



Appeal Decision

Site visit made on 2 February 2021

by David Cliff BA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 February 2021

Appeal Ref: APP/L3815/W/20/3259518

Moyana, The Drive, Ifold, Loxwood, RH14 0TD

- 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 A Ealey (Bellevue Homes) against the decision of Chichester District Council.
 - The application Ref PS/20/01045/FUL, dated 21 April 2020, was refused by notice dated 3 July 2020.
 - The development proposed is erection of a new dwelling house.
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Decision

1. The appeal is allowed and planning permission is granted for a new dwelling house at Moyana, The Drive, Ifold, Loxwood, RH14 0TD in accordance with the terms of the application Ref PS/20/01045/FUL, and subject to the conditions in the attached schedule.

Main Issue

2. The main issues are the effects upon (i) the character and appearance of the area and (ii) the living conditions of the occupiers of neighbouring properties, with particular regard to outlook and privacy.

Reasons

Character and appearance

3. The appeal site comprises the rearmost part of the former garden of Moyana. The surrounding area has a pleasant residential character, consisting primarily of detached dwellings with an abundance of established hedges, trees and other landscape features. There are several examples where properties have been developed to the rear of others including in the immediate surrounds of the site, such as the properties on Springfields Close and Birchwood Close. Whilst some of the properties in the vicinity of the site, including Moyana, are bungalows there are also several two storey properties, including the properties to the rear of the site on Birchwood Close.
4. Whilst many of the older dwellings in the area have larger plots and garden areas, the proposed plot size in this case would not be significantly smaller than several others in the immediate vicinity of the site. Given the pattern of surrounding development, with several examples of dwellings to the rear of others, I am satisfied that the proposed site would be suitable in principle for a new dwelling. Both the proposed plot and the remaining curtilage of the

existing dwelling would satisfactorily reflect the pattern and layout of surrounding development.

5. Other than on its boundary with Moyana the appeal site benefits from well-established planting on its main boundaries. Although the proposed dwelling would be two storeys in height and therefore higher than some others in its vicinity, its overall bulk, height and massing would be reasonably modest.
6. The retention of the good boundary screening on the south boundary with Birchwood Close would mean that the dwelling would not be either prominent or visually intrusive in views from this side. Views from other public vantage points, including The Drive, would be limited. The space retained from the dwelling to the plot boundaries, including proposed garden space, would be sufficient to provide for an appropriate setting for the dwelling and prevent it from appearing as cramped within the plot. Whilst it would be higher than Moyana, the separation distance to this and other neighbouring properties would be sufficient to ensure that no harmful visual effects result. Indeed the proposal would be of a similar height to the existing properties on Birchwood Close. Although the proposed garage would be close to the northern boundary, its single storey form would result in it having limited visual prominence.
7. I am satisfied that the proposal would result in a good standard of design which respects the character and appearance of the surrounding area. It would satisfactorily accord with the relevant design aims of Policies 1, 33, 40, 47 and 48 of the Chichester Local Plan 2014-2029 ('the Local Plan') and the National Planning Policy Framework ('the Framework').

Living conditions

8. With regard to 1 Springfield Close, the proposed garage would be close to the boundary with this property but given its modest single storey height and massing, it would not appear as unacceptably overbearing in the outlook from the rear garden or rear windows of this neighbouring property. Whilst the proposed design includes a proposed gable facing towards the north boundary, both the eaves and ridge height would be relatively modest for a two storey dwelling. The separation distance from the main two storey elevations of the proposed dwelling would be sufficient to also prevent any unacceptable impacts in the outlook from this neighbouring property. Furthermore, taking into account existing boundary screening, the separation distance between the respective properties would be sufficient to prevent any unreasonable impacts on privacy.
9. The proposed dwelling would be closer to the existing dwelling at 1 Birchwood Close. However, the good boundary screening between the two properties would limit any impacts in terms of either outlook or privacy. The design of the proposed dwelling, with a low eaves level and sloping hipped roof would also reduce the visual impact of the proposal upon the outlook from this neighbouring property.
10. Although, in the absence of landscaping, the facing elevation of the proposed dwelling would be clearly visible in views from the rear windows and garden of Moyana, the separation distance to the existing property would be sufficient to ensure that no unacceptable impacts would result upon the outlook of its occupiers.

11. The traffic movements and use of the proposed vehicular access from one new dwelling is likely to be very modest and would not be likely to result in unacceptable noise or disturbance for the occupiers of the existing neighbouring properties, including those on Springfield Close.
12. Therefore, the proposed development would not have any unacceptable impacts upon the living conditions of the occupiers of neighbouring residential properties. It would accord with the relevant amenity aims of Policy 33 of the Local Plan and the Framework.

