

Appeal Decision

Site visit made on 24 October 2022

by S Edwards BA MA TCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 December 2022

Appeal Ref: APP/L3815/W/22/3297436

Hanneys, West Bracklesham Drive, Bracklesham PO20 8PH

- 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 and Mrs Patrick Winterbotham against the decision of Chichester District Council.
 - The application Ref EWB/21/03163/FUL, dated 27 October 2021, was refused by notice dated 10 March 2022.
 - The development proposed is replacement dwelling, garaging and associated works (alternative scheme to planning permission EWB/20/03303/FUL).
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Decision

1. The appeal is allowed, and planning permission is granted for 'replacement dwelling, garaging and associated works (alternative scheme to planning permission EWB/20/03303/FUL)', at Hanneys, West Bracklesham Drive, Bracklesham PO20 8PH, in accordance with the terms of the application, Ref EWB/21/03163/FUL, dated 27 October 2021, and the plans submitted with it, subject to the attached Schedule of Conditions.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the street scene and the wider area.

Reasons

3. The appeal site comprises a chalet bungalow and attached garage located within an established residential area predominantly characterised by detached properties of varying sizes and designs, set back from the road frontage, within proportionately sized plots. West Bracklesham Drive runs parallel to the shore and most dwellings sited on the southern side, such as the appellants' property, therefore have a dual frontage, thus increasing the houses' prominence in public views.
4. The Council has previously granted planning permission¹ for a replacement dwelling at the site, which represents an important material consideration for the determination of this appeal. The appeal development would be of a comparable scale to the previously approved scheme, but the proportions of the current proposal would give it a more overtly three-storey scale, especially by reason of the shape of the top floor element and level of glazing.

¹ Local Planning Authority Reference EWB/20/03303/FUL.

5. However, and whilst the proposed dwelling would be taller than the properties either side, so would the scheme previously approved by the Council. As noted above, there is great variety along the southern side of West Bracklesham Drive in particular, including a number of properties of a similar scale to the appeal proposal, which are defined by their bespoke, contemporary design approach.
6. Furthermore, the top floor element of the replacement dwelling would be recessed significantly and, together with the use of curved vertical timber fins, this would reduce and soften the overall bulk of the development. It is my view that the proposal would not, therefore, detract from the established pattern of development within the street scene or appear excessively prominent in public views.
7. Having regard to the great variety which characterises West Bracklesham Drive, and the scheme previously approved by the Council on the appeal site, the appeal scheme would respect the character of the surrounding area and have no adverse effect upon the street scene. Accordingly, I find no conflict with Policies 33 and 47 of the Chichester Local Plan: Key Policies 2014-2029 and paragraphs 124, 127 and 130 of the National Planning Policy Framework (the Framework). Amongst other things, these seek to ensure that proposals meet the highest standards of design, whilst respecting and where possible enhancing the character of the surrounding area.

Other Matters

8. Various concerns have been raised by interested parties, notably regarding the effect of the proposal on the living conditions of neighbouring occupiers, but the Council did not identify harm in this respect. There are no reasons for me to disagree with this view, particularly as the proposal has been designed to safeguard the amenities of neighbouring residents, including in respect of outlook, light and privacy.

Conditions

9. I have considered the conditions included within the Council's Statement of Case, making minor amendments where necessary, to ensure compliance with the tests as set out within paragraph 56 of the Framework and the National Planning Practice Guidance² (the PPG).
10. In addition to the standard time limit, I shall impose a condition specifying the relevant drawings which the development must accord with, in order to provide certainty and clarity. A pre-commencement condition requiring the submission of a Construction and Environmental Management Plan is considered necessary in the interests of highway safety and to protect the living conditions of neighbouring residents. The appellants have confirmed their agreement to this pre-commencement condition suggested by the Council.
11. I shall impose conditions requiring details of the external materials and finishes, and hard and soft landscaping works, which are considered necessary to preserve the character and appearance of the surrounding area. It is also important to ensure that details of refuse and recycling storage facilities are agreed and implemented in the interests of general amenity.

² Paragraph: 003 Reference ID: 21a-003-20190723.

12. Conditions to secure the provision of car and cycle parking spaces are needed to preserve highway safety and encourage alternative travel options. Furthermore, I shall add conditions to secure the implementation of ecological mitigation measures and ecological enhancements, which are necessary to preserve biodiversity. It is also necessary to add conditions in the interests of sustainability.
13. The PPG states that conditions restricting the future use of permitted development rights may not pass the test of reasonableness or necessity, and the scope of such conditions needs to be precisely defined. Insufficient information for the removal of permitted development rights has been provided here, and I shall therefore not restrict all the rights afforded by Schedule 2, Part 1, Classes A-E of the Town and Country Planning (General Permitted Development) (England) Order 2015. Nevertheless, a condition restricting the use of permitted development rights pertaining to the installation of additional windows and doors to the side elevations of the dwelling is considered necessary to protect the living conditions of neighbouring residents. A condition restricting lighting is also needed to protect the wildlife and the character of the area.

