



Appeal Decision

Site Visit made on 5 October 2020

by Matthew Bale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 November 2020

Appeal Ref: APP/L3815/W/20/3245985

45 Howard Avenue, West Wittering, Chichester, PO20 8EX

- 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 Les Higgins, L. H. Advisory Ltd against the decision of Chichester District Council.
 - The application Ref WW/19/01622/FUL, dated 12 June 2019, was refused by notice dated 16 December 2019.
 - The development proposed is demolition of an existing bungalow with a garage and erection of 2 replacement two storey dwellings.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of an existing bungalow with a garage and erection of 2 replacement two storey dwellings at 45 Howard Avenue, West Wittering, Chichester, PO20 8EX in accordance with the terms of the application, Ref WW/19/01622/FUL, dated 12 June 2019, subject to the conditions in the attached schedule.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

3. The West Wittering Village Design Statement 2006 (VDS) describes the area around the site as, in part, an eclectic mix of residences or, alternatively, roads of very similar bungalows. An inland 'leg' of Howard Avenue displays the bungalow characteristics, but the leg closer to the sea, containing the appeal site, is distinctly varied in terms of design, scale and spacing of properties. Nevertheless, the wide road, and positioning of dwellings behind front gardens or parking areas contributes to a strong sense of spaciousness.
4. On the stretch of Howard Avenue around the appeal site are a number of older dwellings that have a relatively shallow depth from front to back. However, while the area may have been subject to recent and ongoing change, there are a number of deeper dwellings that are sufficiently numerous to be part of the now established street scene. In this context, the narrowly spaced deep buildings proposed would not be incongruous with the character and appearance of this part of Howard Road.
5. The existing No.45 is relatively small and its hipped roof creates open space about the dwelling. The increased bulk would diminish this, but unlike the nearby areas predominated by bungalows, this characteristic does not play a

significant role in creating the spacious residential environment in this part of Howard Avenue. Although the dwellings would have high eaves compared to some others, the proposal would incorporate a set back and openness to the site frontage that would maintain the spacious existing character.

6. The proposal would incorporate parking through an increase in hard surfacing to the front. However, this arrangement is not unusual around the appeal site and beyond the roadside verges, the varied front garden areas themselves do not make a strong contribution to the character and appearance of the area. Therefore, the proposal would ensure that adequate on-site parking was provided to avoid excessive pressure to on-street availability, without causing visual harm.
7. I, therefore, find that the proposal would comply with those aims of Policy 33 of the Chichester Local Plan 2014-2029 (LP) which seek to ensure that new development meets high design standards that respect the character of the surrounding area.

Other Matters

8. The Council has confirmed that the site is in an appropriate location for the development that would facilitate good access to services. Such would limit the need to travel by private car. Although the dwellings may not provide affordable housing for young people, or be attractive to older residents, there is no substantive evidence that the type of accommodation would not contribute to meeting local housing needs generally.
9. It has also been suggested that the area could be subject to future flooding as a consequence of sea-level rises. However, this is unsubstantiated by detailed evidence and the Council's officer report indicates that the area is in flood zone 1 (the lowest risk).
10. Bats have been identified at the site, but suitable mitigation has been proposed to maintain a favourable conservation status. There is no substantive evidence that a license would not be granted by Natural England or that the derogation tests in the Conservation of Habitats and Species Regulations 2017 (Habitats Regulations) would not be passed.

Appropriate assessment

11. The site is within an identified 'Zone of Influence' of Chichester and Langstone Harbours Special Protection Area (SPA) where increased pressure from additional occupants of new development, could lead to adverse effects in the integrity of the designated site.
12. The SPA covers two large estuarine basins that contain extensive intertidal mudflats and sandflats with areas of seagrass beds, saltmarsh, shallow coastal waters, coastal lagoons, coastal grazing marsh, shingle ridges and islands. These habitats support internationally and nationally important numbers of overwintering and breeding bird species. Conservation objectives include ensuring that the integrity of the site is maintained or restored and contributing to achieving the aims of the Wild Birds Directive.
13. A planning obligation has been provided that would secure appropriate funding to deliver access management mitigation measures, such that visitors to the SPA did not increase damage to it. The Council has carried out an appropriate

assessment that has concluded that likely significant effects can be mitigated by projects paid for by the contribution and there is no reason for me not to adopt that conclusion. Natural England has also confirmed that the measures would be sufficient to achieve appropriate mitigation.

14. I, therefore, conclude that, following appropriate assessment under the Conservation of Habitats and Species Regulations 2017, the development both alone and in combination with other development, would not lead to adverse effects on the integrity of the SPA.

