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## Appeal Decision

Site visit made on 15 July 2021

**by Rachael Pipkin BA (Hons) MPhil MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 3 August 2021**

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**Appeal Ref: APP/C3810/W/21/3268981**

**Land between 49 and 51 Summerley Lane, Felpham PO22 7LF**

- 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 Keith Baker against the decision of Arun District Council.
  - The application Ref FP/189/20/PL, dated 5 October 2020, was refused by notice dated 26 November 2020.
  - The development proposed is single-storey dwelling to replace garage.
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### Decision

1. The appeal is allowed and planning permission is granted for single-storey dwelling to replace garage at Land between 49 and 51 Summerley Lane, Felpham PO22 7LF in accordance with the terms of the application Ref FP/189/20/PL, dated 5 October 2020 and subject to the conditions in the attached schedule.

### Procedural Matters

2. The application form gave the site address as '79 Limmer Lane, Felpham PO22 7LF'. However, the Council's decision notice refers to the site as 'Land between 49 and 51 Summerley Lane, Felpham PO22 7LF'. The appeal form also states this alternative address. This more accurately reflects the address of the appeal site and I have therefore referred to this in my heading above and in my formal decision.
3. During the course of the appeal, a revised National Planning Policy Framework (the Framework) was published. The parties have had an opportunity to comment on the revised Framework in relation to this case during the appeal process. I have dealt with the appeal accordingly.

### Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area.

### Reasons

5. The appeal site is a narrow, rectangular plot of land occupied by a single-storey detached garage. It has a frontage to the eastern side of Summerley Lane, positioned between a bungalow and garage at Number 49 and a two-storey detached house. The surrounding area has a mixed residential character. Properties along Summerley Lane present a range of scales and architectural

styles including three-storey blocks of flats, two-storey detached and terraced houses as well as detached bungalows. Plot sizes within the area are quite varied. On the opposite side of Summerley Lane there are two narrow, detached bungalows at Numbers 32 and 34 (Nos 32 and 34). On the eastern side of Summerley Lane, plot sizes are relatively wide, with houses set back from the street behind front driveways. This contributes to the spacious character of the area.

6. The proposed dwelling would occupy much of the width of the site, with access along its southern elevation of a little more than 1 metre leading to its main entrance. Its front elevation would align with that of the adjacent bungalow and garage.
7. The proposed house would be a lot smaller, both in height and width, than the adjacent properties. It would also be less spacious within its plot due to its proximity to the site boundaries. However, since it would retain a similar set back from the street than the neighbouring bungalow and garage, it would not be prominent and only limited harm to the spacious character of the street would result.
8. In the context of the wider area, it would not be uncharacteristic of other development along Summerley Lane, in particular Nos 32 and 34, one of which is narrower than the appeal site. Whilst these are unusual properties due to their small size, they are nevertheless part of the mixed residential character of the area. I appreciate that there is no planning history for these properties which suggests they predate such controls. However, this does not alter the fact that they form part of the established character of the area. As such, I find that the appeal proposal would not appear at odds with the surrounding area.
9. I conclude that the proposed development would not harm the character and appearance of the area. It would therefore comply with Policies D SP1 and D DM1 of the Arun Local Plan 2018 (ALP) and Policy ESD1 of the Felpham Neighbourhood Plan 2014. These policies together seek development that makes efficient use of land and is a high quality of design of a scale that is in accordance with local character.

### **Other Matters**

10. The proposed house would extend along the site boundaries with windows in both side elevations. It would be single-storey with a pitched roof and therefore relatively low in height. Its windows would be at ground floor level with outlook towards the boundary fence. As such it would not be overbearing nor would it cause any harmful overshadowing or overlooking of the adjacent property. The formation of a patio at the rear of the proposed house would have a similar relationship as occurs between neighbouring properties within a suburban setting. In these circumstances, I have no reason to conclude that the proposal would give rise to unacceptable noise and disturbance.
11. The appeal proposal is for a modest residential property on a suburban street utilising an existing vehicular access onto Summerley Lane. Two off-street parking spaces would be provided to serve the proposed two bedroom house. This would be sufficient to avoid the proposal generating additional on-street parking demand. The Council has confirmed that the spaces are compliant with the required dimensions as set out in the Arun Parking Standards Supplementary Planning Document 2020 (the SPD). The provision of cycle

parking would be secured by a condition. I have no substantive evidence before me to indicate that the proposal would lead to unacceptable impacts on highway safety.

### **Conditions**

12. The Council has proposed a number of conditions should the appeal be allowed in addition to those which I have already referred to earlier in my decision. I have considered these and imposed them where they meet the tests set out in Paragraph 56 of the Framework, amending where necessary for the sake of simplicity, clarity and precision.
13. A condition specifying the approved plans is necessary as this provides certainty. In the interests of character and appearance, I have imposed a condition requiring details of materials to be provided.
14. I have imposed a condition to control the hours of construction to protect the living conditions of neighbours. In the interests of highway safety and to secure adequate parking, a condition requiring the provision of car parking is necessary.
15. In order to mitigate against climate change, a condition requiring the approved development to demonstrate how it achieves energy efficiency and incorporates decentralised, renewable or low carbon energy supply systems is reasonable.
16. A condition restricting permitted development rights to prevent any extensions including dormer windows and porches is necessary and reasonable due to the constraints of the site, to protect the spacious character at the front of the property and to protect the living conditions of neighbouring occupiers.
17. I have not imposed a condition requiring the provision of facilities to enable the charging of electric vehicles as the requirement for this, as set out in Policy QE DM3(c) of the ALP relates to major developments and the guidance set out in the SPD is required in connection with houses with a driveway and garage which would not be applicable in this case.

### **Conclusion**

18. For the reasons set out above, I conclude the appeal should be allowed.

*Rachael Pipkin*

INSPECTOR

### **Schedule of Conditions**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in strict accordance with the following approved drawings: W2058-01 Rev A, W2058-02, W2058-03, W2058-04, W2058-05 and W2058-06.
- 3) No development above damp proof course level shall take place unless and until a schedule of materials and finishes to be used for external walls and roofs of the building have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the building.
- 4) No demolition or construction works shall take place other than from 0800 hours until 1800 hours Monday to Friday and from 0800 until 1300 hours on Saturday with no noisy work on Sunday or Bank/Public Holidays.

In addition to these hours of working, the local planning authority may approve in writing a schedule of activities where it is necessary to conduct works outside the hours specified in this condition.

- 5) The dwelling hereby permitted shall not be occupied until space has been laid out within the site for two cars in accordance with details and plans to be submitted and approved by the local planning authority. These spaces shall thereafter be retained at all times for their designated purpose.
- 6) The dwelling hereby permitted shall not be occupied until covered and secure cycle parking spaces have been provided in accordance with details and plans to be submitted and approved by the local planning authority. These spaces shall thereafter be retained at all times for their designated purpose.
- 7) At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low carbon energy sources (as described in the glossary at Annex 2 of the National Planning Policy Framework) unless it can be demonstrated that a fabric-first approach would achieve an equivalent energy saving.

Details and a timetable of how this is to be achieved, including details of physical works on site, shall be submitted to and approved in writing by the local planning authority before any development above damp proof course level begins. The development shall be implemented in accordance with the approved details and timetable and retained as operational thereafter, unless otherwise agreed in writing by the local planning authority.

- 8) Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking or re-enacting this Order) no extensions (including porches or dormer windows) to the dwelling houses shall be constructed or buildings shall be erected within the curtilage unless permission is granted by the local planning authority on an application in that behalf.

### **End of Schedule of Conditions**