



Appeal Decision

Site visit made on 5 December 2022

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

an Inspector appointed by the Secretary of State

Decision date: 19 December 2022

Appeal Ref: APP/C3810/W/22/3294374

22 Osprey Gardens, Bersted PO22 9QG

- 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 S Hawes against the decision of Arun District Council.
 - The application Ref BE/163/21/PL, dated 1 November 2021, was refused by notice dated 10 January 2022.
 - The development proposed is erection of dwelling.
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Decision

1. The appeal is dismissed.

Main issues

2. The main issues are the effect that the proposed development would have on:
 - the character and appearance of the surrounding area, and
 - the integrity of the Pagham Harbour Special Protection Area (SPA).

Reasons

Character and appearance

3. The appeal dwelling is a semidetached house on the roughly south west side of Osprey Gardens near its south west end. There are semidetached houses and chalet style dwellings with drives and/or car parking or garages by their sides in Osprey Gardens on one side, and terraced dwellings facing a grassed open space in Finch Gardens on the other. The surrounding mostly residential area is mainly characterised by compact but well-spaced houses and flats of similar styles that are spaciouly sited in front and back gardens, and open streets and public spaces, which contribute positively to the suburban character and appearance of the area, and to the sense of place.
4. The appeal site includes the side garden of the appeal dwelling and much of its front garden. The proposal includes an attached dwelling with 2 car parking spaces at the front. The existing garage by the west corner of the proposed dwelling's back garden would stay, but it could not be used to park a car.
5. The form of the dwelling would be similar to that of the appeal dwelling, but it would be much wider. The space between the proposal and the dwelling at 14 Finch Gardens would be much narrower than others close by, including those between 18 and 19, and 20 and 21 Osprey Gardens, and 12 Finch Gardens and 23 Osprey Gardens. So, the important local spaciousness would be harmfully eroded. Thus, the proposal would be unacceptably incongruous in the Osprey

Gardens and Finch Gardens street scenes, and it would be harmfully discordant in nearby views from Shearwater Park and the nearby dwellings.

6. Due to the depth and siting of the onsite parking spaces, cars parked clear of the pavement in Osprey Gardens would be unacceptably close to the front doors of both dwellings, so the proposal would not provide safe and inclusive access to and egress from them. The hard surfaces and cars parked in front of both dwellings would also be at odds with the local pattern of development, where most dwellings include parking by the sides of their homes or in parking courts irrespective of whether their front gardens have been paved.
7. There is little evidence to show that only half of the onsite parking sought by local policy for both proposed and existing dwellings would be acceptable. So, regardless of how the parking spaces would be allocated between the appeal dwelling and/or the proposal, as the onsite parking sought for the 2 dwellings would be at least 4 spaces, and only 2 onsite spaces would be provided, at least 2 parking spaces would need to be found in the nearby streets. This would be contrary to Policy HDQ8 of the Bersted Neighbourhood Plan 2014-29 (NP) which seeks a minimum of 2 onsite car parking spaces for each dwelling. The highway authority has not raised concerns about highway safety, and I see no reason to disagree. However, at least 2 more cars than at present parked at times in the nearby streets would diminish their mostly open character.
8. The appeal dwelling's occupiers' only private outdoor space would be their back garden. As that back garden would only be as wide as the existing dwelling, its scale would be out of keeping with most others nearby in Osprey Gardens, and at odds with occupiers' reasonable expectations in a suburban area such as this. Its depth would also be less than the 10.5 m minimum sought by the Arun District Design Guide Supplementary Planning Document (SPD).
9. The modest scale of this private outdoor space could be sufficient for occupiers to, say, sit outside, hang washing, tend a few plants, and for small children to play. However, as there would be little room for a shed or tree or good-sized shrub/s, and as tall fencing by the boundary with the proposed dwelling would be needed to achieve mutual privacy, the back garden would be unlikely to sustain the spacious character at the backs of the existing dwellings that can be seen above the walls and fences from Shearwater Park.
10. As the only route to the appeal dwelling's back garden would be through the occupiers' home, it is more than likely that, in time, its back garden and the rest of its front garden would be hard surfaced. The likely loss of greenery in the appeal dwelling's front and back gardens would diminish its suburban character, and so, it would damage the sense of place.
11. The development permitted by my colleague at 1 Finch Gardens, in appeal decision ref APP/C3810/W/19/322827, did not cause a harmful loss of spaciousness due to the adjoining openness in Woodlands Road, it included outdoor access to the back garden of the existing dwelling, and it provided sufficient onsite parking for both proposed and existing dwellings (4 spaces). So, that scheme and the narrow side extension permitted at 39 Osprey Gardens differ from the proposal before me, which has been dealt with on its merits and in accordance with its site specific circumstances and relevant local and national policy and guidance.

12. Therefore, I consider that the proposed development would harm the character and appearance of the surrounding area. It would be contrary to Policies D SP1 and D DM1 of the Arun Local Plan 2011-2031 (LP) and NP Policy ES1 which seek a high standard of design and respect for context, including for development to reflect the characteristics of the site and local area, LP Policy QE SP1 which aims for development to contribute positively to the quality of the environment, NP Policy HDQ6 which seeks private garden space commensurate with the character of the area, and LP Policy T SP1 which seeks appropriate levels of parking in line with West Sussex County Council guidance, which has since been incorporated in the Arun District Council Parking Standards Supplementary Planning Document. It would also be contrary to the National Planning Policy Framework (Framework) which aims to create high quality, beautiful and sustainable buildings and places, as well as relevant guidance in the SPD and the National Design Guide.

SPA

13. The site falls within the 5 km zone of influence (Zone B) of the 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).
14. The proposed development 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 due to increased recreational disturbance. 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.
15. 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.

Other matter

16. The Council cannot demonstrate a 5 year supply of deliverable land for housing. The shortfall is significant. So, the proposal aims, amongst other things, to make efficient use of land within the built up area. The other benefits would include a welcome new home, jobs during construction, and its future occupiers' likely support for local shops and services. However, even if an appropriate assessment were to conclude that the integrity of the SPA would not be adversely affected, as the harm identified in the first main issue would significantly and demonstrably outweigh the benefits, when assessed against the Framework taken as a whole, planning permission should not be granted.

Conclusion

17. 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.
18. For the reasons given, the appeal should be dismissed.

J Reid

INSPECTOR