Other matters

13. The proposed vehicle access would achieve appropriate visibility and the proposed access driveway, parking and turning areas would be appropriate for the modest number of traffic movements arising from a single dwelling. Any increase in traffic would be unlikely to be so great as to result in any significant implications for highway safety. Any limitations on access for emergency vehicles does not weight significantly against the proposal.
14. There is no detailed evidence before me to suggest that boundary trees and hedges would be at significant risk from the proposal, including those within neighbouring sites. I have amended the Council's suggested landscaping condition to ensure that the landscaping details to be submitted for the approval of the Council include protection measures for existing landscape features that are proposed to be retained.
15. The Council has not raised any concerns regarding the drainage implications of the proposal. There is no firm evidence that it would not be feasible to adequate drain the proposed development and I have attached a condition, as suggested by the Council, regarding the drainage of the approved hard surfaces. The matter of drainage does not weigh significantly against the proposal.
16. The Council has not relied on any policies within the emerging Plaistow and Ifold Neighbourhood Plan that was subject to public consultation in 2020. Although it has been referred to in other representations from interested parties, from the details provided it is still being examined and consequently currently carries limited weight in my consideration of this appeal.
17. The evidence before me does not indicate that the proposed development would lead to any adverse ecological implications. The landscaping scheme required by condition, including details of new planting and the protection of existing features, is capable of providing additional ecological benefit.
18. Representations have been made regarding the extent of the land owned by the appellant and questions whether appropriate notification has been served. It is not possible for me to determine whether appropriate certification has been provided. Separate legislation exists to deal with private legal rights regarding land ownership. I note that the appellant is of the view the certificates have been completed correctly. In the event an appellant is unable to implement a scheme due to land ownership issues, a revised scheme may have to be submitted. I have assessed the planning merits of the scheme based on the drawings and evidence before me. In these circumstances the concerns raised regarding land ownership do not carry significant weight in my determination of the appeal.

18. Given my conclusion below regarding compliance with the development plan, I do not need to consider further the matter of the Council's supply of housing land.

Conditions

19. I have considered the Council's suggested conditions. Some conditions I have slightly amended for reasons of precision and clarity, but these changes have not changed the overall essence of the condition.
20. Condition 2 is necessary for clarity and certainty on what has been approved. Condition 3 is required to safeguard the environment, local amenity and highway conditions during the construction of the development. Condition 4 is needed to achieve a high standard of external appearance and design. Condition 5 promotes sustainable design and construction and to limit the unsustainable use of resources. Condition 6 is necessary to respect the character and appearance of the area, safeguard neighbouring residential living conditions and promote biodiversity enhancement. Residential living conditions are also safeguarded by condition 7. Condition 8 is necessary to ensure no adverse effects arise for highway safety or local highway conditions and condition 9 is needed in the interests of good design and to promote recycling. Condition 10 is necessary to ensure the appropriate drainage of hard surfaces.
21. A condition requiring obscure glazing in the first floor window of the east elevation is not necessary given the considerable separation distance from this window to the eastern boundary of the site and the existing boundary screening. A cycle parking condition is also not necessary as there appears to be ample space within the proposal (including the proposed garage) for secure cycle storage to be provided for future occupiers. Separate conditions for electric vehicle charging provision and water usage are not required as these matters are contained within the requirements of condition 4 for a sustainable design and construction strategy.

Conclusion

22. Having regard to all other matters raised, I have found that the proposed development would accord with the development plan when considered as a whole and there are no material considerations of such weight that have led me to find that permission should be withheld.
23. I conclude that the appeal should be allowed.

David Cliff

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin no later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: P-01, P-02, P-03, P-04, P-05, P-06 and P-13.
3. No development shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) the erection and maintenance of security hoarding;
 - v) wheel washing facilities;
 - vi) measures to control the emission of dust and dirt during construction;
 - vii) a scheme for recycling/disposing of waste resulting from demolition and construction works; and
 - viii) measures to control the emission of noise during construction.

The approved CEMP shall be adhered to throughout the construction period for the development.

4. No development above ground level shall take place until details and samples of all materials to be used for the external walls and roofs of the building 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. No development shall commence until a strategy containing details of the sustainable design and construction of the development, including water use (not to exceed 110 litres per person per day), building for life standards, sustainable building techniques and technology, energy consumption maximising renewable resources, and electric vehicle charging provision, has been submitted to and approved in writing by the local planning authority. The development shall be carried out and implemented in accordance with such approved details.
6. i) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of soft landscaping (including planting plan and schedule of plants noting species, sizes and proposed numbers) and hard landscaping, along with a programme for the implementation of the hard and soft landscaping. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development and the development shall proceed in accordance with the approved protection details.

ii) The approved hard and soft landscaping details shall be carried out in accordance with the approved programme of implementation; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

7. The development shall not be occupied until boundary treatments have been provided in accordance with details which shall have previously been submitted to and approved in writing by the local planning authority. Thereafter the boundary treatment shall be retained in accordance with approved details.
8. The development shall not be occupied until space has been laid out within the site in accordance with drawing no. P-03 for cars to be parked and for access to be provided and that space shall thereafter be kept available at all times for such purposes.
9. The development shall not be occupied until refuse and recycling storage facilities have been provided in accordance with details which shall have first been submitted to and approved in writing by the local planning authority. The approved facilities shall thereafter be retained for their intended use.
10. The hard surfaces hereby permitted shall either be constructed of porous materials or provision shall be made to direct run-off water from the hard surfaces to a permeable or porous surface within the site. The development shall thereafter be retained in accordance with such measures.