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## Appeal Decision

Site Visit made on 26 August 2021

**by J Reid BA(Hons) BArch(Hons) RIBA**

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

**Decision date: 24 September 2021**

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**Appeal Ref: APP/C3810/W/21/3268934**

**Land to the South of Downes Way (north of 15 Ambersham Crescent),  
Downes Way, Little Hampton BN16 1AA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr Sean Tofts against the decision of Arun District Council.
  - The application Ref A/151/20/OUT, dated 13 September 2020, was refused by notice dated 11 November 2020.
  - The development proposed is the erection of 1 new detached dwelling with associated landscaping and parking.
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### Decision

1. The appeal is allowed, and planning permission is granted for the erection of 1 new detached dwelling with associated landscaping and parking at Land to the South of Downes Way (north of 15 Ambersham Crescent), Downes Way, Little Hampton BN16 1AA in accordance with the terms of the application, Ref A/151/20/OUT, dated 13 September 2020, subject to the following conditions:
  - 1) Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
  - 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
  - 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
  - 4) The development hereby permitted shall be carried out in accordance with the following approved plan: Drawing 001.

### Preliminary Matters

2. The application for outline planning permission was made with all matters, that is, layout, scale, appearance, access, and landscaping, reserved for future consideration. Drawings numbered 002 and 003, which include an indicative layout, elevations, and plans, were submitted with the application for illustrative purposes only.
3. The revised version of the National Planning Policy Framework (Framework) was published in July 2021, after the appeal was made, so the main parties

were given the opportunity to comment on the changes to the Framework. The comments received have been considered in my determination of the appeal.

4. Any 'Stopping Up' to extinguish existing highway rights at the site would require a separate application made under other legislation.
5. I have used the spelling of the road name 'Downs Way' in my Reasons as seen on the road's nameplates to roughly west of the appeal site at my visit.

### **Main Issues**

6. The main issues are the effect that the proposal would have on:
  - the character and appearance of the surrounding area, and
  - the health and wellbeing of nearby occupiers.

### **Reasons**

#### *Character and appearance*

7. The generally flat irregular-shaped appeal site is a mainly grassed area on the south side of Downs Way within a well-planned housing estate in the built-up area of East Preston. The estate is mainly characterised by similar pairs of pitched roofed bungalows set well back from the roads, a few detached bungalows of similar style and siting, and linear terraces of broadly uniform 2-storey dwellings set well apart from one another, in a spacious network of grass verged roads, footpaths, and courts. Some dwellings have been extended but the overall uniformity in their character and appearance has endured. The estate has a strong 'open plan' ambience, and as the few trees dotted through it have had room to grow, they contribute positively to the sense of place.
8. Due to the lack of green space between the end of its private garden and the back edge of the pavement by the parking bay in Downs Way, the dwelling shown on the illustrative plans would look harmfully squeezed in. However, with careful siting of the dwelling and its grounds to maintain the spaciousness in the Downs Way street scene, there would be ample room for a dwelling that would respect the ordered character and spacious layout of the estate.
9. I consider that the proposal would not harm the character and appearance of the surrounding area. It would satisfy Policy D SP1 of the of the Arun Local Plan 2011-2031 (July 2018) (LP) which aims for proposals to make efficient use of land but reflect the characteristics of the site and local area, and LP Policy D DM1 which seeks good design and for proposals to respect or improve upon the character of the site and surrounding area.

#### *Health and wellbeing*

10. The site is not designated as open space in the LP, and whilst the Angmering Neighbourhood Plan 2014-2029 (NP) has designated other green spaces within the same estate as Local Green Space, the site is not one of them. The Council says that the site lends itself to physical exercise and health, and that the proposal would erode natural surveillance close by.
11. However, the appellant's NP extract shows that Langmead Recreation Ground is less than half a mile away, so nearby occupiers and future occupiers of the dwelling would have reasonable access to space for physical exercise and their health close to their homes. There is also ample scope for the proposal to

improve natural surveillance at and around the site. Moreover, as the appellant has shown that all of the site could be fenced up to the back edge of the pavement without the need for planning permission, its future availability for informal use by nearby occupiers could not be assured.

12. I consider that the proposal would not harm the health and wellbeing of nearby occupiers. It would not conflict with LP Policy OSR DM1 which aims to protect open space and LP Policy HWB SP1 which aims to promote healthy communities and reduce health inequalities.

#### *Other Matter*

13. An interested party's concerns about highway safety were supported by almost no technical evidence. As there would be scope for the proposal to include on-site parking with adequate visibility, highway safety was not a concern in the Council's reasons for refusal, and I see no reason to disagree.

#### *Conditions*

14. The Council's suggested conditions have been considered and reworded in the light of Framework paragraph 56 and Planning Practice Guidance. As Drawings 002 and 003 were submitted for illustrative purposes only, the Council's suggested condition identifying the approved plans has been amended, and it is necessary for certainty.

#### **Conclusion**

15. I have found that the proposed development would satisfy the Development Plan when taken as a whole. The other considerations in this case, including the Framework, do not indicate a determination otherwise.
16. For the reasons given above, the appeal should be allowed.

*J Reid*

INSPECTOR