



Appeal Decision

Site visit made on 6 April 2022

by Lynne Evans BA MA MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 24 May 2022

Appeal Ref: APP/C3810/W/21/3280743

Richmond Arms, 224 London Road, Bognor Regis PO21 1AU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval to details required by a condition of a planning permission.
 - The appeal is made by Mr Alex Burrows against the decision of Arun District Council.
 - The application Ref: BR/8/21/RES received by the Council on 15 January 2021, sought approval of details pursuant to condition No 1 of a planning permission Ref: BR/142/18/OUT granted on 16 January 2019.
 - The application was refused by notice dated 29 April 2021.
 - The development proposed is demolition & conversion of existing public house (with residential accommodation to 1st floor) to form up to 10 No. residential flats over a maximum of 3.5 storeys.
 - The details for which approval is sought are: layout, scale, appearance, access and landscaping.
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Decision

1. The appeal is allowed and the reserved matters are approved, namely layout, scale, appearance, access and landscaping details submitted in pursuance of condition No 1 attached to planning permission Ref: BR/142/18/OUT on 16 January 2019, subject to conditions as set out in the schedule at the end of the decision letter.

Preliminary and Procedural Issues.

2. The application relates to a reserved matters submission pursuant to an outline permission granted by the Council under its Ref: BR/142/18/OUT on 16 January 2019. All matters were reserved for subsequent approval. This submission seeks approval for the matters indicated to be reserved out under Condition 1 of that permission, namely layout, scale, appearance, access and landscaping. There are a number of other conditions requiring further details to be submitted and approved, but these are not before me.
3. Further clarification was sought on the timing of the submission of reserved matters as there are a number of different dates before me, but it would appear that the application for reserved matters approval was submitted within the appropriate timescale and the Council proceeded to determine the application. I have no reason to address this further and have referred to the date the reserved matters application was received by the Council, namely 15 January 2021, in the header above.

4. A concern has also been expressed by the Council regarding the description on the outline permission referring to the *demolition and conversion of existing public house* and the reserved matters indicating a new development and the Council has questioned whether the reserved matters fall within the scope of the outline permission. The wording on the outline application and permission appears somewhat clumsy and it would have been helpful if it had been addressed and clarified during the outline application stage, when it would have been open to the Council to seek further information. However, from all the information before me, including at the outline and reserved matters stage, I have no reason to conclude that the outline permission could not be considered to include full demolition and new build.
5. The third reason for refusal related to the absence of on-site parking provision. However, the Council has confirmed that it is not seeking to pursue this reason further, following the submission of a parking capacity survey which has been accepted by the County Highways Authority. From all the information before me, I have no reason to take a different view and shall not therefore address the reason for refusal No. 3 any further.
6. An informative on the decision notice questioned whether the reserved matters would comply with the requirements of condition 4 of the outline planning permission regarding finished floor levels in relation to predicted surface water flood levels. The Appellant submitted revised plans at the appeal stage to address this issue which the Council has considered and accepted, subject to a valid concern that the revision numbers of these plans had not been updated leading to uncertainty over the correct plans. This has been amended during the appeal process. I agree that this further information is helpful and can be accepted, on the basis that given the nature of the information provided, no other party would be prejudiced by me doing so.

Main Issues

7. The main issues in this appeal are:
 - a) the effect of the proposed reserved matters details on the character and appearance of the local area, including the setting of the nearby non-designated heritage assets (signal box and pedestrian railway bridge), and
 - b) whether the loss of the existing building would be acceptable in heritage terms.

Reasons

Issue a) Character and appearance.

8. The appeal site comprises an existing public house, a substantial building extending over two storeys occupying the majority of its site, with a single storey extension to the south of the main building. It is sited towards the northern end of Richmond Road North at the junction with both London Road and Upper Bognor Road. The western boundary abuts the railway line with the signal box on the other side of the railway line and the pedestrian footbridge over the railway line to the north of the building. Both the signal box and the footbridge are identified by the Council as Buildings or Structures of Character (non-designated heritage assets).

