



Appeal Decision

Site Visit made on 28 October 2021

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

an Inspector appointed by the Secretary of State

Decision date: 09 November 2021

Appeal Ref: APP/L3815/W/21/3278290

17 Nettleton Avenue, Tangmere PO20 2HZ

- 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 Bill Chambers against the decision of Chichester District Council.
 - The application Ref TG/20/03130/FUL, dated 1 December 2020, was refused by notice dated 8 April 2021.
 - The development proposed is "Change use of private land from public amenity space to private garden and associated boundary treatment to side of private detached dwelling house".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application form refers to planting 'and 1.8m timber fence behind'. Plan number 2086/0110rev03 submitted with the application shows a 'Timber Fence' set back from the pavement in Nicolson Close, and the Design & Access Statement shows a close boarded fence with concrete posts and gravel board in the illustration at 3.2. I have taken this to describe the fence included in what the appellant applied for. However, as the Design & Access Statement at 3.1 refers to a 1.1 m tall 'post & rail fence', I shall consider that as well.
3. The appellant submitted an amended plan during the appeal process, which includes a change to the siting of the fence, as shown on plan number 2086/0110rev04 and the accompanying image. As the amendment is minor, and as I do not consider that anyone's interests would be prejudiced, I shall consider it.

Main Issue

4. The main issue is whether the proposed development would preserve or enhance the character or appearance of the Tangmere Conservation Area.

Reasons

5. The appeal site includes an irregular shaped piece of land on the roughly north east corner of Nettleton Avenue and Nicolson Close. It was formerly part of the plot of the dwelling at 18 Nettleton Avenue, which was demolished to make way for access and amenity space related to the housing development in Nicolson Close. The Site Layout (plan number 33/674/01H) for the Nicolson Close estate shows a linear side boundary between 17 and 18 and the piece of

land beyond the historic plot of the appeal dwelling (piece of land) landscaped and marked 'P.O.S.', and similarly marked land next to the linear side boundary of 19 on the opposite side of the road that is now Nicolson Close. So, the piece of land was part of an open landscaped area at the entrance to the Nicolson Close estate. Much of the piece of land has been enclosed by tall fencing.

6. The appeal site is within the Conservation Area, which has been extended in line with the conservation boundary review recommendations in the Tangmere Conservation Area Character Appraisal and Management Proposals 2014. Whilst the Conservation Area includes the historic core of the mediaeval and later village, much of its significance lies in its historic association with the RAF and Tangmere Airfield. Whether large or small, the trees and green areas that help to retain its village atmosphere are one of the Conservation Area's most important features. The traditional mainly pitched roofed red brick former RAF dwellings in Nettleton Avenue contribute positively to the appearance of the Conservation Area. The uniformity in the handed design of the historic dwellings at 11 to 17 and 19 Nettleton Avenue, and the linear boundaries between most of their plots, are important to their character as historic military development.
7. Because Nettleton Avenue borders the roughly north side of the expansive mainly open Tangmere recreation ground, the piece of land is widely visible. From plan number 33/674/01H and photographs showing the site in about 2009, the amenity spaces and planting on each side of the sinuous Nicolson Close provided significant openness and greenery at the only entrance into the Nicolson Close estate. They helped to soften the transition from the considerable openness at the recreation ground, framed in part by the low density Nettleton Avenue dwellings, to the tighter knit, more urban development in Nicolson Close. Due to its generous width and open character, the road and adjoining amenity spaces enabled the nearby dwellings in Nicolson Close to be easily seen from their wider surroundings, and thus to be visually and physically integrated into their village setting. So, the piece of land is important to the design and layout of the Nicolson Close estate, much of which is within the setting of the Conservation Area.
8. In addition, because the spacing and alignment of the nearby side boundaries of the dwellings at 17 and 19 reflected the linear pattern of the plots of the later RAF dwellings in Nettleton Avenue, they enabled the historic pattern of development, including the now lost dwelling at 18, to be appreciated. As the former RAF dwellings and the trees and green spaces within the Conservation Area are important to its significance, the gap between the historic plots of 17 and 19 Nettleton Avenue made a positive contribution to the street scenes in Nettleton Avenue and Nicolson Close, and to the character of the Conservation Area. So, whilst the piece of land is relatively small, as a green and open space, it made a positive contribution to the character, appearance, and significance of the Conservation Area.
9. The proposal would incorporate a significant part of the piece of land into the private garden of 17 Nettleton Avenue. Due to the scale, height and siting of the fence, and the enclosure of part of the amenity space as private garden, the proposal would unacceptably erode the important openness at the entrance to the Nicolson Close estate. The stark appearance and the hard edged form of the fence would harmfully intrude into, enclose, and urbanise the street, and

