



## 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**

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**Appeal Ref: APP/C3810/W/20/3244777**

**Land to East of Royal Norfolk Hotel, Aldwick Road, Bognor Regis PO21 2LH**

- 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 D Skinner against the decision of Arun District Council.
  - The application Ref BR/73/19/PL, dated 4 March 2019, was refused by notice dated 5 September 2019.
  - The development proposed is erection of three terraced residential dwellings, garden/cycle storage sheds and associated parking utilising the existing access.
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### Decision

1. The appeal is allowed and planning permission is granted for erection of three terraced residential dwellings, garden/cycle storage sheds and associated parking utilising the existing access at Land to East of Royal Norfolk Hotel, Aldwick Road, Bognor Regis PO21 2LH in accordance with the terms of the application, Ref BR/73/19/PL, dated 4 March 2019, subject to the conditions in the attached schedule.

### Procedural matter

2. There are some amended plans dated August 2019 that show the front facing bay windows extended to first floor level. However, there is no clear evidence that they were subject to public consultation or fully considered by the Council. Other than an unscaled illustrative street scene drawing they are not referenced within the Council's recommended plans condition. To avoid any prejudice to interested parties who may not have seen the amendments, I have determined the appeal on the basis of the original submission. In the interests of clarity, I have not referenced the illustrative street scene drawing in my plans condition.

### Main Issue

3. The main issue is the effect on the setting of the Grade II listed Royal Norfolk Hotel and the character and appearance of the conservation area.

### Reasons

4. The Royal Norfolk Hotel is a landmark building within the conservation area and occupies a prominent position along the sea front. Its significance relates to its architecture and role in the historical development of Bognor Regis as a seaside resort. Open lawns to the front give it a spacious setting, expressing its prominence and stature and set it apart from higher density development within other parts of the conservation area.

5. The site is to the side of the hotel, behind the formal lawns, but has historical associations with the hotel. It makes a small contribution to the open setting. A previous appeal<sup>1</sup> relating to development of the site included a detached dwelling close to the hotel building that the Inspector found would considerably diminish the spacious setting of the hotel. This proposal does not include that detached dwelling, and so considerably more space would be retained about the hotel building.
6. The proposed dwellings would form a terrace along the West Street frontage. This would diminish views of the front and side of the hotel from West Street, but the hotel is not prominent in this part of the townscape. Furthermore, being set away from the boundary with the formal lawns, there would still be some views towards the hotel from this road. There would also be some effect on the outlook from those rooms in the hotel that face the site, but this outlook is already short range and towards the surrounding townscape rather than expansive views over the seascape. This would not, therefore, harm the significance of the hotel or its setting.
7. Viewed from the seafront, there would be a slight closing of the gap between the hotel and surrounding built form. However, given the backdrop of surrounding townscape, the gap between the dwellings and hotel, and the set back from the lawns, the effect on the open setting would be minor. The hotel would still appear prominent, separate from other buildings on the side of the site.
8. The conservation area includes formal public spaces and a wide variety of buildings. Those on West Street are generally of a small-scale with narrow frontages, but there are exceptions. The area's character and appearance derives principally from the relationship of the public spaces to the built development.
9. The proposal would reflect the predominantly terraced form and siting of buildings close to the highway. The previous Inspector found that the then proposed terrace would add to the scheme's dominance. However, the current proposal does not include the detached dwelling to the rear and the terrace would not occupy so much of the West Street frontage. It is, therefore, materially different to that previous scheme.
10. The part of West Street alongside the hotel has a sense of openness, but boundary planting obscures wide views. When travelling towards the sea along West Street, views towards the seafront would be channelled between buildings for longer, but the overall opening of this part of the conservation area towards the seafront would remain.
11. Looking back from the seafront, there would be some obstruction of the side elevations of more historic buildings beyond the site, but there is no substantive evidence that these elevations are fundamental to the character and appearance of the conservation area. Rather, these views are dominated by the Royal Norfolk Hotel and I have already found that its prominence in the townscape would be preserved.
12. With regard to the above, I conclude that the scheme would not harm the character and appearance of the conservation area. The loss of land formerly

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<sup>1</sup> Ref APP/C3810/W/16/3148376

associated with the Royal Norfolk Hotel and slight closing of the gap between it and other built form would cause low level less than substantial harm to its setting and significance. In accordance with Paragraph 196 of the National Planning Policy Framework (the Framework), this must be weighed against the public benefits of the proposal.

