



Appeal Decision

Site visit made on 19 October 2022

by R J Redford MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 December 2022

Appeal Ref: APP/L3815/W/22/3293229

Black Boy Court, Main Road, Fishbourne PO18 8XX

- 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 Greetland Ltd against the decision of Chichester District Council.
 - The application Ref FB/21/02509/FUL, dated 16 August 2021, was refused by notice dated 28 January 2022.
 - The development proposed is the creation of 4 no. parking spaces, dropped kerb, boundary treatment and landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for the creation of 4 no. parking spaces, dropped kerb, boundary treatment and landscaping at Black Boy Court, Main Road, Fishbourne PO18 8XX in accordance with the terms of the application, Ref FB/21/02509/FUL, dated 16 August 2021, subject to the following schedule of conditions.

Applications for costs

2. An application for costs was made by Greetland Ltd against Chichester District Council and is the subject of a separate decision.

Main Issue

3. Whether the proposed development would preserve or enhance the character or appearance of the Fishbourne Conservation Area (CA).

Reasons

4. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended, requires that I pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. Paragraph 189 of the National Planning Policy Framework (the Framework) requires that heritage assets, as irreplaceable resources, 'should be conserved in a manner appropriate to their significance' and paragraph 199 confirms 'great weight' should be given to their conservation.
5. The submitted CA Character Appraisal and Management Proposal 2007 (CAMP) shows the CA only covering the eastern part of Fishbourne. At some point between the CAMP being written and the submission of the application the CA has been extended to include the western part of Fishbourne specifically the continuation of the linear form of development along Main Road from Fishbourne Road, thus incorporating the appeal site.

6. According to the CAMP the significance of the original CA is its link to the Fishbourne channel and the Fishbourne Roman palace, all within the eastern part of Fishbourne. Nevertheless, the mix of historic detached and terraced buildings along Fishbourne Road, usually behind front gardens, is also characteristic of the settlement.
7. This form of development continues along Main Road, although the buildings are less uniform and there are several newer / infill properties. The less uniform nature of this part of the streetscape also allows for greater space around buildings. I observed a relatively large number of the properties providing generous areas of well landscaped off-road parking to the front and side, with direct road access. A defining characteristic of this less uniform part of the CA is the low boundary walls to the rear of the pavements, and the mature and often verdant landscaping of the front areas of each property
8. The appeal site is a modern development containing multiple dwellings, understood to historically have been an extension to the former Black Boy Inn, adjacent. It is noted that the Black Boy Inn is a grade II listed building, and so would constitute a reasonably important part of the CA. Although the Council do not consider the proposal to harm its setting.
9. The proposal would replace the existing hard landscaping, patchy hedging, and section of fencing to the front of the appeal site. This area is not in the best state and the existing soft landscaping is poor quality and not extensive. It creates a blank and uninspiring frontage to the appeal site, which is not an asset to the CA. I note the Council's Conservation Officer states that the frontage of both the appeal site and the Black Boy Inn were previously hard surfaced and open to the highway, so what is currently in place does not have any historic merit.
10. The creation of residential parking to the front of a property would be a use replicated throughout the CA. The considerable increase in landscaping proposed would introduce a softened and distinctly more verdant finish to the frontage area, with the front boundary planting retained behind a low level wall. All features commensurate with the character and appearance of the CA. This would tie in well with the boundary treatment and garden space to the front of the Black Boy Inn, whilst retaining a clear delineation between the two separate properties, both visually and historically, so would not harm its importance as part of the CA and would likely be considered an improvement to its overall setting.
11. I find that the proposal would improve the immediate appearance of the appeal site, without detriment to the setting of the former Black Boy Inn, ultimately enhancing the overall character and appearance of the CA.
12. The Council state the width of the access would be detrimental to the street scene, however it would be bounded by defined boundary hedging which would predominantly screen the parked cars. The Council asserts the proposed hedging would affect the tracking line of vehicles. However, I am satisfied the green line on the plans denoting the box hedging is indicative and appropriate maintenance of the hedging would ensure the parking area was kept clear. The plans show a narrow space between the wall location and parking bays to allow for planting and I am satisfied appropriate landscaping could be achieved and its detailing conditioned.

