



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: Friday, 29 November 2019

Appeal Ref: APP/L3815/W/19/3226591

Seventy Three, West Street, Selsey PO20 9AG

- 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 J Aubanel of Tamarisk Properties Ltd against the decision of Chichester District Council.
 - The application Ref SY/18/03255/FUL, dated 4 December 2018, was refused by notice dated 30 January 2019.
 - The development proposed is erection of 1no 2bed bungalow.
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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,
 - The living conditions of future occupiers, and,
 - The Pagham Harbours Special Protection Area (SPA).

Reasons

Character and appearance

3. The site is within the side garden of 71 West Street which is a large detached property with substantial grounds to the front and side. It forms part of a line of properties on the south side of West Street which are of a similar form, on a consistent building line, slightly elevated from the road and set back behind characterful front walls of traditional materials. There are also large properties on the north side of the road, with substantial landscaped frontages. Together this produces an open, spacious and verdant character to which the appeal site contributes, despite a detached outbuilding close to the front boundary.
4. To the west the spatial pattern changes with properties fronting cul-de-sacs that spur off from West Street at right angles, including St Wilfrid's View. This includes a tighter form of development with detached properties set closer together and containing limited front gardens. This tighter grain of development clustered within a cul-de-sac, combined with the different, cohesive material palette and design, creates a distinction between its character and that of the linear nature of properties to the east along West Street, to which the appeal site contributes.

5. The proposal would introduce a single storey building positioned at right angles to the road in a subdivided plot, which would be a much smaller plot than the established character of this part of West Street. This would result in a building of substantially smaller scale within a limited plot. It would appear cramped and harmfully out of context with the spacious and open character in which it sits, despite the plot ratio, design, proportions and eaves having been selected to reflect the scale of the bungalow at St Wilfrid's View.
6. This harm would be exacerbated by the proposed positioning forward of the linear building line of West Street to the east and partial loss of characterful front wall. I recognise that the proposal is intended to be staggered to a midpoint from the closer frontage of St Wilfrid's View to the west. However, given that it is seen in a different context to the cul-de-sac I do not concur with the appellant that this would represent an appropriate transition between the strong character to the east and the cluster of separate properties to the west.
7. The proposal would therefore harm the character and appearance of the area. Consequently, it would be contrary to policies 1, 33, and 47 of the Chichester Local Plan: Key Policies 2014-2029 (2015) (LP) and Section 12 of the National Planning Policy Framework (2019) (the Framework). Cumulatively, and amongst other objectives, these require development to accord with policies in the LP unless material considerations indicate otherwise, meet the highest standards of design, be in keeping with, respect and be sympathetic to the distinctive local character of the surrounding area and add to the overall quality of the area.

Living conditions

8. The proposal includes outdoor amenity space mainly to the west of the property which would include the access to the front door and a tapered shape towards the south. Whilst totalling some 98m², according to the appellant's calculations, this shape, limited width and division by the central access path would limit its usable space and would fail to be suitable amenity space, despite the appellant's contention that the property is aimed at the elderly or that other modern properties may have smaller total area.
9. In addition, the rear element of the garden would be directly overlooked by the first floor window of No 71. This would be elevated and in close proximity to the southern area of proposed garden. It would therefore give rise to significant overlooking in this area. Although I recognise that this is to a smaller proportion of the proposed garden rather than the main area, the relationship would still be harmful.
10. Therefore, the proposal would be contrary to Policy 33 of the LP and paragraph 127 of the Framework. Taken together, and amongst other objectives, these require development provide a high quality living environment and ensure a high standard of amenity for future users.

Pagham Harbours SPA

11. The site is located within the 3.5km Buffer Zone of Pagham Harbours SPA where the Council identifies that an increase in population is likely to increase visitor pressure on this European ecological designation.
12. The Council has a mitigation strategy and seeks financial contributions towards its implementation. The appellant has supplied a completed Unilateral

Undertaking to demonstrate compliance with this. However given my findings on the other main issues I have not considered this matter in detail, including whether an appropriate assessment is required.

Other matters

13. I note that the appellant considers Selsey is to be a very sustainable location suitable for new housing development and that the Council does not disagree. However, the harm I have found is derived from the detail of the scheme rather than the principle in itself.
14. I recognise that the proposed house would aim to be designed to have as low an environmental impact as possible. However, this does not outweigh the harm that I have identified.
15. I am aware that that the proposal would contribute to boosting local housing supply. However, given the scale of the development, the contribution would be modest and the harm that I have identified would be significant and long lasting. I note that the appellant considers that the harm would not significantly and demonstrably outweigh the benefits, however this represents the consideration when there are no relevant local policies or when these are out of date. This is not the case with this proposal and therefore whilst I give the contribution to housing supply some weight, this is only modest and does not outweigh the harm I have identified.
16. I recognise that the proposal has been reduced from a previous scheme, however I must assess the proposal before me, from which I have found harm.

Conclusion

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

Tim Crouch

INSPECTOR