13. The Council has indicated that it can only demonstrate a 2.9 year supply of deliverable housing land. Against this backdrop, the contribution of the scheme to housing supply, although small, would be a significant benefit. Irrespective of the level of harm, I the the preservation of the listed building and its setting is of considerable importance and, following Framework paragraph 193, I give great weight to the asset's conservation. However, given the low level of harm that I have identified from this proposal, I find that the significant public benefits would outweigh the harm.
14. Therefore, the proposal would comply with Policy HER DM3 of the Arun Local Plan 2018 (LP), and Policy P2 of the Bognor Regis Neighbourhood Development Plan 2015 which seek to ensure the preservation or enhancement of the character or appearance of the conservation area, and secure, restore and boost the town's seaside identity.
15. There would be a conflict with LP Policy HER DM1 which requires the setting of the listed building to be preserved. However, the policy does not allow for the balance set out in Framework Paragraph 196 and, therefore, I attribute only limited weight to this conflict. The policies of the Framework indicate otherwise that the proposal is acceptable in this regard.

### **Other Matters**

16. The proposal would utilise an existing access onto West Street that already serves dwellings at Royal Norfolk Mews. The Highway Authority is content that it would not harm highway safety and there is no substantive evidence that it would cause an unsafe conflict of vehicle movements associated with parking for Royal Norfolk Mews. Sufficient parking would be provided at the site so, any existing parking pressures in the locality would not be exacerbated. My attention has been drawn to potential conflicts with a legal agreement or covenant relating to the access at Royal Norfolk Mews but this has little to do with the planning merits of the case.
17. I understand that there have been numerous failed attempts to secure planning permission at this site. However, while local residents may be frustrated by this process and the current condition of the site, believing that other more public orientated uses of the site may be beneficial, I have found this proposal to be acceptable.

### **Appropriate assessment**

18. Additional residents from the development of the site could put additional recreational pressure on the Pagham Harbour Special Protection Area and Ramsar, which could, in combination with other development harm the integrity of the designated sites.
19. Pagham Harbour is designated due to its importance as a breeding site for common and Little Terns and also provides a habitat for overwintering Ruff. In addition, there are Pintails and Dark-bellied Brent Geese that are important in terms of over wintering migratory species, plus Black-tailed Godwits. The

conservation objectives include maintaining and improving the existing condition of the site.

20. The appellant has provided a planning obligation that would secure payment towards the funding of Strategic Access Management and Monitoring measures. Natural England, as Statutory Nature Conservation Body, is content that these measures would be sufficient to avoid significant adverse effects on the integrity of the site from the proposed development, in combination with other development.
21. I, therefore, conclude that, following appropriate assessment under the Conservation of Habitats and Species Regulations 2017, the proposal would not harm the integrity of the European Sites and would comply with LP Policy ENV DM2 that requires development to secure appropriate mitigation.

### **Conditions**

22. A plans condition is required in the interests of certainty. To ensure that the development is safe from flood risk, a condition is necessary to ensure that it is carried out in accordance with the submitted flood risk assessment. To ensure appropriate drainage is provided, a condition is necessary to secure details of surface and foul drainage.
23. While there are plans indicating some details, in the interests of the character and appearance of the conservation area, final approval of surface finishes, windows and doors, boundary treatments, and a landscaping scheme must be secured. Permitted development rights should be removed to protect the setting of the listed building.
24. To promote the use of low-carbon energy, conditions are required to secure on site renewable or low carbon energy generation and charging points for electric vehicles. To ensure that adequate facilities are available, and to provide alternatives to travel by private car, conditions are necessary to secure car and cycle parking, and bin storage facilities.
25. To protect the privacy of the occupiers of 40 West Street, the landing/stair windows facing that property should be obscure glazed. The Council has recommended a condition that all proposed bathroom and toilet windows are obscure glazed, but there is no clear reason for this to be the subject of specific planning control in this case. There is also no substantive evidence that there would be any harm to living conditions if the timing of construction activities were not controlled by condition. Given the open, relatively unconstrained nature of the site, I have not imposed any such restriction.
26. I have made some revisions to the Council's suggested conditions in the interests of clarity and consistency and to ensure compliance with the Framework.

