



Appeal Decision

Site visit made on 23 February 2020

by N Holdsworth MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 June 2021

Appeal Ref: APP/L3815/W/20/3262182

Mountain Ash, 106 Main Road, Southbourne, PO10 8AY

- 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 D Farren against the decision of Chichester District Council.
 - The application Ref SB/20/01053/FUL, dated 17 April 2020, was refused by notice dated 6 August 2020.
 - The development proposed was originally described as erection of 1.No Chalet bungalow.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. To address the second reason for refusal the appellant submitted a 'Nitrate Budget Report' with the appeal. The conclusion of this report is that there would be an increase in the total nitrogen load compared to the existing site use. A treatment plant and reedbed is proposed to address this, which would be installed adjacent to the side boundary of the site.
3. However, this would evolve the scheme. I cannot be certain that interested parties, including neighbouring occupants, were aware of this change as it only emerged at appeal stage. The proposed plant¹ does have the potential to affect them, so their interests would be prejudiced were my decision to be based on this information. I have therefore disregarded this change and dealt with the appeal based on the scheme considered by the Council.

Main Issues

4. The effect on the character and appearance of the area; and on the water quality within Chichester Harbour with particular regard to nitrates.

Reasons

Character and Appearance

5. The site currently comprises various single storey outbuildings, accessed by a track running along the side of the dwelling at 106 Main Road. Further to the south of the site is an area of open countryside, characterised by larger open fields with scattered vegetation including various mature trees.

¹ As set out on document entitled 'Drawing 8'

6. The existing outbuildings on the site are low rise structures that are visually subservient to the row of buildings that face Main Road. By contrast, the new building has been designed to broadly replicate the bulk, scale and mass of the houses that face the street. Consequently, this would not be a visually subservient structure. It would stand out due to its two-storey height, appearing as a very noticeable departure from the prevailing linear pattern of development along this part of Main Road. Because of its size it would overwhelm its immediate surroundings, including other nearby garden buildings associated with neighbouring properties. It would appear out of place in the prevailing residential garden environment.
7. The driveway to the site already exists, and the site falls within a built-up area. In this context, the intensification caused by additional vehicular movements associated with the new dwelling would be insignificant. They would not detract from either the character of the area or residential amenity. The acoustic fencing around the track would have a height and appearance similar to typical garden fencing. Consequently, it would not detract from the spacious and verdant character of the area or otherwise lead to an unacceptable or unexpected sense of enclosure. However, these are neutral matters, they do not weigh in support of the proposal.
8. In conclusion the size and height of the proposed building, in combination with its siting, means that there would be an unacceptable effect on the character and appearance of the area. This harm relates to the principle of development in its current form, so it cannot be overcome by the various suggested planning conditions. In this respect the proposal conflicts with policies 33 and 47 of the Chichester Local Plan which, amongst other things, seeks to achieve good design that respects the local character. The proposal also conflicts with the Chichester District Council Interim Policy Statement for Housing Development, to the extent that it shares similar objectives to the development plan policies identified above. I attach significant weight to the harm that would arise to the character and appearance of the area, as a consequence of this development.

Nitrates

9. The site is close to Chichester Harbour. The Council maintain that the additional housing development proposed would have a negative impact on the level of nitrates entering this area of water, which is a point that the appellant does not dispute. In the absence of any mitigation, the proposal would be likely to adversely affect the water quality in this area.
10. The issue cannot be overcome by planning condition, as to do so requires some degree of certainty that acceptable mitigation can be bought forward by way of technical detail without significant changes to the proposed development. That does not exist, on the evidence I am able to consider. Such a condition could make the development undeliverable, and would therefore be unreasonable.
11. The Council did not identify any development plan policies in relation to this point. However, the National Planning Policy Framework places a strong emphasis on conserving the natural environment, and the proposal in the form before me would fail to do this. Consequently, there would be an unacceptable effect on the water quality within Chichester Harbour with particular regard to nitrates. This is a material planning consideration that weighs against the proposal.

Development Plan – Conclusion

12. The proposal would provide an additional house in a built up area in good proximity to existing services, and in doing so accords with other parts of the Development Plan that seek to encourage such development. However, there would be unacceptable harm to the character and appearance of the area. The proposal conflicts with the development plan, when it is considered as a whole.

Planning Balance – National Planning Policy Framework

13. The appellant argues that the development plan policies are out of date. Of particular importance is the lack of a 5 year housing land supply; the current supply being less than 4 years. Consequently the National Planning Policy Framework (the Framework), an important material planning consideration, directs that the policies most important for determining the application are out of date. Consequently, the presumption in favour of sustainable development, as set out in paragraph 11 d) of the Framework is engaged.
14. The single additional house would help to address the established housing shortfall and in doing so would have achieved economic and social benefits including through construction activity. Such development in accessible built up areas such as this is encouraged in the Framework. As a small site it could be delivered quickly. However, the proposal would relate poorly to its built surroundings due primarily to its excessive size. Consequently, it conflicts with the requirement in the Framework to achieve well-designed places. It would also have a negative impact on nitrates in Chichester Harbour, so it would fail to conserve the Natural Environment. Overall, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. As such, even having taken account of the shortfall of housing land, the presumption in favour of sustainable development does not apply.

Other Matters

15. There was a third reason for refusal, regarding recreational disturbance to the Chichester and Langstone Harbours Special Protection Area. However, the appellant submitted a legal undertaking providing a financial payment to mitigate this issue and the Council have confirmed they support this approach, so there is no dispute between the parties on this point. However, as I am not minded to grant planning permission, it is not necessary to carry out an Appropriate Assessment under the relevant Habitats legislation. This does not have any bearing on my conclusions in relation to the presumption in favour of sustainable development, as set out above.
16. The site falls within an Area of Outstanding Natural Beauty. However, the development is set within a predominantly built up area and would not appear out of place in the wider surrounding landscape. As such, it would not detract from the natural beauty of this area. However, this is a neutral consideration.

Conclusion

17. The proposal conflicts with the development plan and there are no other considerations that outweigh this finding. The appeal should be dismissed.

Neil Holdsworth

INSPECTOR