



Appeal Decisions

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: 12 September 2022

Appeal A Ref: APP/C3810/W/21/3289260

Land at the Rear of 71 The Causeway, Pagham PO21 4PQ

- 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 Ruarie Farrelly against the decision of Arun District Council.
 - The application Ref P/141/21/PL, dated 28 September 2021, was refused by notice dated 2 December 2021.
 - The development proposed is Change of use from public amenity to private residential garden together with boundary works.
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Appeal B Ref: APP/C3810/W/21/3289261

Land at the rear of 69 The Causeway, Pagham PO21 4PQ

- 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 Walter Keet against the decision of Arun District Council.
 - The application Ref P/137/21/PL, dated 28 September 2021, was refused by notice dated 29 November 2021.
 - The development proposed is Change of use from public amenity to private residential garden together with boundary works.
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Appeals A and B: Decisions

1. The appeals are dismissed.

Appeals A and B:

Reasons

2. Due to the similarities in the proposed developments in Appeals A and B, and because they adjoin one another, I shall deal with both appeals together. The main issue is the effect that the proposed developments would have on the character and appearance of the surrounding area.
3. The appeal sites include mainly grassed publicly maintainable highway land beyond the ends of the back gardens of the dwellings at 69 and 71 The Causeway. The local area is characterised by estates with different features and dwellings of different types and styles. Even so, the openness in their layouts, including mostly open front gardens and pockets of open space, is important to the spacious suburban character and to the sense of place.
4. The semidetached dwellings at 69 and 71 are situated on the roughly south east side of The Causeway, between Ashcroft Way and a deep mainly grassed area by its junction with Conway Drive, which extends from The Causeway to the side boundary of the dwelling at 65 Conway Drive. The open land in Conway Drive is separated from the open area including the sites in Ashcroft

- Way by a tall fence. Even so, the openness above the fence in both open spaces contributes positively to the character and appearance of the surrounding area and to the street scenes in Ashcroft Way and Conway Drive.
5. Ashcroft Way leads to the garages and shallow back gardens of terraced dwellings in Churchill Way and The Parade, and to the footpath between The Parade and the courtyard of dwellings to roughly south of the open space. The land that would stay open between the sites and Ashcroft Way includes a footpath, which leads to that courtyard of dwellings, and it links them and Mulberry Court beyond them with Ashcroft Way and The Causeway. So, although Ashcroft Way is not a through route for vehicles, its footpaths offer valuable connections to the wider area for many people.
 6. Because most nearby dwellings in The Parade and Churchill Walk back onto garages, the informal character and verdant openness in the land including the sites is important to the street scene in Ashcroft Way. Much of that open land can be appreciated from the nearby part of The Causeway, so it also contributes positively to the character and appearance of the locality.
 7. The footpaths across the land including the sites that link the courtyard dwellings to roughly south with Ashcroft Way and the garages would stay as they are. The nearest fence by 69 would be further from Ashcroft Way than that by 71. However, as either or both proposals would harmfully diminish the existing open space, and because their boundary treatments would have a stark urban appearance, the important verdant openness in the Ashcroft Way street scene and the spacious suburban character of the estate would be unacceptably eroded.
 8. Because the footpaths across the remaining open space would be more enclosed, they would feel less welcoming and attractive than at present. Thus, the proposals would harm the good pedestrian connections to the wider area, which are important to the character of the estate. The scale of the open land outside the sites would be similar to other open spaces in the wider area, but as the density of the nearby development is higher than that of most development in the wider area, this does not weigh in favour.
 9. Because the proposals would adjoin the back garden of 65 Conway Drive, tall planting and domestic paraphernalia, such as washing lines and gazebos, within either or both of the sites would be seen above the boundary treatment. So, the important openness above the fence between Conway Drive and Ashcroft Way would be harmfully disrupted.
 10. The Pagham Village Design Statement (VS) identifies areas of distinctive character by its streets. However, whether the sites are in Kings Beach Estate or Southern Pagham is not relevant, because the VS seeks to retain and enhance the open character of the area in the village as a whole.
 11. The fence by 7 Webb Close was permitted by the Council some time ago under previous Development Plan and national policy, and its plans have not been put to me. Also, as that land would appear to be in a relatively discreet location by the ends of Woodfield Close and Webb Close, and unconnected to the nearby Sandy Road, its circumstances differ from the proposals before me. So, I have dealt with the proposals on their merits and in accordance with their site specific circumstances and relevant local and national policy and guidance.

12. As an area of land would remain open between either or both sites and Ashcroft Way, the proposals would not prevent matters including parking and fly tipping from happening in the locality. Whilst the highway authority and parish council did not object to the schemes, the suggested conditions to control details of the boundary treatments and to withdraw permitted development rights for, say, outbuildings and extensions, would not overcome the harm that the proposals would cause.
13. Therefore, I consider that either or both proposed developments in Appeals A and B would harm the character and appearance of the surrounding area. They would be contrary to Policies D SP1 and D DM1 of the Arun Local Plan 2011-2031 (July 2018) which seek respect for context, and the National Planning Policy Framework (Framework) which seeks to maintain a strong sense of place, using the arrangement of spaces to create attractive, welcoming and distinctive places to live, work and visit.

Other matter

14. The proposals would not be acceptable for the reasons given in my main issue, so the Council's concerns about other local proposals in its reasons for refusal 2 are not relevant.

Conclusion

15. I have found that the proposed developments, individually and cumulatively, 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.
16. For the reasons given, the appeals should be dismissed.

J Reid

INSPECTOR