



Appeal Decision

Site visit made on 29 March 2022

by Robert Parker BSc (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 April 2022

Appeal Ref: APP/C3810/W/21/3280243

Land at Downs Way/Heathfield Avenue, Downs Way, East Preston, BN16 1AB

- 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 Kostas Povilaitis against the decision of Arun District Council.
 - The application Ref A/46/21/OUT, dated 12 March 2021, was refused by notice dated 5 May 2021.
 - The development proposed is erection of a pair of one and a half storey semi-detached dwellings with vehicular access, private amenity space and landscaping.
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Decision

1. The appeal is allowed and outline planning permission is granted for the erection of a pair of one and a half storey semi-detached dwellings with vehicular access, private amenity space and landscaping at Land at Downs Way/Heathfield Avenue, East Preston BN16 1AB in accordance with the terms of the application, Ref A/46/21/OUT, dated 12 March 2021, subject to the conditions set out in the attached schedule.

Procedural Matter

2. The application is submitted in outline with all matters reserved. I have treated the submitted plans as illustrative. Details of layout, access, scale, appearance and landscaping would need to be the subject of a reserved matters application.

Main Issues

3. The main issues are the effects of the proposal on:
 - a) the character and appearance of the area;
 - b) the health and wellbeing of local residents; and
 - c) biodiversity.

Reasons

Character and appearance

4. The site lies within a housing estate in the built-up area of East Preston. The estate is comprised of semi-detached bungalows, a small number of detached bungalows built in a similar style and terraces of homogeneous two storey houses. The layout is ordered and there is a strong open plan character due to the dwellings being set back from the road behind lawned front gardens. These gardens combine with a network of roadside verges and grassed amenity areas to create an overall sense of space.

5. The site itself is described on the application form as prescribed highway land, but it has the appearance of incidental open space. This triangular shaped parcel is sandwiched between Downs Way and the A259 to the north. It contains some hawthorn and hazel scrub and a number of small trees which filter views of the neighbouring bypass. The land has some visual amenity value, but in comparison with other grassed areas on the housing estate, it does not make a significant contribution to the local character. Development of the western end of the site for two dwellings, as shown indicatively on the plans, could be accommodated without compromising the spacious and well-planned layout of the estate as a whole.
6. The inclusion of half hips and dormers means that the dwellings shown on the plans are not reflective of existing bungalows on the estate. However, scale and appearance are both reserved matters and therefore the Council would have adequate opportunity to secure a design which is more in keeping with the area. There is also ample scope to replicate the open plan front gardens of nearby properties and to include replacement tree and shrub planting on the undeveloped sections of land.
7. Accordingly, I conclude that the proposal would not cause material harm to the character and appearance of the area. There would be no conflict with Policies D SP1 and D DM1 of the Arun Local Plan 2011-2031 (July 2018) (LP) insofar as these seek to ensure that new development reflects the characteristics of the site and local area.

Health and wellbeing

8. The Council contends that the proposal would result in a significant reduction in an area of open space which contributes to the health and wellbeing of local residents. Whilst some other green areas on the estate are identified on the LP proposals map as open space, the appeal site is not. The size and shape of the site do not lend themselves to recreation and there is no substantive evidence to demonstrate that it is regularly used for such activity. There are other sites within walking distance, notably Langmead Recreation Ground, which are better suited to physical exercise.
9. For these reasons, I conclude that the proposal would not harm the health and wellbeing of local residents. There would be no conflict with the objectives of LP Policies HWB SP1 and OSR DM1 to protect open space and promote health and wellbeing.

Biodiversity

10. The appeal is accompanied by a preliminary ecological appraisal which states that the site is generally of low ecological value with negligible risk to protected species. The Council does not challenge these conclusions and I have seen no technical evidence to lead me to a different view. Policy ENV DM5 of the LP requires development to achieve a net gain in biodiversity and compliance with this policy can be secured by means of a planning condition.

Other Matters

11. The number of vehicle movements generated by the development would be very modest in comparison to overall traffic levels on Downs Way. Layout is a reserved matter but I am satisfied that the scheme could accommodate on-site parking with adequate visibility. There is no technical evidence before me to

demonstrate that the proposal would have an unacceptable impact on the safety of pedestrians or cyclists. The Highway Authority does not object to the scheme and I have no reason to take a different view.

12. I have taken account of other concerns raised, including those relating to the impacts on outlook, views and privacy, and also the effects on property prices. However, based on the information provided and my observations at the site visit, these matters would not justify dismissal of the appeal.

Conditions

13. In addition to the standard conditions for outline planning permissions, I have attached a condition specifying the approved red line site plan to provide certainty. It is for the parties to agree, within the confines of the relevant legislation and guidance, the format of any reserved matters application(s).
14. To ensure compliance with Policy ENV DM5 of the LP, a condition is necessary to secure details of measures for achieving a net gain in biodiversity. Electric vehicle charging points (EVCPs) will be a stipulation of the Building Regulations from 15 June 2022 onwards, but prior to the Regulations taking effect it is reasonable to impose a condition requiring the submission of a scheme for the provision of EVCPs, to comply with the sustainable transport objectives of LP Policy T SP1.
15. The Council's suggested conditions relating to tree protection and the removal of permitted development rights are unnecessary, prior to the approval of any reserved matters.

Conclusion

16. The proposal accords with the development plan taken as a whole and would accord with its aspirations, and those within the National Planning Policy Framework, to make efficient use of land. There are no adverse impacts that would significantly or demonstrably outweigh the benefits of the scheme in terms of housing delivery. As such, the scheme would constitute a sustainable form of development.
17. For the reasons given above, I conclude that the appeal should succeed.

Robert Parker

INSPECTOR

SCHEDULE OF 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 dwellings hereby permitted shall not be occupied until a scheme for the provision of electric vehicle charging points to serve the dwellings has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and the charging points shall be permanently retained and maintained in good working condition.
- 5) The dwellings hereby permitted shall not be occupied until details of measures for achieving a net gain in biodiversity have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 6) The development hereby permitted shall be carried out in accordance with the following approved plan: Drawing Ref. CBL-0820-225-L101.

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