Conditions

15. A plans condition is required in the interests of certainty. To ensure the protection of bats, a condition is necessary to ensure that works and lighting take place in accordance with the submitted mitigation strategy. To manage surface water and prevent any increase in off-site flood risk, conditions are required to secure a detailed drainage scheme, including ensuring that hard surfaces are permeable.
16. Conditions are necessary to secure details of finished surfaces, boundary treatments, and landscaping, to protect the character and appearance of the area. To ensure sufficient car and bicycle parking, and bin storage is provided, conditions are necessary to secure appropriate on-site provision. LP Policy 40 requires all dwellings to demonstrate that various environmental standards have been met and a condition is necessary to secure compliance with this.
17. The Council has suggested a condition removing permitted development rights, but there is no substantive evidence that this is necessary to make the development acceptable. I have, therefore, not imposed a condition to that effect.
18. I have made some revisions to the Council's suggested conditions in the interests of clarity and to ensure compliance with the Framework.

Conclusion

19. For the reasons given, I conclude that the appeal should be allowed.

M Bale

INSPECTOR

Schedule

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 28064-PL098; 28064-PL099; 28064-PL100 C; 28064-PL101 D; 28064-PL102 E; 28064-PL104 B; 28064-PL105.

- 3) The implementation of this planning permission shall be carried out strictly in accordance with the recommendations detailed in the submitted Bat Survey Report by aLyne Ecology (04.07.2019) (the Report). Any mitigation measures installed shall be provided prior to the occupation of the first dwelling and shall thereafter be maintained as such and the lighting requirements specified within the Report shall be adhered to for the lifetime of the development.

- 4) Prior to any ground works taking place to form the footings and/or slabs for the dwellings, a surface water drainage scheme (including for the drainage of hard surfaces) for the development shall be submitted to and approved in writing by the Local Planning Authority.

The design of the scheme should follow the hierarchy of preference for different types of surface water drainage disposal systems, as set out in Approved Document H of the Building Regulations and the SuDS Manual produced by CIRIA and should provide for permeable hard surfacing unless it is demonstrated not to be suitable. Winter groundwater monitoring, to establish the highest annual ground water levels, and winter Percolation testing to BRE 365, or a similar approved method, will be required to support the design of any infiltration drainage.

The development shall only be implemented in accordance with the agreed drainage scheme. No dwelling shall be occupied until the complete surface water drainage system serving that dwelling has been implemented in accordance with the agreed details and shall thereafter be maintained as such.

- 5) Prior to the construction of the new dwellings, a strategy outlining details of the sustainable design and construction for all new buildings, has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall include water use, building for life standards, sustainable building techniques and technology, energy consumption maximising renewable resources, and how a reduction in the impacts associated with traffic or pollution will be achieved (including but not limited to charging electric vehicles).

The approved strategy shall be implemented as approved prior to first occupation of the dwelling to which it relates and shall thereafter be maintained as such, unless any variation is agreed in writing by the Local Planning Authority.

- 6) Prior to the construction of the new dwellings, detailed plans and proposals shall be submitted to the Local Planning Authority for approval showing:

- i) refuse bin storage (sufficient for 2 no. 240 litre wheeled bins);
- ii) secure cycle storage that shall take the form of a covered building or other structure available for each dwellinghouse hereby permitted.

The approved storage shall be provided prior to the occupation of the dwelling to which it relates and shall thereafter be kept permanently available for the stated purpose.

- 7) Notwithstanding the approved plans and application details; no development, in respect of the construction of the walls and roofs for the

dwellings hereby permitted, shall be carried out unless and until a schedule of materials and finishes and samples of such materials and finishes to be used for external walls, roofs, windows and doors of the main house has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and thereafter maintained as such in accordance with the approved details.

- 8) Prior to the occupation of the dwellings hereby permitted, boundary treatments shall be provided in accordance with a scheme that shall first be submitted to and approved in writing by the Local Planning Authority.

The scheme shall include a scaled site plan showing the location and lengths of the boundary treatments and scaled elevations and details of the materials and finishes.

Thereafter the boundary treatments shall be maintained as approved in perpetuity.

- 9) The development hereby permitted shall not be first brought into use until full details of the hard and soft landscaping have been submitted to and agreed in writing by the Local Planning Authority.

The details shall include a scaled site plan indicating the planting scheme for the site showing the schedule of plants and positions, species, plant sizes (at time of planting), and proposed numbers/densities. In addition, the scheme shall include details of all existing trees and hedgerows on the land including details of any to be retained, together with measures for their protection during the course of the development. The scheme shall make particular provision for the conservation and enhancement of biodiversity on the application site.

The landscaping scheme shall also include full details of any proposed hard landscaping, including vehicular access, parking and turning facilities, showing their positions, materials and finishes.

The approved planting scheme shall be carried out in the first planting season after practical completion or first occupation of the development, whichever is earlier, unless otherwise first agreed in writing by the Local Planning Authority. The works shall be carried out in full accordance with the approved details and in accordance with the recommendations of the appropriate British Standards or other recognised codes of good practice.

Any trees or plants which, within a period of 5 years after planting, are removed, die or become seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved unless otherwise first agreed in writing by the Local Planning Authority.

The hard landscaping shall be carried out prior to the occupation of the dwelling to which it relates and shall thereafter be maintained as such.

- 10) No part of the development hereby permitted shall be first occupied until the car parking has been constructed and laid out in accordance with the approved site plan. The spaces shall thereafter be retained at all times for the parking and manoeuvring of vehicles in connection with the development.