because the proposal would reduce the visible connection between the Nicolson Close estate and the rest of the village, it would erode the sense of place. Moreover, because the proposal would harmfully encroach into the open views into and out of the Conservation Area, and it would disrupt the historic development pattern in Nettleton Avenue, the character, appearance and significance of the Conservation Area would be unacceptably diminished.

10. The proposed planting would provide some greenery, and it could partly screen the fence, initially. The amendment would allow a little more room for the planting by the fence and would include more planting towards the front of the site. However, as the planting could not reasonably be controlled by condition for more than a few years, it could not be relied upon to screen the fence in the longer term, and it would not outweigh the harm that would be caused by the loss of part of the piece of land from the public domain and its inclusion in the private garden, and the resulting loss of openness. There is little information about the number and species of plants removed from the piece of land after roughly 2019, so there is insufficient evidence to show that the planting in either scheme would achieve a measurable net gain for biodiversity.
11. The post and rail fence referred to in the Design & Access Statement would be less solid and tall. However, as that fence would be a similarly stark and incongruous feature in this specific part of the Conservation Area, and as it would unacceptably enclose part of the amenity space, it would not overcome the harm that the proposal would cause.
12. The proposal includes a lesser area of land enclosed by fencing than the scheme before my colleague in her appeal decision ref APP/L3815/W/20/3247993. However, as the proposal before me would cause a damaging loss of amenity space and its harmful enclosure as part of a private garden, my findings are consistent with hers.
13. Nearby occupiers did not object, but as the proposal would not be acceptable, it would not make best use of the piece of land. The appellant's responsibilities as a landowner should have been considered before he chose to take on the piece of land. Whilst the vegetation on the piece of land had grown by 2019, subject to obtaining necessary consents, it could have been reduced to deal with the appellant's concerns about daylight and sunlight, and outlook, and boundary treatment could have been erected to deal with his privacy and security concerns in the previously existing back garden. There is ample space for play in the nearby recreation ground, so there is little to suggest that the amenity space was intended to be used as a play area. As there is good natural surveillance, including from the recreation ground and nearby dwellings, and as there are no police reports of crime related to the piece of land, if it were to remain open, crime on that land would not reasonably be expected.
14. Attention was drawn to other fences and boundary treatments within the village, including the red finished fence at the north east corner of Gibson Road and Nettleton Avenue, which appears to have been replaced, Duxford Close, where the character differs, and whilst the amenity space on the opposite side of Nicolson Close includes little vegetation, almost no information about its planning circumstances have been put to me. So, I have dealt with the proposal on its merits and in accordance with its site specific circumstances, my statutory duty and relevant local and national policy and guidance.

15. In terms of the National Planning Policy Framework (Framework) the proposal would cause 'less than substantial harm' to the significance of the Conservation Area. However, as there would be few public benefits, they would not be enough to outweigh that harm. Moreover, insufficient clear and convincing justification has been put to me to show that the proposal would be necessary to conserve or enhance the character or appearance of the Conservation Area in a manner appropriate to its significance.
16. Because the Conservation Area is a designated heritage asset and the application of policies in the Framework that protect assets of particular importance provides a clear reason for refusing the development proposed, the presumption in favour of sustainable development is not engaged.
17. Therefore, I consider that the proposal would fail to preserve or enhance the character or appearance of the Tangmere Conservation Area. It would be contrary to Policy 33 of the Chichester Local Plan: Key Policies 2014-2029 (LP) which seeks a high standard of design and respect for context, LP Policy 47 which reflects the thrust of the statutory duty with respect to conservation areas, Policy 10 of the Tangmere Neighbourhood Plan 2014-2029 which aims for the design of development to reflect the local character of the village, and the Framework which aims for heritage assets to be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

Conclusion

18. I have found that the proposed development would be contrary to the Development Plan when taken as a whole. The other considerations in this case, including the Framework, do not outweigh that conflict.
19. For the reasons given, the appeal should be dismissed.

J Reid

INSPECTOR