
Appeal Decision

Site visit made on 25 January 2021

by Robert Parker BSc (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 February 2021

Appeal Ref: APP/L3815/W/20/3259594

Land at Ursula Avenue, Selsey PO20 0HT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr A Turner of Seal Developments Ltd against the decision of Chichester District Council.
 - The application Ref SY/20/01071/OUT, dated 27 April 2020, was refused by notice dated 19 June 2020.
 - The development proposed is 1no chalet bungalow fronting Seal Road and 1no bungalow behind.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The proposal is submitted in outline with all matters reserved. The description of development on the application form states that the dwellings would be constructed one behind the other, with a single chalet bungalow fronting Seal Road. However, the submitted illustrative site plan shows a pair of semi-detached properties facing onto Seal Road. The appellant's evidence confirms this to be the intention and I have determined the appeal on that basis.
3. The appeal is accompanied by an Ecological Impact Assessment. The Council has advised that, subject to the recommended mitigation and enhancement measures being secured by condition, its concerns regarding the impact on biodiversity have been overcome.
4. The submitted unilateral undertaking would secure a financial contribution towards measures which would mitigate the adverse impact on the Pagham Harbour Special Protected Area. This addresses the second refusal reason.

Main Issue

5. The main issue in dispute is the effect of the proposal on the character and appearance of the area.

Reasons

6. The appeal site lies at the southern end of a long narrow strip of land which separates the eastern and western sides of Ursula Avenue. The site is split into two. The northern part is hedged and resembles other parcels of land in the

strip, many of which are used by residents as extended garden. The front section is bounded by post and rail fencing and this gives it a more open quality which adds to the sense of space which characterises this part of Seal Road.

7. The original pattern of development in this part of Selsey was low density but infilling has taken place over the years, notably at Seal Square, Ursula Square and Beach Gardens. The appellant contends that these developments have established a precedent to which considerable weight should be attached to ensure consistency of decision making. Whilst they are a material consideration, these planning permissions are of some age; they pre-date the present local plan and also a number of dismissed appeals for housing on the site.
8. The Inspectors in the above cases concluded that the development of the site would have an adverse effect on the character and appearance of the area. There is no compelling evidence to lead me to a different conclusion. The fact that Ursula Avenue is the last remaining 'island' plot within Seal Road lends significant weight to the argument that it should be retained, in light of its importance to maintaining the distinctive character of this part of Selsey.
9. I do not share the appellant's opinion that the front portion of the appeal site, on which dwellings are now proposed, is not critical to the identified character. This area makes an important contribution to the street scene of Seal Road, facilitating views of the dwellings on either side and providing an attractive setting for the properties facing Ursula Avenue. Its development in the manner proposed would be damaging to the 'island' strip as a whole, notwithstanding any similarities to past infill schemes in the vicinity of the site.
10. Accordingly, I conclude that the proposal would cause significant harm to the character and appearance of the area. It would conflict with Policy 33 of the Chichester Local Plan: Key Policies 2014-2029 insofar as this seeks to ensure that new residential development respects and where possible enhances the character of the surrounding area and site. The scheme also conflicts with the requirement of paragraph 127 of the National Planning Policy Framework (the Framework) that development should be sympathetic to local character and history and maintain a strong sense of place.

Planning Balance and Conclusion

11. There has been a material change in circumstances since earlier appeals, in that the Council is unable to demonstrate a 5 year supply of deliverable housing sites. Paragraph 11 (d) of the Framework states that in such circumstances permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
12. The delivery of new homes should be a key priority, given the current housing shortfall¹. However, in this particular case the adverse impacts on the character and appearance of the area would significantly and demonstrably outweigh the modest benefits of providing two additional dwellings. I have taken account of the site's location within the Settlement Boundary and policy within the Framework regarding the effective use of land and the important contribution small sites can make to meeting the housing requirement of an area. However, these considerations do not alter my conclusions.

¹ The Council does not provide a definitive figure but estimates housing supply to be a little less than 4 years.

13. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Robert Parker

INSPECTOR