13. The Council's Conservation Officer states the provision of additional off-road parking would also have an indirectly positive impact on the CA, by reducing the need for on-road parking which detrimentally effects its character. There is no evidence to the contrary, and I noted that the parking bays along Main Road and nearby side roads had a noticeable amount of use even during the late morning of a weekday. Although I attached only limited weight to this as it is not evident that the cars using the on-road parking are directly related to the appeal site. Nevertheless, it does further show a potential enhancement to the CA and a benefit of the scheme.
14. I therefore find that the proposed development would preserve and enhance the character and appearance of the CA. This would be in accordance with Chichester Local Plan Policy 40 and 47, Fishbourne Neighbourhood Plan Policies D1 and H1, and paragraphs 189, 199 and 206 of the Framework, insofar as they seek to preserve and enhance the special interest and settings of heritage assets.

Other Matters

15. The appeal site is in the Chichester Harbour Area of Outstanding Natural Beauty (AONB). AONBs are designated for the purposes of conserving and enhancing natural beauty and Section 85(1) of the Countryside and Rights of Way Act 2000 places a duty upon me to have regard to these purposes in this decision. The Council did not object to the appeal scheme in this regard and I agree that due to the small scale and siting of the proposed development within a built up area, the special qualities of the AONB would not be adversely affected.
16. I am also aware that Chichester District is in the catchment of the Solent Special Protection Area (SPA). It is an area which, as designated by Natural England, needs action to be taken concerning nutrient neutrality. Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (Habitat Regulations) require an appropriate assessment (AA) to ensure that the development would not adversely affect the integrity of the SPA. However, as the proposal would not materially alter the use of the appeal site, replacing one hard surface with another, nor intensify the existing residential use of the site, it would not have a likely significant effect on the internationally important features of the SPA either alone or in combination with other nearby development.
17. Comments objecting to the parking layout and potential effect on the highway are noted. The proposal would provide adequately sized parking bays allowing vehicles to enter and exit the site in a forward gear and Main Road at this location is wide, straight and offers good visibility in both directions. The Council and County Highways team have not raised objections on this matter, and I agree on this matter.
18. An objector states works have already begun on site, although this was not evident on my site visit. Nevertheless, there are mechanisms in place for planning permission to be granted retrospectively if necessary.

Conditions

19. The Council have provided a list of suggested conditions, and the appellant has had opportunity to comment. I have considered them against advice in the

Framework and Planning Practice Guidance. As a result, I have amended them for consistency and clarity.

20. In addition to the standard time limit condition, I have imposed a condition requiring the development to be carried out in accordance with the approved plans as this provides certainty. Conditions 4, 5 and 6 have been imposed in the interests of the character and appearance of the development and the CA. Condition 4 will also ensure the hardstanding has adequate surface water drainage for the site. Finally, in the interests of highway safety and to ensure that the development is used as proposed I impose condition 3.

Conclusion

21. For the reasons given above the appeal scheme would comply with the development plan when read as a whole and there are no sufficiently weighted material considerations, including the Framework, that would indicate a decision otherwise. The appeal is, therefore, allowed.

RJ Redford

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: DPA-01A, DPA-03B, DPA-04A and DPA-05
- 3) The development hereby permitted shall not be used until, in accordance with the details shown on the approved plans within condition 2, the new vehicle access and dropped kerb have been constructed, the vehicle parking bays and turning space laid out, and the electric vehicle charging points installed, and thereafter maintained and retained for their designated use.
- 4) Notwithstanding the details shown on plan DPA-03B, the construction of the new vehicle access and dropped kerb shall not take place until details of the materials and finishes of the parking area, including samples, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and thereafter maintained.
- 5) Notwithstanding the details shown on plan DPA-03B, the development hereby permitted shall not be used until a scheme of landscaping has first been submitted to and approved in writing by the local planning authority. The scheme shall include:
 - existing planting and hedging with indication of that to be retained and measures for its protection during construction, where necessary;
 - a planting plan and schedule of plants noting species, size, and density of proposed new planting; and
 - a schedule of implementation and maintenance.

All planting, seeding, or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season on completion of the hardstanding unless otherwise set out within the schedule of implementation and maintenance and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

- 6) No external lighting shall be installed within the development hereby approved until a lighting scheme has first been submitted to and approved in writing by the local planning authority. The scheme shall include the luminance, siting, and design of the lights as well as relevant measures to prevent light spillage. Installation of external lighting shall then be carried out in accordance with the approved details and maintained.

END OF SCHEDULE