

Appeal Decision

Site visit made on 11 October 2021

by S Edwards BA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 December 2021

Appeal Ref: APP/L3815/W/20/3265487

Hillfield House, 4 Clayton Road, Selsey PO20 9DB

- 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 Simon Barter against the decision of Chichester District Council.
 - The application Ref SY/19/02999/FUL, dated 28 November 2019, was refused by notice dated 31 July 2020.
 - The development proposed is demolition of existing dwelling and the erection of 4 no dwellings comprising 3 no. 4 bed dwellings and 1 no. 3 bed dwelling of 1.5 to 2.5 storey's and 4 no. garage spaces and associated external works.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The revised National Planning Policy Framework (the Framework) published on 20 July 2021 sets out the Government's planning policies for England. Policies within the Framework are material considerations which should be taken into account for the purposes of decision-making from the date of its publication. The parties were given the opportunity to comment on this matter, and I have had regard to the updated Framework in determining this appeal.

Main Issues

3. The main issues are the effect of the proposal on (1) the character and appearance of the area and (2) the living conditions of the neighbouring occupiers of no 37 Bonnar Road, with particular regard to outlook.

Reasons

Character and appearance

4. Located within an established residential area, the appeal site comprises a large detached dwelling and a number of outbuildings set within spacious grounds. The surrounding area includes properties of varying sizes and designs, the majority of which have clearly defined frontages to the street, and sit within smaller plots. This pattern of development gives the area a pleasant suburban feel.
5. Within this context, the appeal scheme would introduce two large new dwellings within the rear part of the site, which presently retains a largely undeveloped appearance, and where the plot is considerably narrower than

along the road frontage. No concerns have been raised by the Council regarding the design of the new dwellings, and there are no reasons for me to take a different view. It is also accepted that the rear buildings would be partly screened by the properties fronting Clayton Road.

6. However, the existence of the dwellings on plots 3 and 4 within the public realm would be evident, particularly by reason of the position and width of the proposed vehicular access. The proposed arrangement would result in a form of backland development which would appear unduly prominent in the street scene and detract from the prevailing pattern of frontage development. Consequently, the proposal would fail to integrate effectively with its surroundings and erode the contribution which the appeal site currently makes to the character and appearance of the locality.
7. There are two properties within proximity to the appeal site which, in the appellant's opinion, can be regarded as backland plots. Although details of these particular schemes are not before me, it is clear that these buildings preserve the prevailing pattern of frontage development, especially by virtue of the adopted layout which has successfully restricted views of these properties within the public realm. For these reasons, the circumstances of these developments are not considered to represent a direct parallel to the proposal before me.
8. Whilst the principle of additional residential development on the site is acceptable, the layout of the proposal would be harmful to the character and appearance of the surrounding area. Accordingly, it would fail to accord with Policy 33 of the Chichester Local Plan: Key Policies 2014-2029 (LP), which sets out a number of criteria to ensure that residential development proposals provide a high quality environment in keeping with the character of the surrounding area.

Living conditions

9. The proposed dwelling on plot 3 would be built near the boundary shared with no 37 Bonnar Road (no 37). The rear elevation of this chalet bungalow includes a number of windows looking towards the appeal site. The appellant has referred to a planning application previously approved at this neighbouring property, which indicate that the rear dormer window serves a bathroom. Limited evidence has however presented to demonstrate whether this remains the case. It is also of note that the rear garden of this neighbouring property is restricted in size.
10. Whilst the proposed dwelling would have an eaves height of approximately 2.5 metres, the total height of the building would be far more substantial. The overall height of the wall and pitched roof, combined with the depth of the dwelling, would dominate views from this neighbouring property and garden. The proposed built form would create a harmful sense of enclosure, and appear as an obtrusive and oppressive feature, which would have a detrimental effect on the living conditions of the occupiers of no 37. The existing vegetation would only soften the impact of the proposal to a limited degree and furthermore, there is no certainty that it would be retained for the lifetime of the development.
11. For the foregoing reasons, the appeal scheme would adversely affect the living conditions of the neighbouring occupiers of no 37, with particular regard to

outlook. It would therefore conflict with LP Policy 33, which requires development proposals to respect and where possible enhance the character of the surrounding area of site, notably in terms of neighbouring amenity.

Other Matters

12. The appeal site lies within proximity to the Pagham Harbour Special Protection Area, which is considered to be of international importance for supporting important numbers of overwintering bird species. By reason of additional recreational pressures associated with the appeal scheme, the Council is concerned that the proposal would have a likely significant effect on the integrity of this sensitive area (either individually or in combination with other plans and projects), unless suitable mitigation is provided. Development proposals are therefore required to make a financial contribution towards mitigation measures, which are normally secured through the completion of a planning obligation.
13. It is of note that the Council is no longer contesting this reason for refusal and as this appeal is being dismissed on other substantive grounds, this is not a matter which needs to be addressed in more detail here. However, had the proposal been considered acceptable in all other respects, I would have sought to explore the necessity for undertaking an Appropriate Assessment, to ensure the proposal's compliance with Habitats Regulations.

Conclusion

14. The appeal scheme would enable the construction of additional dwellings, but the benefits associated with the proposal would be outweighed by the harm which would be caused to the character and appearance of the area, and the living conditions of neighbouring residents. There are no material considerations, which indicate that the appeal should be determined, other than in accordance with the development plan.
15. For the reasons detailed above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

S Edwards

INSPECTOR