



Appeal Decision

Site visit made on 4 September 2019

by S Leonard BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 September 2019

Appeal Ref: APP/C3810/W/19/3230405

312 Chichester Road, Bersted PO21 5AU

- 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 Andrew Bidwell against the decision of Arun District Council.
 - The application Ref BE/102/18/PL dated 4 September 2018, was refused by notice dated 3 April 2019.
 - The development proposed is erection of 1 no. dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on:
 - The character and appearance of the area; and
 - The living conditions of the occupiers of 310 and 312 Chichester Road in respect of noise and disturbance.

Reasons

Character and appearance

3. The appeal site comprises the side access drive and part of the long rear garden of the host property, 312 Chichester Road. There is a garage at the end of the drive, whose front wall is roughly level with the rear wall of the two storey part of the host property. Behind the garage there are a number of outbuildings.
4. 312 Chichester Road is a two-storey detached house in an established residential area, within a stretch of Chichester Road comprising a mix of detached, semi-detached and terraced houses. The front gardens of many of the properties, including the host dwelling, are wholly given over to parking, accessed from Chichester Road, and without side access drives. Notwithstanding this, during my site inspection, I observed that, in addition to the host property, there are several other properties within the site vicinity with access drives to the side. These include the neighbouring chalet bungalow at No 310, whose driveway runs adjacent to the appeal site and serves a detached garage.

5. The current street scene view to the appeal site comprises two side access drives serving the host property and No 310, separated by timber panel fencing, extending roughly the full length of the dwellings, and serving garages positioned close to the rear walls of the properties.
6. Due to the proposed set back position of the extended access drive from the street, and the similar ground levels between the appeal site and the road, the visual impact on the street scene of extending the existing drive further rearwards would be minimal. The existing garage is of no special architectural merit and its removal would not detract from the street scene. It would be replaced by a view of the new dwelling set further back, and to which the Council raises no objection.
7. Having regard to the above, I conclude that the proposal would not harm the character and appearance of the area. As such it would accord with Policies D DM1 and D SP1 of the Arun Local Plan 2011 – 2031 (LP) and Policies ES1 and HDQ2 of the Bersted Neighbourhood Plan 2014-2029 (NP) in so far as these policies require new development to be of a high-quality design and to respect the character of the site and its surroundings.

Living conditions

8. Whilst there is an existing access drive alongside No 312, this is an acceptable relationship in terms of the living conditions of the occupiers of the host dwelling, since it currently serves that property.
9. The appeal driveway, however, would be used in connection with a new three bedroom dwelling which would be independent of the host dwelling. The driveway would be extended to run alongside the retained garden for No 312, to serve the new parking area, sited adjacent to the rear of the host property garden.
10. Vehicles entering and leaving the parking area of the new dwelling would do so in extremely close proximity to the retained rear garden of the host property, and to its side wall, which contains clear-glazed ground and first floor under-staircase and landing windows and an obscure-glazed ground floor bathroom window.
11. Given the anticipated amount of traffic associated with a three bedroom, family sized dwelling, including visitor and delivery vehicles, it would lead to unacceptable levels of noise and disturbance (the latter from vehicle lights) close to the host dwelling thereby causing significant harm to the living conditions of the occupiers of this dwelling.
12. The appellant proposes to mitigate the impact on No 312 through the provision of an appropriate material for the driveway surface and by planting soft landscaping adjacent to that property. However, the use of a non-loose surface material would not mitigate the identified noise and disturbance impacts associated with vehicle engines. I am not persuaded that there is sufficient space available to provide adequate buffer planting and even if that were to be the case, it would take some time to reach maturity.
13. Both parties appear to agree that the driveway width would be 2.74 m between the side boundaries of Nos 310 and 312, thereby allowing around 0.5 m space for landscape planting, accepting that a large vehicle such as a Range Rover

would have a width of around 2.2 m. However, and noting my concerns above, no specific details of the proposed mitigation measures have been provided.

14. I am not satisfied that there is room to provide planting and/or acoustic fencing alongside No 312 which would adequately mitigate the harmful impact of engine noise and car lights on that property. During my site inspection, I observed that a caravan was parked on the drive alongside No 312 which took up nearly the whole width of the drive. I also saw that there are a number of downpipes on the side wall of the host property. This fact, together with the need to have regard to the impact of the mitigation measures on the ground floor windows in terms of their outlook and light, means that the available space for fencing/planting would effectively be reduced.
15. Furthermore, sufficient space would need to be available to ensure the provision of appropriate boundary treatment along the side with No 310 to mitigate the noise and light disturbance impacts associated with the removal of the garage and the intensified use of the neighbouring driveway. In this respect, I observed that No 310 contains a number of large, clear-glazed ground floor and dormer windows facing the appeal site.
16. In the absence of precise details to control noise and disturbance impacts alongside the new dwelling access drive, it has not been satisfactorily demonstrated that material harm would not be caused to the living conditions of the occupiers of 310 and 312 Chichester Road. For this reason, I cannot conclude that the proposal would accord with LP Policies D DM1 and QE SP1 which, amongst other things, aim to protect residential amenity.

Other Matters

17. The appellant refers to the Council's pre-application advice dated 8 July 2018 which concluded that the appeal proposal would be likely to be approved. This advice, which the Council confirms was given without prejudice to the outcome of any subsequent planning application, appears to have been provided without a site visit. In any event, I am not bound by the advice given by the Council prior to the submission of the planning application and it does not alter or outweigh my conclusion on the main issue.
18. There would be a small social benefit in providing an additional housing unit and economic benefits as a result of the construction and occupation of a new house. However, these benefits would not overcome the harm identified in living conditions terms.

Conclusion

19. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

S Leonard

INSPECTOR