



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: 18 February 2021

Appeal Ref: APP/L3815/W/20/3260778

Site Adjacent to Neska, Longlands Road, East Wittering, Chichester PO20 8DD

- 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 Mark Berg against the decision of Chichester District Council.
 - The application Ref EWB/20/01639/FUL, dated 30 June 2020, was refused by notice dated 2 September 2020.
 - The development proposed is demolition of existing outbuilding and erection of 2-bedroom chalet bungalow.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing outbuilding and erection of 2-bedroom chalet bungalow at Site Adjacent to Neska, Longlands Road, East Wittering, Chichester PO20 8DD in accordance with the terms of the application, Ref EWB/20/01639/FUL, dated 30 June 2020, subject to the conditions set out in the attached schedule.

Main Issues

2. The main issues are:
 - a) the effect of the proposal on the character and appearance of the area; and
 - b) the effect on the living conditions of the occupiers of Miggles, with particular reference to outlook.

Reasons

Character and appearance

3. The site was formerly part of the garden to the dwelling known as Neska. The principle of developing this plot was established through the grant of planning permission for a 1-bedroom bungalow under reference 19/02118/FUL. Since the appeal was lodged the Council has granted permission¹ for an alternative scheme consisting of a 2-bedroom chalet bungalow. Both permissions are extant and I have attached them significant weight as fallback positions.
4. The proposed chalet bungalow would bear a strong resemblance to the plans for the most recent permission. The ridged roof would be circa 0.33 m taller than under the approved scheme, which replaced the ridge with a section of

¹ Ref 20/02771/FUL

flat roof. The size and shape of the building footprint would be identical, but the property would be positioned closer to The Boathouse.

5. The Council contends that the development would appear unduly cramped. However, the relationship of the new dwelling to The Boathouse would be directly comparable to other properties in this part of Longlands Road, many of which are closely spaced. The form, massing and elevational treatment would be substantially similar to that of the approved chalet bungalow. The additional height would not be read by the casual observer, not least because the building would be lower than its immediate neighbours.
6. Concerns have been raised regarding the proposal for a valley dormer on the front elevation of the property. I saw no precedent in Longlands Road for this design feature but in my opinion it would add to visual interest in a street scene which contains an eclectic mix of building styles.
7. Policies 33 and 47 of the Chichester Local Plan: Key Policies 2014-2029 (CLP) are most relevant. Amongst other things, these policies seek to ensure that new development respects and where possible enhances the character of the surrounding area and contributes to creating places of a high architectural and built quality. Based on the information presented, I am content that the proposal would meet these policy requirements, including in respect of detailed matters such as layout, height, scale and massing. I therefore conclude that there would be no material harm to the character or appearance of the area.

Living conditions

8. The proposed chalet bungalow would be no closer to the rear plot boundary than the recently approved dwelling. However, it would be slightly taller due to the inclusion of a ridged roof. There would be no difference in the roof pitch and the single-storey eaves height would remain the same. The Council argues that the development would be overbearing and oppressive for the occupiers of Miggles. However, the height increase over the approved scheme would be very modest and the additional roof mass would be set well back from the boundary. The roof hips would minimise the bulk of the roof, mitigating its visual impact from the adjacent garden.
9. I acknowledge that the relationship is a sensitive one due to the proximity of built form to the boundary. Nevertheless, I am not persuaded that the proposal would cause unacceptable harm to the outlook of neighbours. The occupants of Miggles would enjoy adequate levels of daylight and sunlight and their privacy would be ensured through the use of high level roof lights. I therefore conclude that there would be no conflict with CLP Policy 33 insofar as it seeks to ensure that proposals respect neighbouring amenity.

Appropriate Assessment

10. The site lies within 5.6 km of the Chichester and Langstone Harbour Special Protection Area (SPA). This European designated site provides habitat for a number of internationally important bird species. It has been established that residential development within the zone of influence would likely result in harm to the protected area through additional recreational disturbance. Taken in combination with other developments permitted in the area, the proposal would be likely to have a significant adverse effect on the integrity of the SPA.

11. CLP Policy 50 requires proposals to make provision for appropriate avoidance/mitigation measures. The appellant has provided a signed Unilateral Undertaking which secures a financial contribution towards access mitigation measures such as coastal rangers to advise people on how to avoid bird disturbance, initiatives to encourage responsible dog walking and education projects. The parties are agreed that this contribution would accord with the joint mitigation strategy outlined in Phase III of the Solent Disturbance and Mitigation Project and the Planning Obligations & Affordable Housing Supplementary Planning Document.
12. The measures funded in the above manner would ensure that the proposal does not harm the integrity of the SPA and thus secure compliance with CLP Policy 50 and the requirements of the Habitats Regulations². The obligations within the Unilateral Undertaking are necessary to make the proposal acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. As such, they comply with Regulation 122 of the Community Infrastructure Levy Regulations.

