



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: 13 August 2021

Appeal Ref: APP/C3810/W/20/3265442

Land at Chantry Mead, Barnham PO22 0EG

- 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 Stonehurst Properties Ltd against the decision of Arun District Council.
 - The application Ref BN/51/20/PL, dated 28 November 2019, was refused by notice dated 27 July 2020.
 - The development proposed is development comprising 4 no. dwellings including access, landscaping and associated works.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. A revised version of the National Planning Policy Framework (the Framework) was published after the determination of the planning application. The parties were given the opportunity to comment on this matter. I have had regard to the comments received and taken into account the revised Framework in my determination of this appeal.

Main Issues

3. The main issues are the effect of the proposed development on:
 - the character and appearance of the area; and
 - the living conditions of neighbouring occupants with particular regard to a sense of enclosure, overbearing impact and outlook, overshadowing and overlooking.

Reasons

Character and appearance

4. Chantry Mead together with Murrell Gardens is a residential cul-de-sac accessed off Downview Road. Development along both the cul-de-sac and Downview Road forms a linear pattern with most properties facing the main road and orientated to the east or west. Properties occupy varying plots sizes and are a mix of types. Development along the cul-de-sac is largely positioned on the western side of Chantry Mead away from Downview Road. This contributes to the spacious character of the area.

5. The appeal site comprises separate plots of land formed from parts of domestic gardens and vacant land. It lies to the rear of Numbers 14-18 Downview Road (Nos 14-18) and to the rear and side of properties at Numbers 8-11 Chantry Mead (Nos 8-11) with which it has a frontage.
6. Two dwellings (Plots 1 and 2) would front Chantry Mead orientated in the same way as existing development at the northern end of the road. The cul-de-sac would be extended to the side of No 8 to provide access to two further houses (Plots 3 and 4) which would face southwards. These would be positioned behind Nos 16-18.
7. The uncharacteristic orientation of Plots 3 and 4 and their access from an off-shoot of the main road would result in an anomalous form of development that would fail to integrate with its surroundings. This would appear out of keeping with the established linear pattern of development along both Chantry Mead and Downview Road.
8. The proposed house serving Plot 3 is indicated to be set back some 45 metres from Downview Road. However, its height and position beyond the existing bungalow development at Nos 16-18 would make it visible in views from this road both above and between these properties. Furthermore, it would appear particularly close to the rear elevation of No 17. This would make it appear cramped within its plot, squeezed in between development on Chantry Mead and Downview Road. This would erode the spacious character of the area.
9. In coming to this view, I note that the proposed house would be significantly closer to Downview Road properties in comparison to a recently dismissed appeal¹ for a house in the rear garden at 10 Downview Road. In that case, despite a greater separation distance, the Inspector found that the proposed house would be visible from Downview Road and harmful to character.
10. Whilst I recognise that there are houses facing north-west at the far end of Murrell Gardens, these form the far end of the cul-de-sac, unlike the appeal scheme which is an off-shoot from the main road. Furthermore, they are some distance from the appeal site and do not lie within its immediate context. They do not therefore justify this disruption to the established pattern of development.
11. I conclude the proposed development would harm the character and appearance of the area. It would therefore conflict with Policies D SP1 and D DM1 of the Arun Local Plan 2018 (ALP) and Policies ES5, ES6 and H4 of the Barnham & Eastergate Neighbourhood Plan which together seek a high quality of design and development that integrates and responds to local character and its surroundings to create a sense of place. It would also not accord with the Framework which seeks well-designed places and development that is sympathetic to local character and visually attractive.

Living conditions

12. The proposed houses would be set in by approximately 4 metres from their shared boundaries with Nos 16-18 and Nos 8-11. With the exception of No 16, the rear gardens to these properties are relatively shallow. Consequently, the proposed houses would only be a short distance from their rear elevations. This

¹ APP/C3810/W/18/3200389

is indicated to be around 14 metres from Chantry Mead properties and around 11 metres from the rear elevation of No 17.

13. The Council's Design Guide Supplementary Planning Document 2020 sets out that the minimum side-rear separation distance should be 14 metres. In respect of No 17 the separation distance falls below this. Whilst I note the building only partially extends across the rear elevation of No 17, it nevertheless would be likely to impact. Due to their height and proximity, the proposed houses would lead to a sense of enclosure of these nearby properties, causing a loss of outlook and appearing overbearing particularly when viewed from neighbouring gardens and the bungalows at Nos 17 and 18.
14. I note the Inspector for an appeal² at Croft Works, 52 Mill Lane found that the development despite being less than 14 metres from the neighbouring property would not give rise to a loss of privacy. However, I do not have the full details of the relationship between that property and its neighbours. The breach of the 14 metre limit was also found acceptable in terms of its impact on privacy and not outlook as in the scheme before me.
15. The proposed houses would be positioned to the south-west of properties along Downview Road. The height of the buildings in this position would be likely to cause some overshadowing of these neighbouring properties. I have not been provided with any technical assessment that this would not be the case. In the absence of this I cannot be satisfied that the proposal would not unduly harm the living conditions of these occupants through overshadowing.
16. Both proposed houses have a first floor window in their elevations facing towards Nos 8-11 and Nos 16-17. These windows would serve bathrooms. Whilst the proximity of these windows may give rise to a perception of overlooking, it seems to me that through the use of obscured glass and controls on the opening of these windows, no unacceptable harm would arise in this regard.
17. I conclude that the proposed development would adversely affect neighbouring occupants with regard to an increased sense of enclosure, its overbearing form and overshadowing. It would therefore conflict with Policies D DM1 and QE SP1 of the ALP which requires new development to have a minimal impact on occupiers of nearby properties by avoiding significant loss of sunlight and outlook. It would also not accord with the Framework which seeks places with a high standard of amenity for existing users. I have found no harm would arise through overlooking.

Planning Balance

18. The Council cannot demonstrate a five year supply of deliverable housing sites. The Council has advised that based on its latest Annual Monitoring Report 2019-20, its housing land supply was 3.3 years. This represents a significant shortfall. In such circumstances, paragraph 11 of the Framework indicates that housing policies should be regarded as out of date. Paragraph 11 d) makes it clear that where development plan policies are out of date planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.

² APP/C3810/W/20/3265511

19. The provision of four houses would make a small contribution to the overall housing supply. In the context of the significant housing land shortfall these carry moderate weight.
20. The appeal site is within an existing residential area within the settlement boundary of Barnham and would, to an extent, make good use of land. It has good access to Barnham village centre with a number of services and facilities. It is also close to schools and sport and recreation facilities as well as public transport links. The site is therefore an accessible location. These are all positive aspects of the scheme that weigh in its favour. I also give these moderate weight in the balance.
21. Set against this, the appeal would harm the character and appearance of the area. It would also adversely impact on the living conditions of neighbouring occupiers. This would be in conflict with both development plan policies and the Framework policies that seek to achieve well-designed places that do not harm living amenities.
22. In my view, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole. Therefore, the proposal would not constitute sustainable development with regard to paragraph 11 d ii) of the Framework.

Conclusion

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

Rachael Pipkin

INSPECTOR