### **Conclusion**

27. 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: RNHB.PLAN 1; RNHB.PLAN 2; RNHB.PLAN 3; RNHB.PLAN 4; RNHB.PLAN 5; RNHB.PLAN 6; RNHB.PLAN 7; RNHB.PLAN 8; RNHB.PLAN W; RNHB.BLOCK PLAN.
- 3) The development hereby permitted shall only be carried out in accordance with the submitted Flood Risk Assessment (FRA) dated July 2019 and the following mitigation measures detailed within the FRA:
  1. Finished floor levels are set no lower than 5.85m above Ordnance Datum (AOD);
  2. A 225mm thick brick wall to the front and front side of the dwellings (in accordance with the approved drawings) shall be constructed to a minimum height of 450mm with framework to accommodate a sliding flood barrier shuttering in the gaps providing gated pedestrian access.The mitigation measures shall be fully implemented prior to occupation of the first dwelling and shall thereafter be maintained as such.
- 4) Development shall not commence, other than works of site survey and investigation, until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority.

The design 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 recommendations of the SuDS Manual produced by CIRIA. Winter groundwater monitoring to establish highest annual ground water levels and winter Percolation testing to BRE 365, or similar approved, will be required to support the design of any infiltration drainage.

No building shall be occupied until the complete surface water drainage system serving the dwelling to which it relates has been implemented in accordance with the agreed details and shall thereafter be maintained as such in good working order.
- 5) Prior to the commencement of construction works, details of a proposed foul drainage system shall be submitted to and approved in writing by the Local Planning Authority (including details of its siting, design and subsequent management / maintenance) and no dwelling shall be occupied until works for the disposal of sewage have been fully implemented and thereafter maintained as such in accordance with the approved details.
- 6) No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes and samples of such materials and finishes to be used for all external surfaces of the proposed buildings have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and thereafter maintained in accordance with the approved details.

- 7) No development above damp proof course (DPC) level shall take place until there has been submitted to and approved in writing by the Local Planning Authority, a landscaping scheme including details of hard and soft landscaping and details of existing trees and hedgerows to be retained, together with measures for their protection during the course of the development.

The approved details of the soft landscaping shall be carried out and completed in the first planting and seeding season following the occupation of the first dwelling and any trees or plants which, within a period of five years from the completion of the scheme, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

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

- 8) Prior to the occupation of the dwellings, details of all new boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The approved boundary treatments shall be implemented prior to the occupation of the first dwelling shall thereafter be maintained as such.
- 9) Prior to occupation of the dwellings, a strategy for the provision of facilities to enable the charging of electric vehicles to serve the approved dwellings shall be submitted and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the occupation of the dwelling to which they relate and shall thereafter be retained as such.
- 10) Prior to the occupation of the dwellings a scheme shall be submitted to and approved in writing by the Local Planning Authority to demonstrate that the at least 10% of the energy supply of the development will be secured from decentralised and renewable or low carbon energy sources, or that the it can be demonstrated that a fabric-first approach would achieve an equivalent energy saving.

The approved scheme shall be implemented prior to the occupation of the dwelling to which it relates and shall thereafter be retained as operational.

- 11) No part of the development shall be occupied until the car parking and turning spaces have been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for the parking and turning of vehicles in connection with the development.
- 12) No part of the development shall be occupied until the covered and secure cycle parking/storage sheds and the bin storage spaces have been provided in accordance with the approved plans and shall thereafter be maintained as such.
- 13) Prior to their installation, details of the construction and materials of all new joinery (windows & doors) shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the occupation of the dwelling to which they relate and shall thereafter be maintained as such.

- 14) The first and second floor landing/stairs windows in the northern flank wall of plot 3 shall at all times be glazed with obscured glass. The obscure glazing shall be installed prior to the occupation of plot 3 and shall thereafter be maintained as such.
- 15) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking or re-enacting this Order) no extensions (including porches or dormer windows) to the dwelling houses shall be constructed and no buildings shall be erected within the curtilage of the dwellinghouse.