivering measures to avoid and mitigate any harm that may arise to Pagham Harbour Special Protection Area (SPA) which supports populations of rare birds. The site is within the 5km distance of influence, Zone B, and as such a contribution is required in accordance with Arun Local Plan policy ENV DM2. As the contribution is for strategic access management and monitoring in relation to

the SPA and not for the provision of infrastructure it is therefore not caught by the pooling restrictions¹.

12. I have had regard to the representations made by interested parties including the Parish Council. Given the location of the development and separation distances there would be no harm to the amenities of neighbouring properties by virtue of overshadowing or overlooking, and I note the Council raised no concerns to these aspects.
13. Each case must be considered on its own merits and as such allowing the appeal would not set an unacceptable precedent for other developments.

Conditions and conclusion

14. I have had regard to the Council's suggested conditions which I have imposed subject to some re-wording for clarity. Conditions are required to comply with statutory timescales and to list the plans in the interest of certainty.
15. As the materials are to match the existing building a condition to secure this is sufficient to control the external appearance. No details of the cycle parking provision are shown on the plans and therefore whilst required to promote non-car travel, I have amended the condition to reflect that position. Additionally, a condition is included to secure vehicle parking to ensure appropriate provision is provided.
16. A condition was suggested regarding the operation of machinery and deliveries from the premises, however the reason for this is unclear and it does not appear to be relevant or necessary for a residential scheme.
17. For the reason set out above I conclude that the appeal should be allowed, and planning permission granted.

G Ellis

INSPECTOR

¹ Regulation 123 of the CIL Regulations (2010) as amended.

Schedule of Conditions

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the approved plans; Substitute Location Plan -Drawing 1; Substitute Block Plan- Drawing 2; Existing Site Plan -Drawing 3; Existing Floor Plans. - Drawing No. ADC/9/18 -4; Existing Elevations -Drawing No. ADC/9/18 - 5; Substitute Site Plan - Drawing 13D; Proposed Floor Plans -Drawing No. ADC/9/18 - 14 and Proposed Elevations - Drawing No. ADC/9/18 - 15.
3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building (1 Finch Gardens).
4. No part of the development shall be first occupied until the driveway access and vehicle parking has been provided in accordance with drawing 13D. These spaces shall thereafter be retained for parking.
5. No part of the development shall be first occupied until details of the covered and secure cycle storage has been submitted to and approved by the Local Planning Authority, and thereafter retained.