



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/19/3225650

Edelsten Cottage, 2 Marine Drive, West Wittering PO20 8HE

- 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 A. J. Edards against the decision of Chichester District Council.
 - The application Ref WW/18/03234/FUL dated 4 December 2018, was refused by notice dated 29 January 2019.
 - The development proposed is demolition of single dwelling house and construction of development comprising 4 no. 2-bed flats, new access and associated works.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effects of the proposal on;
 - the character and appearance of the area,
 - the biodiversity of the area, and,
 - the Chichester and Langstone Harbours Special Protection Area (SPA).

Reasons

Character and appearance

3. The property is a two storey building with a crown roof and has an area of hardstanding and parking to the front. To the west are clusters of semi mature trees bounding the adjacent open space and public car park. To the east is a two storey flat roof building at the frontage set along a similar building line. There is some variety of style and materials within the street but it is mostly characterised by limited height of buildings, including the appeal site, adjacent two storey flat roof building and chalet bungalows generally reducing in height from the more commercial Shore Road to the east towards the open space to the west.
4. The proposal would replace the existing building with a two storey building of similar width but with additional height to allow living accommodation within the roof. The proposal would step forward of the existing building line and extend significantly to the rear. This would result in a building of significant scale and bulk despite maintaining a crown roof design. It would also extend significantly above the main roof height of the neighbouring flat roof frontage building to the east.

5. This height, scale and massing would be harmfully incongruous within the limited height of the surroundings buildings. This would be exacerbated by the positioning in front of the neighbouring property making the proposal even more prominent in the streetscene. Whilst a traditional design is sought by the appellant, with features of interest drawn from the existing property and an appearance to appear as a large detached dwelling, the increase in height above the neighbouring frontage building would result in a building out of scale within the street and harmfully at odds with the general scaling down of buildings towards the adjacent open space. Further emphasis would be drawn to this height by the irregular spacing and positioning of the proposed roof windows.
6. Whilst the height of the building to the rear of the neighbouring property to the east is three storey, this is substantially screened by the frontage two storey building within the streetscene. I note there are views of the rears of taller buildings which front Shore Road when passing the open space alongside Marine Drive from the west. However, the positioning of the proposal to the front of the site and the cluster of trees screening part of the site means that the proposal will be seen more in the context of the lower scale Marine Drive and it would appear harmful to this character.
7. The proposal would therefore harm the character and appearance of the area. Consequently, it would be contrary to Policy 33 of the Chichester Local Plan Key Policies 2014-2029 (2015) (LP) and paragraphs 127 and 130 of the National Planning Policy Framework (2019) (the Framework). Cumulatively, and amongst other objectives, these require development to meet the highest standards of design, add to the overall quality of the area and be sympathetic to local character.

Biodiversity

8. The Council's Environment Officer has identified that a protected species survey is required to determine whether there is potential for protected species on site, and to inform any associated mitigation strategies. The appellant contends that the site has a well-maintained lawn and shrubs, hard standing to the front and with streetlighting and an adjacent public car park with associated traffic movement, combined with the roof design, means there is unlikely to be any biodiversity implications of the proposal and so no professional survey has been supplied. The appellant states that a previous application did not contain a survey, although this appears to have been withdrawn before determination.
9. Notwithstanding the hardstanding to the front and the adjacent car park, there is no substantive evidence before me to demonstrate that protected species are not active in the area or that the building is not suitable to support species. The previous application that was submitted without an assessment of impacts on biodiversity is less relevant to the appeal as it did not establish the presence or absence of protected species at the site.
10. Paragraph 175 of the Framework is clear that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. In this respect, the Planning Practice Guidance advises that where a proposal is likely to affect a protected species, planning permission can be granted if an appropriate survey has been carried out and subject to any necessary proposals for mitigation or compensation being found acceptable.

11. Given the importance of ensuring the protection of rare species, the strict legal requirements of the Conservation of Habitats and Species Regulations 2017 (as amended) and the wording of LP Policy 49 which requires it to be 'demonstrated' that the biodiversity value of the site is safeguarded, and in the absence of any detailed evidence to provide such demonstration, in the form of a protected species survey, I am unable to conclude that the proposal would not result in harm to the biodiversity value of the site or specifically protected species.
12. Therefore, based on the evidence before me, I cannot conclude that the proposal would not be contrary to Policy 49 of the LP, chapter 15 of the Framework or the Conservation of Habitats and Species Regulations 2017 (as amended) in this regard.

Chichester and Langstone Harbours SPA

13. The appeal site is located in the zone of influence for impact on the Chichester and Langstone Harbour SPA. The proposal would result in a net gain of dwellings and likely to increase visitor pressure on the European Designated Site. The Council has an agreed mitigation strategy and the appellant confirmed that a signed Unilateral Undertaking has been provided and a financial contribution made to the Council 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 in this case.

Other matters

15. I recognise that the appellant has made amendments to an earlier scheme to overcome previous objections from the Council. However, I must assess the proposal as before me and I have identified significant harm derived from it.
16. I also note that the proposal would result in 4 small units towards local housing supply, that it is located within an area accessible to local services and that there is no objection from the Council to the principle of residential redevelopment. However, these matters do not outweigh the harm which I have identified.

Conclusion

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

Tim Crouch

INSPECTOR