9. The proposal would comprise the redevelopment of the existing site for a new building with 10 flats with the fourth storey being within the roofscape resulting in a building of 3.5 storeys. It would follow the style of the existing building with a number of projecting bays which, together with the proposed balconies, would add visual interest to the building and would break up its overall bulk and massing.
10. The surrounding area is predominantly residential with a wide mix of dwelling styles. Although I agree that the predominant scale of the varying buildings in the vicinity is two storey, there is a mix of scales reflecting the varying building styles. Given the siting of the proposed building at the junction of a number of roads with the railway directly behind and no built development directly to the south of the site, the building as existing reads as a stand-alone building which stands somewhat apart from the rest of the surrounding development.
11. Given its siting, set slightly apart from the surrounding development and adjacent the railway line, it is my view that a larger and taller building, as proposed, would sit appropriately within the street scene. It would add visual interest to the surrounding context and because of the distances to the neighbouring development, it would not appear over dominant in relation to the surrounding buildings. The design with bays and balconies would add further visual interest. The fact that there are no other examples of buildings with balconies or mansard roofs in the local area does not, in my view, suggest that it would not be appropriate to introduce such features on this building, particularly given the variety of styles of development in the local area.
12. The pedestrian footbridge and signal box are included on the Council's register of non-designated heritage assets formally identified by the local planning authority as "Buildings or Structures of Character". There is limited information available in respect of both structures although the footbridge would appear to date from the Victorian era whereas the signal box from its design and mapping would appear to date from the 1930s. The significance of both structures, individually and together, primarily relates to their connections with and historical development of the railway.
13. Neither the footbridge nor the signal box is, in my view, a prominent feature in the local street scene, and both are generally seen in close range views only. The signal box in particular is most clearly seen from the footbridge itself or from Longford Road where the back of the existing public house can also be seen.
14. The proposed scheme would not physically affect either structure. The Council has raised a concern that the new building would diminish the contribution that these assets make to the local townscape. However, given the relationship of the appeal site to both structures, both the footbridge and the signal box would continue to be seen as separate buildings / structures closely related to the railway. I am satisfied that the significance of both the footbridge and the signal box would not be materially affected by the proposed scheme, when full account is taken of the main elements of interest contributing to their significance and their relationship to the surrounding area, in terms of their siting.
15. I am therefore satisfied that the proposed scheme design as submitted for reserved matters approval would be appropriate in terms of respecting the character and appearance of the local area and as well as the setting of the

nearby non-designated heritage assets. There would be no conflict with Policies HER SP1, D DM1 and D SP1 of the Arun Local Plan (2018) (Local Plan), the Arun Design Guide and the National Planning Policy Framework (Framework) and in particular Section 16, including paragraph 203, all of which seek a high quality of design which respects the local context and preserves and protects the local heritage.

Issue b) Loss of existing building

16. There is limited information before me regarding the existing pub building although it would appear to date from the mid-Victorian period. It is not included by the Council on its register of Buildings or Structures of Character. I have not been provided with any further information to indicate any assessment of the building or why it should be considered as a non-designated heritage asset. I have been provided with a copy of the Council's SPD *Buildings or Structures of Character* (SPD). I note that there are a number of other public houses included but not the appeal site building.
17. I have been provided with a copy of the Officer's report at the outline stage; this does not appear to include any suggestion or consideration of any heritage value to the actual public house building. The consideration related to the loss of the public house in commercial terms only and the heritage references were to the impact on the two nearby Buildings or Structures of Character. I would have expected this issue to have been addressed fully at the outline stage, even if there was an expectation that some of the building might be retained.
18. Similarly, there appeared to be no assessment at the reserved matters stage of the historic or architectural value of the existing building; there is a reference to suggestions by local residents that it should be considered as a non-designated heritage asset as it was originally the Stationmaster's house. It does not seem to me that this information is sufficient, on its own, to bring the building under the definition of a non-designated heritage asset or to meet the criteria set out at Section 3 of the SPD for the selection of buildings or structures of character. The Council has not sought to provide any further information in support of this reason for refusal at the appeal stage.
19. There is therefore insufficient information before me to conclude that the building should be regarded as a non-designated heritage asset. I do not consider that the proposed development would therefore conflict with Policy HER SP1 of the Local Plan or Section 16 of the Framework in respect of non-designated heritage assets.
20. Moreover, and even if it were demonstrated that there is some heritage value to the building as it stands, I have found that the proposal would respect the character and appearance of the local area and the setting of the two nearby non-designated heritage assets. The provision of ten flats in a generally sustainable location and taking account of the Council's serious shortfall in terms of providing a five year housing land supply weighs heavily in favour of the scheme. These benefits, in my view, significantly outweigh the loss of this building, particularly given the lack of evidence before me that it should be considered as a non-designated heritage asset.

