



Appeal Decision

Site visit made on 17 May 2022

by S Edwards BA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 July 2022

Appeal Ref: APP/L3815/W/21/3281154

Berth no 16, Chichester Canal, Birdham, Chichester PO20 7EJ

- 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 Pete Bradshaw (Premier Marinas Limited) against the decision of Chichester District Council.
 - The application Ref BI/20/02899/FUL, dated 10 November 2020, was refused by notice dated 17 May 2021.
 - The development proposed is installation of a replacement houseboat at Berth No. 16 of Chichester Canal.
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Decision

1. The appeal is allowed, and planning permission is granted for "Installation of a replacement houseboat at Berth No. 16 of Chichester Canal", at Berth no 16, Chichester Canal, Birdham, Chichester PO20 7EJ, in accordance with the terms of the application, Ref BI/20/02899/FUL, dated 10 November 2020, and the plans submitted with it, subject to the attached Schedule of conditions.

Applications for costs

2. An application for costs was made by Mr Pete Bradshaw (Premier Marinas Limited) against Chichester District Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area, including the Chichester Harbour Area of Outstanding Natural Beauty (AONB).

Reasons

4. The appeal site lies within the Chichester Harbour AONB and within a stretch of the Chichester Canal, which is occupied by a mixture of traditional and contemporary houseboats of varying sizes. The proposal seeks planning permission for the installation of a houseboat at Berth 16, to replace a more traditional houseboat which was removed in September 2020.
5. The Birdham Neighbourhood Plan (NP), which was made in 2016, identifies Chichester Canal as one of the key heritage sites within the Parish, and Policy 1 therefore seeks to conserve or enhance its local distinctiveness, character and historic importance. Concerns have been raised in respect of the increasing presence of what is being described as floating lodges and canal barges, and the resulting reduction in the number of traditional houseboats. However, the

identification of the canal within the Birdham NP does not confer any form of statutory protection in respect of proposals for houseboats replacements.

6. The Council has drawn my attention to Planning Principle 19 (Houseboats), which has been recently added to the Chichester Harbour Management Plan 2019-2024. Regarding replacement houseboat proposals within the Chichester Canal, Planning Principle 19 states that Chichester Harbour Conservancy (CHC) is unlikely to object if the structure is within the same footprint and the elevation silhouette is not more than 25% greater than the existing houseboat. It also requires the replacement houseboat to be sympathetically designed.
7. The structure would be characterised by its modern design and would be larger than the previous houseboat. Nevertheless, it would appear of a similar size and style to other houseboats which have been approved by the Council along the canal in recent years. This, together with the use of a muted palette of colours and materials, would ensure that the proposed structure does not detract from its surroundings or appear unduly prominent within its wider landscape setting. Moreover, the houseboat would sit against a verdant backdrop, which would assist further in minimising the visual impact of the development.
8. Whilst Planning Principle 19 has been included since the determination of the planning application, I note that the appeal development has nevertheless been subject to a detailed assessment by CHC, who raised no objection to the proposal. As no representation was made by CHC as part of the appeal process, I have no reason to believe that the introduction of Planning Principle 19 has changed their view of the proposal.
9. Concerns have also been raised in respect of the light pollution which would be associated with the proposal, due to the extensive glazing of the replacement houseboat. However, the structure would be sited within an existing complex where, as shown on Map L of the Chichester Harbour Management Plan (2019-2024), existing night time lighting levels are high. Having regard to the available evidence, the design of the replacement boat would not increase levels of light pollution in this area significantly. That said, it is nevertheless considered necessary to impose a condition requiring external lighting details to be agreed by the Local Planning Authority, as recommended in the Case Officer's report.
10. For the foregoing reasons, the development would not cause unacceptable harm to the character and appearance of the surrounding area, and would conserve and enhance the landscape and scenic beauty of the Chichester Harbour AONB. I am also satisfied that the setting of the Chichester Canal and Lock would be preserved and that, as a result, there would be no conflict with Policies 1 and 5 of the Birdham Parish NP. Policy 5 seeks to ensure that development proposals limit the impact of light pollution from artificial externally visible light sources.