Conditions

13. The Council has provided a list of suggested conditions for use in the event that I am minded to allow the appeal. I have considered these against the tests for conditions which are set out in the National Planning Policy Framework and Planning Practice Guidance.
14. I have imposed a condition specifying the approved plans to provide certainty. In the interests of the character and appearance of the area conditions are needed to secure details of materials, landscaping and boundary treatments. To prevent surface water flooding, I have attached a condition requiring hard surfaces to be made of porous materials or constructed to direct run-off water to a permeable or porous surface within the site.
15. In the interests of highway safety and to promote sustainable transport modes, conditions are needed to secure the new access and vehicle and cycle parking. I have imposed a condition to ensure that an electric vehicle charging point is provided in accordance with details to be first submitted. A condition is also needed requiring the provision of refuse and recycling storage prior to first occupation. It is essential that details of the sustainable design and construction for the dwelling are approved prior to any groundworks taking place and therefore a pre-commencement condition is justified.
16. There is potential for overlooking of neighbouring properties from the rooflights in the southern elevation of the dwelling and therefore a condition is necessary to require minimum sill heights. Future development within the plot has the potential to adversely impact on neighbours and therefore the Council's suggested conditions restricting the future use of permitted development rights are both reasonable and necessary.

Conclusion

17. For the reasons given above I conclude that the appeal should be allowed.

Robert Parker

INSPECTOR

² The Conservation of Habitats and Species Regulations 2017

SCHEDULE OF CONDITIONS

- 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: 28091-PD101 Rev F and 28091- PD100 Rev D.
- 3) No development shall commence until a strategy outlining details of the sustainable design and construction for the dwelling, including 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, has been submitted to and approved in writing by the local planning authority. This strategy shall reflect the objectives in Policy 40 of the Chichester Local Plan: Key Policies 2014-2029. The approved strategy shall be implemented prior to first occupation of the development.
- 4) Notwithstanding the submitted details, no development shall take place above slab level until a full schedule of all materials and finishes to be used for external walls and roofs of the building (including samples where specifically requested) have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 5) The dwelling hereby permitted shall not be occupied until details of the existing (those to be retained) and proposed boundary treatments have been submitted to and approved in writing by the local planning authority. The scheme shall include; (a) a scaled site plan showing the location and lengths of the boundary treatments and scaled elevations, (b) details of the materials and finishes, and (c) provision of gaps within boundary treatments to allow small mammals to move freely. The approved boundary treatments shall be implemented prior to first occupation of the development and maintained in perpetuity.
- 6) The dwelling hereby permitted shall not be occupied until a hard and soft landscaping scheme has been submitted to and approved in writing by the local planning authority. The submitted details shall include a scaled site plan indicating the planting scheme for the site showing: schedule of plants and positions, species, plant sizes (at time of planting) and 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 site. It shall also include full details of any proposed hard landscaping showing any external hard surfaces and their positions, materials and finishes. The works shall be carried out in accordance with the approved details and the recommendations of the appropriate British Standards or other recognised codes of good practice.

The approved scheme shall be implemented in the first planting season after practical completion or first occupation of the development, whichever is earlier, unless otherwise agreed in writing by the local planning authority. 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 agreed in writing by the local planning authority.
- 7) The dwelling hereby permitted shall not be occupied until such time as the vehicular access and parking spaces serving the development have been constructed in accordance with the details shown on the drawing titled "Proposed Drawings" and numbered "28091-PD101 Rev F". The access and parking spaces shall thereafter be retained for their designated use.
 - 8) The dwelling hereby permitted shall not be occupied until the electric vehicle charging point has been provided in accordance with plans and details to be first submitted to and approved in writing by the local planning authority. The charging point shall thereafter be retained in full working order.
 - 9) Notwithstanding the submitted details, the dwelling hereby permitted shall not be occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details that shall first have been submitted to and approved in writing by the local planning authority. Thereafter the cycle parking shall be retained in perpetuity.
 - 10) Notwithstanding the submitted details, the dwelling hereby permitted shall not be occupied until refuse and recycling storage facilities have been provided in accordance with a scheme that shall first have been submitted to and approved in writing by the local planning authority. Thereafter, the refuse and recycling storage facilities shall be maintained as approved and kept available for their approved purposes in perpetuity.
 - 11) Any hard surfaces within the site shall either be made of porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous surface within the site and thereafter shall be maintained as approved in perpetuity.
 - 12) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order), the sills of the rooflights on the south elevation of the dwelling shall be no lower than 1.7 m from the finished floor level within the room in which the rooflights are installed. Thereafter the rooflights shall be retained as such in perpetuity.
 - 13) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) no building, structure or other alteration permitted by Class A, AA, B, C, D and E of Part 1 Schedule 2 and Class A of Part 2 of Schedule 2 shall be erected or made on the application site without a grant of planning permission.

*** END ***