Other Considerations

21. A number of other matters were raised at the reserved matters stage by local residents and the Town Council, including concerns regarding the impact on the amenities of neighbouring residents. Given the distances between the new building and the surrounding dwellings, I do not consider that there would be any material harm to the amenities of surrounding neighbours, including in respect of loss of light and overshadowing as well as overlooking and loss of privacy. The Council also did not raise them as reasons for refusal. A number of other concerns would be addressed under other legislation, including in relation to the siting of the proposed development and its proximity to the adjoining railway line.

Conditions

22. A number of conditions have been proposed by the Council and addressed by the Appellant. As this is a reserved matters application, I can only impose conditions which directly relate to the matters I am approving. I agree that further details in respect of a number of the reserved matters are required, including in respect of materials, landscaping, solar panels and lighting to protect the character and appearance of the local area as well as the amenities of local residents.
23. I agree with the Appellant that cycle provision is already set out on the plans but that a condition is required to ensure that the spaces are available for use prior to first occupation of the flats in the interests of sustainable development and alternative travel options for the residents. A similar condition is required in respect of the proposed bin stores, to protect the character and appearance of the local area and the amenities of existing and future residents.
24. However, conditions relating to energy efficiency measures, broadband provision and ecological issues are beyond the scope of the reserved matters before me.
25. I shall impose a condition to list the approved plans for the avoidance of doubt and in the interests of good planning. I do not consider that the 3D images need to be recorded as approved plans as full elevations have been submitted, and the images should be regarded as illustrative images.

Conclusion

26. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

L J Evans

INSPECTOR

Schedule of Conditions (1 – 7 inclusive):

1. The details hereby approved shall be carried out in accordance with the following approved plans: LOCATION PLAN 1468 PL01; PROPOSED SITE PLAN 1468 PL02; PROPOSED FLOOR PLANS 1468 PL03 Rev C; PROPOSED ELEVATIONS 1468 PL04 Rev B.
2. Notwithstanding the information shown on Plan: PROPOSED ELEVATIONS 1468 PL04 Rev B, no development above damp-proof course (DPC) level shall take place until a colour schedule of materials and finishes to be used for external walls, fenestration and roofs of the proposed building have been submitted to and approved by the Local Planning Authority in writing and the materials so approved shall be used in the construction of the building.
3. Notwithstanding the information shown on Plan: PROPOSED ELEVATIONS 1468 PL04 Rev B, no development above damp-proof course (DPC) level shall take place until further details of the solar panels to be sited on the roof have been submitted to and approved by the Local Planning Authority in writing and the solar panels shall be erected and thereafter retained and maintained in accordance with the approved details.
4. No development above damp-proof course (DPC) level shall take place until there has been submitted to and approved in writing by the Local Planning Authority, a landscaping scheme including details of hard and soft landscaping including details of the proposed green roof. The approved details of the landscaping shall be carried out in the first planting and seeding season, following the occupation of the building or the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
5. No external lighting shall be installed on the building or the site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The scheme should seek to conform with the recommendations within BS5489:1-2013 and avoid unnecessary artificial light spill through the use of directional light sources and shielding. The lighting approved shall be installed in accordance with the approved details and shall thereafter be retained and maintained.
6. No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with the approved layout plan, PROPOSED FLOOR PLANS 1468 PL03 Rev B. The cycle parking shall thereafter be retained and maintained.
7. No part of the development shall be first occupied until covered and secure bin stores have been provided in accordance with the approved layout plan, PROPOSED FLOOR PLANS 1468 PL03 Rev B. The bin stores shall thereafter be retained and maintained.