Other Matters

11. The consultation response from Natural England has advised that new development with overnight accommodation will have waste water implications, and could therefore have a likely significant effect on the integrity of the Solent European sites (either individually or in combination with other plans or projects). The Council has however confirmed that as the proposal is for a

replacement houseboat, there would be no increase in residential development. There are no reasons for me to reach an alternative view.

Conditions

12. I have considered the conditions included in the Case Officer's report, making minor amendments where necessary, to ensure compliance with the relevant tests as set out in paragraph 56 of the National Planning Policy Framework and the Planning Practice Guidance¹.
13. In addition to the standard time limit, I shall impose a condition specifying the relevant drawings which the development must accord with, in the interests of certainty and to provide clarity. Conditions requiring the development to proceed in accordance with the houseboat specification and further details regarding external illumination are considered necessary to protect the character and appearance of the area, including the AONB. Ecological enhancements and protection measures are needed to preserve biodiversity. I shall also impose conditions regarding glazing and water consumption in the interests of sustainability. A condition restricting the use of the roof area is needed to protect the living conditions of neighbouring occupiers.

Conclusion

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

S Edwards

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site location plan – Houseboat berth 16 (Reference 20-3661-101 Rev P2), Location plan Berth 16 (21-3688-601 P1), Proposed sections and elevations (002), Site layout with sections (001 Rev A), Materials plan specification.
- 3) The development hereby permitted shall not be first occupied unless and until the following ecological enhancements have been provided:
 - i. 1 no. bat box shall be installed to a tree to the southern bank of the canal positioned 3-5 metres above ground level;
 - ii. 1 no. hedgehog nesting box shall be installed to the land south of the canal; and
 - iii. 1 no. bird nesting box shall be installed to a tree located to the southern side of the canal.

¹ Paragraph: 003 Reference ID: 21a-003-20190723.

Once installed the bat box, hedgehog nesting box and bird nesting box shall thereafter be retained in perpetuity.

- 4) Notwithstanding any indication on the approved plans, the houseboat hereby permitted shall be constructed strictly in accordance with the submitted Houseboat Specification (received 12/03/2021), and thereafter maintained as approved in perpetuity unless otherwise agreed in writing by the Local Planning Authority.
- 5) The glazing hereby approved shall achieve U-Values of no greater than 1.1w/m²K. Thereafter the glazing shall be maintained as approved in perpetuity and should at any time replacement glazing be required, it shall achieve U-Values of no greater than 1.1w/m²K unless otherwise agreed in writing by the Local Planning Authority.
- 6) The development shall be carried out in strict accordance with the mitigation and enhancement measures outlined within Appendix 6 of the submitted Ecological Impact Assessment (dated November 2020) compiled by GE Consulting Services (UK) Ltd.
- 7) Notwithstanding any indication on the approved plans and documents, no demolition of any brush pile, compost or debris pile shall be undertaken on site within the hedgehog hibernation period comprising mid-October to mid-March inclusive. Outside of this period, the piles must undergo soft demolition.
- 8) Notwithstanding any indication on the approved plans or documents, any works to trees or vegetation clearance shall only be undertaken within the bird breeding season (1st March-1st October inclusive) if an ecologist has performed a site check prior to any works taking place (within 24 works of any work). If vegetation clearance is required, it shall be undertaken in a sensitive manner with suitable care taken to check for any reptiles present and using a two-phased cut.
- 9) Notwithstanding any indication on the approved plans and documents, water usage shall not exceed 110 litres per person per day unless otherwise agreed in writing by the Local Planning Authority.
- 10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) no external illumination shall be provided on the site other than in accordance with a scheme that shall first have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the proposed location, level of luminance and design of the lights including measures proposed to reduce light spill. Thereafter the lighting shall be implemented and maintained in accordance with the approved lighting scheme in perpetuity.
- 11) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order), the roof area of the houseboat hereby permitted shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the Local Planning Authority.

END OF SCHEDULE