



Appeal Decision

Site visit made on 10 September 2019

by Christopher Butler BA (Hons) PG Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 November 2019

Appeal Ref: APP/L3815/W/19/3226255

By-The-Brook, Bosham Lane, Bosham PO18 8HG

- 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 & Mrs L Mandiwall against the decision of Chichester District Council.
 - The application Ref BO/19/00196/FUL, dated 21 January 2019, was refused by notice dated 18 March 2019.
 - The development proposed is demolish existing detached dwellinghouse and erect new detached dwellinghouses.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is character and appearance, with particular regard to the Chichester Harbour Area of Outstanding Natural Beauty (AONB), the streetscene and the nearby Bosham Conservation Area (BCA).

Reasons

Character and appearance, with particular regard to the AONB, the streetscene and the nearby BCA.

3. The development site is located within the settlement boundary of Bosham Village, which is also within the above mentioned AONB. The development is located within a part of the village that is predominantly characterised by ribbon development, which extended out from the original core of the village during the twentieth century. Properties along the northern side of the road, in the immediate vicinity of the development site, are chalet bungalows with a first floor provided within the roof space. These properties tend to be set back from the adjoining road and are located on slightly higher ground level. The character of the wider streetscene is generally green and harmonious, with the adjoining post-war estates easily subsumed into this attractive streetscene.
4. The appeal site comprises a relatively large plot of land and the existing chalet bungalow on it is rendered under a tiled roof. Additions and alterations have been undertaken on this property in the past, including a single storey flat roofed red brick addition that is located on the south-western side of the property.

5. Policy 2 of the adopted Chichester Local Plan: Key Policies 2014-2029 (CLP) set out the Council's policy in regard to 'Development Strategy and Settlement Hierarchy. This policy notes that there is a presumption in favour of sustainable development within the Settlement Boundaries, providing the proposed development respects the setting, form and character of the settlement, amongst other criteria.
6. Policy 33 of the CLP relates to new residential development. Part of this policy seeks to ensure development is appropriate in density, bearing in mind its immediate context, the on-site constraints and the type of development proposed. This Policy also seeks to ensure that the development provides a high quality living environment that is in keeping with the character of the surrounding area and its setting in the landscape, whilst also ensuring the development respects and, where possible, enhances the character of the surrounding area and the site, and its setting in terms of its proportion, form, massing, siting, layout, height, size, scale, detailed design, Etc.
7. Paragraph 172 of the National Planning Policy Framework (the Framework) says that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs, which have the highest status of protection. The development site is located within the Chichester Harbour AONB, where Policy 43 of the CLP seeks to preserve and enhance the AONB's natural beauty and locally distinctive features, whilst also seeking to ensure that development reinforces and responds to, rather than detracts from, the distinctive character and special qualities of the AONB. This Policy also seeks to ensure development meets the policy aims of the Chichester Harbour AONB Management Plan Supplementary Planning Document (SPD). Policy 6 of the Bosham Parish Neighbourhood Plan 2014-2029 (made 22 November 2016) (BPNP) broadly reflects the above objectives of Policy 43 of the CLP.
8. In addition to the above mentioned policies, it must be noted that the development site is located some 26 metres to the south-west of the boundary of the BCA. At the point closest to the development site the BCA is defined by the main road out of the village, which has a mixture of mainly residential buildings running along it. There is also some post-war development, but this is largely unobtrusive and tends to blend well into the character of the surrounding area and the BCA.
9. The proposed development seeks to demolish the existing chalet bungalow and construct 3 numbered 2-storey detached dwellings. Bearing in mind the character of the surrounding area and the fact that the surrounding dwellings are predominantly set in modest sized plots, the proposed development would appear as a cramped overdevelopment of the site that would be out of context with its surroundings. This is primarily due to the number of units proposed and their design, bearing in mind the narrow width of the plots proposed.
10. The visual harm resulting from this cramped over development of the plot is accentuated by the depth, height and overall design of the dwellings proposed, which significantly increases their mass and bulk. As a result, the development would be at odds with the prevailing spacious, low level, character of the northern part of the road it fronts onto. It would also fail to take into account the distinctiveness of its setting and the character of the surrounding area. As such the proposal would not conserve and / or enhance the natural beauty and

locally distinctive features of the AONB it is located within, but rather detract from them.

11. Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 place statutory duties on decision-makers, when considering whether to grant planning permission for development which affects a listed building or its setting or any buildings or land in a Conservation Area, to have special regard to the desirability of preserving the listed building or its setting, and preserving or enhancing the character or appearance of the conservation area.
12. In local terms the BPNP at Policy 5 seeks to ensure new development recognises, respects, conserves or enhances designated and non-designated heritage assets and the setting of those assets, whilst also seeking to better reveal the local distinctiveness and character of the historic environment.
13. I have identified above that the proposed development fails to conserve and enhance landscape and scenic beauty of the AONB within which it is located and would result in a development that would be out of character with the surrounding area and detrimental to the character and appearance of the surrounding streetscene in general. However, when considered in the context of the nearby heritage assets, this harm would be less than substantial harm to the significance of the designated heritage assets. Whilst that is the case, Paragraph 196 of the Framework requires the less than substantial harm to be weighed against the public benefits of the proposal. The public benefits would include the replacement of a bungalow in need of modernisation that is situated on a large plot of land, with 3 new modern detached dwellings, that would result in a net addition of 2 residential units of accommodation making a small contribution to the government's aim to significantly boost housing. Additionally, the development would create some short-term economic benefits through construction related employment, and investment in the local economy following its occupation.
14. The Framework at Paragraph 193 advises when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Even when taking all of the benefits into considerations, I find that the harm I have identified above would not be outweighed by the public benefits of the proposed development. As such I afford great weight to the asset's conservation. I therefore conclude that the proposal would be contrary to Policies 33 and 43 of the CLP; Policies 5 and 6 of the BPNP; and the policy aims of the SPD, which seeks among other criteria to ensure that development is: sympathetic to local character and history, including the surrounding built environment and landscape setting; and maintains a strong sense of place. Additionally, the development would fail to comply with Paragraphs 172 and 196 of the Framework, which amongst other aims seeks to conserve and enhance the AONB and conserve designated heritage assets in a manner appropriate to their significance.

Other Matters

15. The development site lies within the zone of influence for the Chichester & Langstone Harbours Special Protection Area (SPA), which was designated principally for the protection of internationally significant numbers of over-wintering waterfowl.

16. Policy 50 of the CLP sets out appropriate avoidance / mitigation measures, which includes the possibility of contributing in accordance with a joint mitigation strategy as outlined in Phase III of the Solent Disturbance and Mitigation Project that currently attracts a financial contribution for new dwellings. The Council in their appeal statement advise that this contribution is currently set at £500 per two bedroom dwelling and £653 per three bed dwelling, plus an additional £100 monitoring fee.
17. In response to this requirement, the appellants has submitted two Unilateral Obligations, under Section 106 of the Town and Country Planning Act 1990 (the Act), which seek to address this matter.
18. In addition to this, there is a requirement for the Competent Authority to undertake an Appropriate Assessment where, if allowing a development, the proposal is likely to have significant effects on a European site designated for its nature conservation interest, such as the SPA. However, as I have found against the proposal on the main issue above, there is no requirement for me to undertake a Habitat Regulations Assessment under The Conservation of Habitats and Species Regulations 2017, nor is there a need to assess the submitted Unilateral Obligations to ensure that they meet the requirement set out in Section 106 of the Act or the tests set out in Section 122 of the Community Infrastructure Levy Regulations 2010.

Conclusion

19. For the reasons given above, the appeal is dismissed.

Christopher Butler

INSPECTOR