The Planning Inspectorate

Appeal Decision

Site Visit made on 6 July 2021

by Stewart Glassar BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 August 2021

Appeal Ref: APP/C3810/W/21/3269281
7 Middleton Road, Felpham, Bognor Regis PO22 6BL

- 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 E McCarthy against the decision of Arun District Council.
- The application Ref FP/184/20/PL, dated 30 September 2020, was refused by notice dated 14 December 2020.
- The development proposed is the demolition of existing garage/outbuilding & construction of a pair of semi-detached houses & associated works.

Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing garage/outbuilding & construction of a pair of semi-detached houses & associated works at 7 Middleton Road, Felpham, Bognor Regis PO22 6BL in accordance with the terms of the application, Ref FP/184/20/PL, dated 30 September 2020, subject to the conditions in the attached schedule.

Preliminary Matters

2. The appellant has provided, and the Council has seen, an amended drawing of the garden building that reduces its height. The neighbour at No. 6 Flansham Lane had previously withdrawn their objection on the basis of this outbuilding having a lower roof height. I am therefore satisfied that my taking this drawing into account does not prejudice any of the main or interested parties or significantly change the overall nature of the proposed development.

3. Between the determination of the planning application and the appeal coming before me, the Neighbourhood Plan[1] was made. As a result of its examination, there were amendments to the wording of some policies. Both the main parties have had an opportunity to comment on the up-to-date development plan situation and I have determined the appeal with regard thereto.

4. A revised Framework[2] was published in July 2021. Both the main parties have had an opportunity to comment on the revisions in relation to this appeal. I have taken any made into account in my decision

5. Planning permission was previously granted for a single dwelling on the site. That permission does not appear to have been implemented and has now lapsed. The current Local Plan[3] was adopted some seven months after that decision. Whilst there is some continuity between the previous plan and the new one, particularly in terms of policies aimed at ensuring appropriateness of

[1] Felpham Neighbourhood Development Plan 2019 – 2031 (2021)
[2] National Planning Policy Framework (2021)
[3] Arun Local Plan (2018)

design, the lapsed planning permission is not a fallback position. I have accordingly assessed the scheme on its own merits.

Main Issues

6. The main issues are the effect of the proposed development on a) the character and appearance of the area; and b) on the living conditions of neighbouring occupiers.

Reasons

Character and Appearance

7. The crux of the Council's concerns in regard to this main issue appear to stem from the fact that the proposed development would, by virtue of the physical constraints of the appeal site, its width in particular, and the two dwellings sited thereon would appear cramped with the frontage dominated by parking.

8. There is a variety to plot sizes in the immediate area. Buildings also differ noticeably in their architectural style and thus land take relative to their plots. There is a distinct lack of uniformity to the size of private garden space and whilst reference to the second main issue, it strikes me that the gardens afforded to the dwellings would be sufficient for the purposes of private enjoyment. Indeed, this was not a matter of contention for the Council. The proposal would be backland development, and so the resulting pattern and grain of such would be slightly different from the current situation. But different does not automatically mean harm. As well as plot sizes, there is no clear identity to the area's density in built form terms.

9. The proposed external finishes of render and black cladding would give the houses a contemporary appearance that would be similar to the host bungalow and complement the surrounding buildings. The development would have only limited wider visibility beyond the site. Overall, the proposal would appear to have an acceptable form and relationship with the surrounding properties and the wider pattern of development.

10. I therefore find, taking into account the above, that the proposal would not harm the character or appearance of the area. As such it would accord with Policies D SP1, D DM1 and QE SP1 of the Local Plan and Policy ESD1 of the Neighbourhood Plan, which amongst other things, seek to ensure development makes an appropriate use of land and reflects the character of the area. The proposal would also accord with the Framework, in particular paragraph 130, which amongst other things, supports development which is sympathetic to local character.

Living Conditions

11. The Council does not identify any particular neighbours whose living conditions they consider would be affected by the proposal. Nevertheless, they raise concerns that the increased use of the access would cause noise and disturbance. Whilst there is no substantive data before me, I accept that there is the potential for a small uplift in car use and general use of the access for the proposed scheme when compared to the use of the existing garages. Similarly, there would be a likely increase in pedestrians using the route. However, the access road would be of reasonable width and both it and the parking area would be generally well shielded from neighbours by fencing.

12. Aside from one set-back window, neither the host property nor the neighbour at No.5 Middleton Road, which are positioned either side of the access road, have openings facing onto it. There would be some parking closer to the boundary with No. 9 Middleton Road but there would be less parking to the rear of Nos. 6 and 8 Flansham Lane. In overall terms, I am satisfied that the parking and access as proposed would not, on its own merits, be harmful to the living conditions of neighbours with respect to disturbance from noise.

