The Planning Inspectorate

Appeal Decision

Site visit made on 23 September 2019

by Tim Crouch DipUD MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: Wednesday, 23 October 2019

Appeal Ref: APP/L3815/W/19/3225546
17-19 Seal Road, Selsey PO20 0HW

- 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 Reef Homes Ltd against the decision of Chichester District Council.
- The application Ref SY/18/03326/FUL, dated 7 December 2018, was refused by notice dated 7 March 2019.
- The development proposed is alterations and conversion of the main property into 7 self contained residential flats and alterations and conversion of the former owners accommodation into a self contained bungalow with associated access, parking, bin and cycle storage.

Decision

1. The appeal is dismissed.

Procedural Matters

2. The application as submitted included the proposed conversion of the former owners accommodation into a self contained bungalow. The effect of this formed the Council's first reason for refusal relating to, in its view, a cramped layout and effect on the character and appearance of the area. Following determination of the application, the appellant has provided information identifying that this bungalow is already established as a separate unit of accommodation. The Council has therefore withdrawn its first reason for refusal and the reference within the second reason for refusal related to the bungalow having insufficient amenity space for future occupiers. This is therefore reflected in my decision.

3. The Council's third reason for refusal relates to the lack of mitigation from the proposal on the Pagham Harbour Special Protection Area. The appellant has now provided a signed Unilateral Undertaking and a receipt for the associated financial payment at 2019 rates towards the Council's approved mitigation strategy. The Council has therefore withdrawn this reason for refusal. However, as the decision maker, I am now the competent authority for any appropriate assessment required for such European designations and therefore this remains a main issue for consideration.

4. I saw on my site visit that conversion and alterations of the main property were underway. I am aware there is planning permission under a separate scheme for conversion of the main building, but with demolition of the bungalow to the rear of the site. I have therefore assessed the proposal based on the plans as submitted with the appeal.

Main Issues

5. The main issues are therefore the effect of the proposal on, firstly, the future occupiers on the bungalow to the rear of the main building, with particular regard to outlook and privacy, and secondly, on the Pagham Harbour Special Protection Area (SPA).

Reasons

Neighbouring occupiers

6. The proposal would extend the main building at two storey height across the rear. This would introduce two new first floor windows and continuing the ridge height of the highest part of the roof. This substantially extended two storey height would be approximately 10m from the front elevation of the existing bungalow and for its full width.

7. This height, extent and proximity would have a significant overbearing impact on the future occupants of the bungalow despite the roof slope away from the bungalow. The significant scale of the proposal compared to the modest single storey nature of the bungalow would also be visually oppressive and have a significant enclosing effect. This effect would be exacerbated by its positioning outside the front elevation and front door of the bungalow. The relationship would not be sufficiently softened by boundary fencing and hedging, as proposed, as the building would remain unduly prominent over and above this.

8. The two new first floor windows would be large 3 light designs with significant width and the only windows serving a bedroom and a kitchen. Whilst the layouts within the rooms may be subject to change, the kitchen also shows the proposed sink positioned underneath the window, where occupants may be likely to stand for periods of time. An existing window would also be the only window serving the living space of Flat 7 at first floor level. This overall design would direct all outlook from the living spaces of the unit into the front of the bungalow. This would be from an elevated position.

9. Given the distances, elevation, size of the windows and use of the rooms within the main building this would produce a significant level of overlooking. This would be orientated into the living space and a front bedroom of the bungalow and be to the detriment of the privacy and living conditions of the occupiers of the bungalow. This would not establish a high quality living environment as required by Policy 33 of the Chichester Local Plan 2014-2029 (2015) (LP). Whilst the bungalow has windows orientated to the rear and amenity space to that side, given the relatively limited size of the space it is likely to increase the use of the frontage area, particularly as this is on the south side.

10. I recognise that the bungalow has been used in conjunction with the former care home for a number of years and a level of passive overlooking may have already existed. I also note that occupants of the previous care home use may have spent more time within their rooms generating more frequent use of the windows. However, the proposal would increase the scale of the main building and number of windows on this elevation and the proposed separate use of the bungalow increases the sensitivity of this relationship between buildings no longer functionally linked. I therefore consider this relationship to have materially changed and the proposed relationship to be harmful.

11. I also note that this is a residential area where there is some degree of overlooking. However, this is mostly at some distance given the scale of the properties, positioning and lengths of gardens and does not justify the levels of overlooking which would result from the proposal.

12. Therefore, the proposal would result in harm to the living conditions of future occupiers of the bungalow. Consequently, the proposal would be contrary to Policy 33 of the Chichester Local Plan 2014-2029 (2015) and the National Planning Policy Framework (2019). Cumulatively, and amongst other objectives, these require development to provide a high quality living environment with a high standard of amenity for existing and future users.

Pagham Harbour SPA

13. The proposal lies within the 3.4km buffer zone of the SPA where new residential development may be likely to have a significant effect on this European designation alone or in combination with other projects in the vicinity. The Council has an agreed mitigation strategy and the appellant has produced a signed Unilateral Undertaking and financial contribution towards this provision.

14. However, given my findings on the first main issue I have not considered this matter further, including whether an appropriate assessment is required or the necessity of a legal agreement.

15. However, with or without an obligation or other mechanism to secure the mitigation, my overall conclusion on the acceptability of the development would remain unchanged.

Other matters

16. I recognise that the removal of the existing bungalow would result in its demolition prior to the end of its expected lifetime, which the appellant considers to be considered unsustainable. However, this must be weighed against the living environment that it would create for future occupiers, which I find overriding in this case.

Conclusion

17. For the reasons given above, I conclude that the appeal is dismissed.

Tim Crouch

INSPECTOR