

Appeal Decision

Site visit made on 7 June 2022

by G Powys Jones MSc FRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 30th June 2022

Appeal Ref: APP/L3815/D/22/3296796
21 Worcester Road, Chichester, PO19 5DW

- 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 Darren Frost against the decision of Chichester District Council.
 - The application Ref EWB/21/02193/DOM, dated 14 July 2021, was refused by notice dated 21 January 2022.
 - The development proposed is a single and two storey extension to the front and side of existing property.
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Decision

1. The appeal is dismissed.

Procedural matter

2. Shortly before my site visit the appellant submitted a document entitled Appendix A, which contained photographs and further submissions in addition to those contained within the original grounds of appeal. The email accompanying it says:

'It is been noted that the attached was not include (sic) as part of the original submission, however is included in the appendix list in the appeal statement of case.'
3. An Appendix A was submitted with the original grounds of appeal, is referred to in the text, and comprises a summary of a legal case. However, at the foot of the final page of the grounds of appeal reference is made to appendix A as *'photographs of the surrounding area showing recent extensions.'* Clearly there has been some confusion in compiling the appeal documentation.
4. The Regulations¹ provide that the notice of appeal and the documents accompanying it shall comprise the appellant's representations in relation to the appeal. Clearly, the submission of the new Appendix A on 1 June 2022 is outside the time limits set out in the Regulations.
5. However, with regard to the photographs, I am satisfied that it was clearly the intention to submit them, as indicated in the grounds of appeal, and no party's interests would be prejudiced if I were to accept them. However, no justification has been provided as to why I should accept the further late

¹ The Town and Country Planning (Appeals) (Written Representations Procedure) (England) Regulations 2009

written representations set out in the new Appendix A. I shall not therefore take them into account in my determination.

Main issue

6. The main issue is the effect of the proposal on the character and appearance of the host property and its surroundings.

Reasons

7. The appeal property is a detached brick and tile hung dwelling standing at the junction of Worcester Road and Durham Gardens in what the Council describes as a spacious 1970s open plan estate. The dwelling is of a design and appearance which resembles that era, and similar dwellings stand alongside it to the south.
8. Worcester Road forms a loop and is the main distributor in this part of the wider estate. Several culs-de-sac lead off the road. The layout was designed in a manner such that the entrances to most of the culs-de-sac are generously wide and landscaped, so as to convey the distinct impression of spaciousness. Like most dwellings fronting Worcester Road, the appeal property is well set back from the road, which adds to the perception of pleasant spaciousness experienced in this part of the estate.
9. The main element of the proposals is a two storey side extension, which would be built on land currently occupied by a garage and a car space. The intention is that the hedge which currently separates the car space from a footway leading into the cul-de-sac would remain. A single storey projection is also proposed at the front.
10. The Council comments that the garage and car space occupy land '*outside the original residential curtilage of the dwellinghouse and forms open plan vegetated amenity land for the estate*'.
11. The appellant however has established that the garage and car space have existed for a considerable time, and I've not been made aware of any enforcement action taken by the Council to seek their removal. On the evidence of what I saw, it seems to me that the garage and car space have served the dwelling for a reasonable purpose for some time, and on that basis, it would be wrong for me to treat the land on which they stand as '*amenity*' land in the sense used by the Council.
12. Nevertheless, since the garage is of a modest size and single storey and the car space is open, they do not materially impinge upon or detract from the sense of spaciousness currently perceived at the junction. The two storey extension could not be regarded in the same light.
13. The dwelling would be considerably lengthened, with the extension's projected ridge at the same height as the original dwelling. Whilst openings and pattern of fenestration would match those of the existing dwelling, the finished building would appear disproportionately long and visually unbalanced, and the outcome would be a significant visual incursion of a bulky extension materially impinging upon the sense of spaciousness currently experienced at the junction.

14. The side extension would also stand noticeably proud of the front building line of those dwellings behind it in Durham Gardens. From within the cul-de-sac, the side extension would be seen as projecting intrusively, narrowing and impinging upon the sense of space currently perceived at the mouth of the cul-de-sac.
15. I therefore conclude that the proposed extensions would harm the character and appearance of the host property and its surroundings. A clear conflict arises with those provisions of policy 33 of the Chichester Local Plan, which I regard as the most relevant development plan policy in the context of this appeal. This stresses the importance attached to design in new residential development, and that proposals should respect the character of the surrounding area and its setting.

Other matters

16. I have taken account of all other matters raised in the representations, including the photographs submitted late. These are meant to show that similar developments to that proposed have taken place in Worcester Road and the wider estate. They are of limited value in my assessment since generally they do not show the developments in their wider context, and no addresses are provided. Where I was able to decipher one or two of the locations from street signs appearing in the photographs, one development took place in Norwich Road some distance away from the appeal site, and the other at the end rather than at the mouth of a junction in Bristol Gardens. Whilst I have taken account of the photographs, I have determined the appeal on its specific merits, particularly having regard to the visual evidence of my site inspection.
17. I have taken into account of the various references to national policy. However, the government attaches considerable importance to design, and the Framework² provides that:
- Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.*
18. The Framework also provides that '*development that is not well designed should be refused*'. I intend to follow that advice here.
19. I note the comments made by a local resident and the local residents association. Both make the point that the development may be used in future as a separate dwelling or a HMO. I have given these points no weight since even if the appeal had succeeded, separate planning permissions would be required for those types of proposals.
20. All other matters raised have been taken into account but none outweighs those considerations which led me to my conclusions.

G Powys Jones

INSPECTOR

² National Planning Policy Framework at paragraph 126