Conclusion

14. For the reasons detailed above, and having regard to all other matters raised, I conclude that the appeal is 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: 0100 PA01 Location Block Plan, 0102 PA02 Proposed Site Plan, 0250 PA02 Proposed Ground Floor Plan, 0251 PA02 Proposed First Floor Plan, 0252 PA02 Proposed Second Floor Plan, 0253 PA02 Proposed Roof Plan, 0254 PA01 Proposed Garage, 0452 PA02 Proposed Elevations 1 of 2, 0453 PA02 Proposed Elevations 2 of 2.
- 3) Notwithstanding any details submitted no development/works shall commence above slab level until a full schedule of all materials and finishes to be used for external walls and roofs of the building(s) have been submitted to and approved in writing by the Local Planning Authority. Upon submission of the details to the Local Planning Authority samples of the proposed materials and finishes shall be made available for inspection on site, unless otherwise agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved schedule of materials and finishes unless

- any alternatives are agreed in writing via a discharge of condition application.
- 4) No development shall commence, including any works of demolition, until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the CEMP shall be implemented and adhered to throughout the entire construction period unless any alternative is agreed in writing by the Local Planning Authority. The CEMP shall provide details of the following:
- a) The anticipated number, frequency and types of vehicles used during construction,
 - b) The provision made for the parking of vehicles by contractors, site operatives and visitors,
 - c) The loading and unloading of plant, materials and waste,
 - d) The storage of plant and materials used in construction of the development,
 - e) The erection and maintenance of security hoarding,
 - f) The provision of road sweepers and/or wheel washing facilities to mitigate the impact of construction upon the public highway,
 - g) Measures to control the emission of dust and dirt during construction, to include where relevant sheeting of loads, covering and dampening down stockpiles,
 - h) Measures to control the emission of noise during construction,
 - i) Details of all proposed external lighting to be used during construction and measures used to limit the disturbance of any lighting required. Lighting shall be used only for security and safety,
 - j) Appropriate storage of fuel and chemicals, in bunded tanks or suitably paved areas, and
 - k) Waste management including prohibiting burning.
- 5) No part of the development hereby permitted shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details that shall first have been submitted to and approved in writing by the Local Planning Authority. thereafter the cycle parking shall be retained for that purpose in perpetuity.
- 6) No part of the development hereby permitted shall be first occupied until refuse and recycling storage facilities have been provided in accordance with a scheme that shall first have been submitted to and approved in writing by the Local Planning Authority. thereafter the refuse and recycling storage facilities shall be maintained as approved and kept available for their approved purposes in perpetuity.
- 7) No part of the development hereby permitted shall be first occupied until the car parking has been constructed and laid out in accordance with the approved site plan and the details specified for their designated purpose.
- 8) The development hereby permitted shall be carried out in strict accordance with the Outline Energy and Sustainability Statement, submitted with this application. The sustainability measures it details

shall be fully implemented prior to occupation of the development hereby approved and shall be retained and maintained thereafter throughout the lifetime of the development, unless otherwise agreed in writing by the Local Planning Authority.

- 9) The following ecological mitigation measures shall be adhered to at all times during construction.
 - a) Due to the potential for hedgehogs and or reptiles hibernating or sheltering within the brush pile, compost and debris piles noted on site, this shall not be removed between mid-October to mid-March including and shall undergo a soft demolition.
 - b) If any works need to take place to the trees or for vegetation clearance on the site, they should only be undertaken outside of the bird breeding season which takes place between 1st March and 1st October. If works are required within this time an ecologist will need to check the site before any works take place (within 24 hours of any work).
- 10) The development hereby permitted shall not be first brought into use until the following ecological enhancements have been implemented:
 - a) The integration of one bat box/brick into the dwelling hereby approved, or the provision of a bat box within a tree sited within the site. The bat box shall face a south/south westerly direction and positioned 3-5 m above ground.
 - b) The integration of one bird box into each of the live/work units hereby approved or within a tree sited within the site.
 - c) The provision of hedgehog nesting boxes within the site.
- 11) The development hereby permitted shall not be first brought into use until a scheme detailing hard and soft landscape works has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include plans showing the proposed finished levels or contours; means of enclosure; car parking layouts; other vehicles and pedestrian access and circulation areas; details and samples of the hard surfacing materials; and a planting plan and schedule of plants noting species, plant sizes and proposed numbers/densities and a programme for the provision of the hard and soft landscaping. Thereafter the scheme shall be carried out in accordance with the approved details and once approved, the works shall be retained in perpetuity.
- 12) The dwelling hereby permitted shall be designed to ensure the consumption of water by persons occupying the dwelling must not exceed 110 litres per person per day, as set out in G2 paragraphs 36(2) and 36(3) of the Building Regulations 2010 – Approved Document G – Sanitation, hot water safety and water efficiency (2015 edition with 2016 amendments). The dwelling shall not be first occupied until the requirements of this condition for the dwelling have been fully implemented, including fixtures, fittings and appliances, and therefore they shall be maintained as approved and in full working order in perpetuity.
- 13) Notwithstanding the provisions of Part 1 Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking, re-enacting or modifying that Order) no door(s)

or window(s) other than the one expressly authorised by this permission shall be constructed on the east or west elevation of the dwelling hereby permitted.

- 14) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) 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 lighting including measures proposed to reduce light spill. Thereafter the lighting shall be maintained in accordance with the approved lighting scheme in perpetuity.

END OF SCHEDULE