13. I have found the proposed development to have an acceptable physical relationship with the neighbouring properties. I have not found the additional levels of activity associated with the proposed development to result in a significant increase in noise or disturbance to the neighbours. I therefore conclude that the proposal would not be unacceptable to the living conditions of neighbouring occupiers. It would therefore comply with Policy QE SP1 of the Local Plan, which amongst other things, seeks to ensure that development does not adversely affect neighbouring occupiers.

Other Matters

14. As I have set out above, concerns were also raised by the Council and the occupants of No.6 Flansham Lane regarding the proposed garden room/home office building positioned on the boundary with this neighbour. As originally proposed, the roof would have been a noticeable feature from this neighbour's garden but this has now been replaced by a less intrusive, shallower pitched roof. This alteration has, in my opinion, overcome the previous concerns that were raised in this regard.

Conditions

15. In addition to the standard time limit condition, a condition is required in the interests of certainty that lists the approved plans.

16. There are aspects such as cycle parking and drainage which need to be secured by condition to ensure that these facilities are provided to meet the needs of the development and its occupiers. Similarly, the installation of car charging points would accord with Policies D SP1, ECC SP2 and QE SP1 of the Local Plan in contributing positively towards sustainable development and tackling climate change. The Building Regulations would ensure the implementation of the correct energy efficiency standards in relation to the building's construction.

17. Given the observations of the Highway Authority regarding the space available to the front of the dwellings for car parking/manoeuvrability, a condition is required ensuring that layout details are submitted to the Council and agreed prior to the first occupation of the dwellings. If as a result, the surfacing and drainage details would change from those previously agreed, then their details would also need to be submitted to the Council for approval.

18. There are a number of trees outside of the site but in close proximity to the site's boundary. However, these appear to be in areas that are generally away from major construction work. As such a pre-commencement assessment condition as suggested by the Council would be unnecessary. Instead, I have included a condition requiring protective fencing to be erected to ensure no working or storage of material/machinery etc. is undertaken within the spread of any of the canopies.

19. The application forms are quite clear on the proposed external materials and I see no need for a condition requiring the resubmission of that information. Likewise, the scheme clearly proposes to provide both dwellings with lawned rear gardens. This would offer some small, net biodiversity gains. As such I see no benefit in requiring the submission of further unspecified landscaping details in this respect. Areas are shown for bin storage and it seems unnecessary to impose a condition requiring those specific areas are kept for this activity given the size of the site and the availability of alternative spaces for bin storage.

20. The Council has suggested conditions for a Construction Management Plan (CMP) and working hours. It is not clear why a CMP is being sought on such a site, especially as there is an existing vehicular access and good provision for on site storage/turning. This does not appear to have been requested by the Highway Authority. In these circumstances I do not consider such a condition to be reasonable. However, given the close proximity of demolition and construction work to some neighbouring dwellings, it is reasonable to impose a condition on hours of working in order to safeguard these neighbours' living conditions and to minimise disruption during construction.

Conclusion

21. For the reasons given above, having considered the development plan as a whole, along with all other relevant material considerations, I conclude that the appeal should be allowed subject to the conditions below.

Stewart Glassar

INSPECTOR

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:
   - PL01 – Proposed Plans
   - PL02 - Proposed Elevations (including drainage details)
   - PL03 – Block Plan (including drainage details)
   - PL04 Rev A – Proposed Garden Room & Cycle Storage
   - FSC4375 D100 – Aquaflow Permeable Paving Formation and Construction Detail
   - FSC4375 D1 - Aquaflow Permeable Paving Layout for Parking Area and Access Road
   - MR7 – Construction Details Drainage

3) No development above damp proof course level shall take place until a car parking layout has been submitted to and approved in writing by the Local Planning Authority. Details of its surfacing and drainage, if different from the details shown on the approved plans, shall also be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and shall be retained as such thereafter.

4) No dwelling shall be first occupied until the cycle storage has been laid out within the site in accordance with approved drawing no. PL04 Rev A. Cycle storage shall thereafter be kept available for the parking of bicycles.

5) No dwelling shall be first occupied until a scheme for the provision of facilities to enable the charging of electric vehicles to serve the approved dwellings has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and shall be retained as such thereafter.

6) None of the dwellings hereby permitted shall be first occupied until the drainage works either shown on the approved plans or as approved by the local planning authority as part of condition 3 have been completed

7) Any trees whose canopies overhang the site shall be protected by fencing so that no equipment, machinery or materials are used or stored within the canopy spread of any such tree. The fencing shall be erected following the demolition of the existing garage/outbuilding, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made.

8) Demolition or construction works shall take place only between 0800 and 1800 hours on Monday to Friday; between 0800 and 1300 hours on Saturdays; and shall not take place at any time on Sundays or on Bank or Public Holidays.