



Appeal Decision

Site visit made on 21 February 2022

by S Edwards BA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 May 2022

Appeal Ref: APP/L3815/W/21/3279587

Land East of 4 Cow Lane, Sidlesham, West Sussex PO20 7LN

- 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 Swain against the decision of Chichester District Council.
 - The application Ref SI/21/00622/FUL, dated 1 March 2021, was refused by notice dated 14 May 2021.
 - The development proposed is described as "Detailed application for an alternative 1 no. 3 bed dwelling following approval of 19/02349/FUL".
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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 main parties have had the opportunity to comment on this matter as part of the appeal process, and I have taken account of the updated Framework in determining this appeal.
3. As the application form does not include a complete site address, I have adopted the address contained within the Council's Decision Notice.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

5. The appeal site is thought to have historically been associated with Keynor Farm and formed part of an area which comprised small holdings set up by the Land Settlement Association (LSA) during the 1930s. Whilst the LSA no longer exists, the locality retains a pleasant, rural appearance, which is predominantly characterised by scattered buildings set within relatively spacious and verdant grounds.
6. Planning permission has previously been granted for the change of use of an agricultural building to a dwellinghouse¹, then for the demolition of the

¹ Local Planning Authority Reference 18/01871/FUL.

agricultural building and erection of a three-bedroom dwelling². These were presented as alternatives to a prior approval for the change of use of the building to a dwellinghouse under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2015 (as amended). The single storey agricultural building which was subject to the Class Q prior approval application however burnt down in 2020.

7. The appellant seeks to amend the appearance of the previously approved replacement dwelling, with a scheme drawing on the local vernacular. The design approach of the appeal proposal stems from traditional LSA properties with mansard roofs, which can be found elsewhere in the area.
8. The overall height increase of the proposed building may appear relatively limited, when compared with the previously permitted scheme. However, the ridge height increase would, in combination with the changes to the eaves height and shape of the roof, but also the proposed dormer windows to the front and rear elevations, give the building a top heavy and overly bulky appearance. This would result in an incongruous form of development, which would have a detrimental impact on the rural character and appearance of the site and its surroundings. Despite the screening provided by the existing vegetation, the harm associated with the proposal would nevertheless be evident within the public realm, particularly at times of the year when trees are not in leaf.
9. The appellant has referred to the scheme recently approved by the Council in February 2020, which remains extant and is an important material consideration. Having regard to the available evidence, there appears to be a real prospect that this consent would be implemented if planning permission for the appeal scheme was not forthcoming. However, in my view, the appeal scheme would not represent a positive improvement to the visual amenities of the area in design terms, for the reasons detailed above.
10. My attention has been drawn to other LSA properties with mansard roofs which can be found elsewhere in the locality, but these are generally characterised by their more modest scale and simpler design, and the appeal scheme would fail to successfully replicate these characteristics. I have also had regard to the planning approval for alterations and extensions at no 3a Cow Lane³, a LSA property with mansard roof. Whilst I have been provided with copies of the approved plans, I do not know the full circumstances of this case or the policies that applied at the time of the consideration of the application, and cannot be sure that a direct parallel can be drawn with the proposal before me. Limited weight is therefore afforded to this particular scheme.
11. Overall, the appeal scheme would cause unacceptable harm to the rural character and appearance of the site and surrounding area. It would consequently conflict with Policies 2, 33, 47 and 48 of the Chichester Local Plan: Key Policies 2014-2029 (LP) and Section 12 of the Framework. These notably seek to ensure that proposals meet the highest standards of design, respect distinctive local character and cause no adverse impact on the tranquil and rural character of the area.

² Local Planning Authority Reference 19/02349/FUL.

³ Local Planning Authority Reference 07/00900/DOM.

Other Matters

12. The appeal site lies within proximity to the Chichester and Langstone Harbours Special Protection Area, the Pagham Harbour Special Protection Area and Ramsar sites, which are recognised under the Habitats Regulations as being of international importance for supporting significant numbers of overwintering bird species. The Council and Natural England are concerned that the proposed development would have a likely significant effect on the integrity of these sensitive areas (either individually or in combination with other plans or projects) notably by reason of additional recreational pressures, unless suitable mitigation is provided.
13. As the appeal is being dismissed on other substantive grounds, this is not a matter which needs to be addressed further here. However, had the development been considered acceptable in other respects, I would have sought to explore the necessity for undertaking an Appropriate Assessment, to ensure the proposal's compliance with the Habitats Regulations.

Conclusion

14. I note that no objection has been raised by the Parish Council. However, in view of the harm I have identified, this does not persuade me to reach a different conclusion. There are no material considerations, which indicate that the appeal should be determined, other than in accordance with the development plan. For the reasons detailed above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

S Edwards

INSPECTOR