



Appeal Decision

Site visit made on 25 August 2022

by J Reid BA(Hons) BArch(Hons) RIBA

an Inspector appointed by the Secretary of State

Decision date: 9 September 2022

Appeal Ref: APP/C3810/W/21/3287276

22 Neville Road, Bognor Regis PO22 8BN

- 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 Simon Royall against the decision of Arun District Council.
 - The application Ref BR/93/21/PL, dated 26 March 2021, was refused by notice dated 19 May 2021.
 - The development proposed is Erection of a single storey one bed dwelling house with private amenity space, car parking space and refuse / recycling store.
-

Decision

1. The appeal is dismissed.

Reasons

2. The main issue is the effect that the proposed development would have on the character and appearance of the surrounding area.
3. The appeal site is situated within a mainly residential area, where the nearby dwellings with mostly short front and longer back gardens or yards back onto the ends of back gardens of dwellings in nearby streets. The site includes the shared drive between 22 and 24 Neville Road and the far end of the back garden of the flats at 22 Neville Road, which adjoins the far ends of back gardens of dwellings in Glenwood Avenue. The nearby mostly tree-lined part of Neville Road is mainly characterised by pitched roofed 2 storey flats buildings and houses, which vary in age. Even so, the broadly linear development pattern and the general openness at the back of the dwellings contributes positively to the area's suburban character and appearance.
4. The proposed flat roofed single storey dwelling would include a shallow outdoor space to roughly south. Whilst its form and siting would be in keeping with the low-key sheds and outbuildings that are typically found in back gardens and yards, the scale and robust materials of the dwelling would differ significantly from them. Also, as the dwelling would take up much of its modest plot, its built-up appearance and constrained siting would be harmfully out of character with most nearby gardens and parking areas, which are largely open. Because the dwelling would not face any street it would conflict with the nearby linear pattern of development, because its flat roofed form would fail to respect or reflect the mostly pitched roofed nearby dwellings, and due to its stark urban character, the proposal would be unacceptably at odds with the character and appearance of the suburban locality.

5. As the dwelling would only be readily seen from the public domain in narrow views between the buildings at 22 and 24 Neville Road, it would be poorly related to the street, and as its occupiers could feel cut off from their neighbours, the proposal would not be inclusive. Moreover, the proposed planting within the site and within the back garden of the flats (within the control of the appellant) could not be relied upon to partly screen the development in the long term because it could not reasonably be controlled by condition for more than a few years.
6. Therefore, I consider that the proposed development would harm the character and appearance of the surrounding area. It would be contrary to Policy D DM1 and Policy D SP1 of the Arun Local Plan 2011-2031 (July 2018) (LP) which seek good design and respect for context, and Part P of the Arun District Design Guide Supplementary Planning Document which aims for proposals to be in harmony with the prevailing character, building pattern and architectural style of the area.

Other matters

7. The Council cannot demonstrate a 5 year supply of deliverable land for housing, so the presumption in favour of sustainable development in the National Planning Policy Framework (Framework) is engaged. The shortfall in the supply of housing land is significant, so the proposal aims, amongst other things, to make efficient use of the reasonably accessible site within the urban area, and its benefits would include a welcome new home, employment during construction, and its occupiers' likely support for local shops and services. However, as the harm identified in the main issue would significantly and demonstrably outweigh the benefits, when assessed against the Framework taken as a whole, planning permission should not be granted.
8. As the proposed development before my colleague in her appeal decision ref APP/C3810/W/18/3196233 was in the countryside, and as she found that it would be a continuation of the linear form of development along Maypole Lane and would not harm the character and appearance of the area, it differs from the proposal before me. So, I have dealt with the proposal on its merits and in accordance with its site specific circumstances and relevant local and national policy and guidance.
9. The site falls within the 5 km zone of influence of the Pagham Harbour Special Protection Area (SPA). In determining this appeal, I am the competent authority for the purposes of the Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations).
10. The proposal would increase the number of people living near the SPA. So, this proposal, in combination with other plans and projects, would be likely to have a significant effect on the SPA. Because the proposal is not directly connected with or necessary for the management of the SPA, it would be necessary for me to undertake an appropriate assessment of the implications of the proposal for the SPA in view of its conservation objectives. I could only grant planning permission if I were to ascertain in that appropriate assessment that the integrity of the SPA would not be adversely affected. However, as the proposed development would not be acceptable for other reasons, it is not necessary for me to undertake an appropriate assessment.

11. So, whilst the appellant has submitted a planning obligation that seeks to secure a financial contribution towards 'measures to avoid, or mitigate to an acceptable level, the harm caused to' the SPA in accordance with LP Policy ENV DM2 and the Habitats Regulations, I have not pursued the matter further with the parties.

Conclusion

12. I have found that the proposed development would be contrary to the Development Plan when taken as a whole. The other considerations in this case, including the Framework, do not outweigh that conflict.
13. For the reasons given, the appeal should be dismissed.

J Reid

INSPECTOR