



Appeal Decision

Site visit made on 27 February 2023

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

an Inspector appointed by the Secretary of State

Decision date: 21 March 2023

Appeal Ref: APP/L3815/W/22/3304529

Houseboat Karibuni, Chichester Canal, Birdham, Chichester, West Sussex PO20 7EJ

- 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 Paul Barry Gabriel against the decision of Chichester District Council.
 - The application Ref BI/21/03037/FUL, dated 20 October 2021, was refused by notice dated 10 February 2022.
 - The development proposed is Replacement of Berth 30 Houseboat Karibuni with a Bluefield Houseboat and installation of H-column cored and grouted anchoring system.
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Decision

1. The appeal is allowed, and planning permission is granted for Replacement of Berth 30 Houseboat Karibuni with a Bluefield Houseboat and installation of H-column cored and grouted anchoring system at Houseboat Karibuni, Chichester Canal, Birdham, Chichester, West Sussex PO20 7EJ in accordance with the terms of the application, Ref B1/21/03037/FUL, dated 20 October 2021, subject to the conditions set out in Schedule A at the end of this Decision.

Application for costs

2. An application for costs was made by Mr Paul Barry Gabriel against Chichester District Council. This application is the subject of a separate Decision.

Preliminary matter

3. My colleague's appeal decision, ref APP/L3815/W/21/3281154, for 'installation of a replacement houseboat at Berth No 16 of Chichester Canal' was issued on 7 July 2022. In the light of this change in circumstances, the Council has confirmed that it does not seek to defend its sole reason for refusal. Even so, the appeal has not been withdrawn, so I shall determine it.

Reasons

4. The main issue is the effect that the proposed development would have on the character and appearance of the surrounding area, which is within the Chichester Harbour Area of Outstanding Natural Beauty.
5. The appeal site is situated outside any settlement boundary designated in the Chichester Local Plan: Key Policies 2014-2029 (LP), so it is, in policy terms, in the countryside. It is also within the Area of Outstanding Natural Beauty, which has the highest status of protection in relation to landscape and scenic beauty.

6. The site is situated by the roughly north bank of Chichester Canal, close to the entrance to Chichester Marina, which lies to roughly north west. The Canal and Lock is not statutorily protected, but it is identified as a heritage asset in the Birdham Parish Neighbourhood Plan (NP). The density of the houseboats, which are in a range of traditional and contemporary styles, increases along the canal to roughly west. There is mainly open countryside south of the site, but vegetation by both banks offers a partial leafy backdrop and some screening.
7. The existing houseboat is one of the smallest in this part of the canal, and it has been occupied by the appellant for over 20 years. Its compact living space is inadequate by current standards, and its deteriorating fabric has come to the end of its useful life. The proposal includes the replacement of the existing 'box'-like houseboat and its decking with a larger pitched roofed replacement houseboat within the existing berth.
8. Chichester Harbour Management Plan 2019-2024 Planning Principle 19: Houseboats (PP19) advises that the Conservancy is unlikely to object to a proposal for a replacement houseboat along the Chichester Canal where it is within the same footprint and the elevation silhouette is not more than 25% greater than the existing houseboat.
9. The proposal would be larger than the existing houseboat and the increase to its silhouette would be greater than 25%, but the Conservancy has not objected. Instead, the Conservancy's detailed assessment explains that the guidance in PP19 is not prescriptive, and it recognises the unique small scale of the existing vessel and the modest scale of the replacement. Replacement houseboats that are similar in scale or larger than the proposal have been recently permitted by the Council, including Tir-na-nog, Living the Dream and Moored Hen, in line with NP Policy 1 which supports the continued presence of houseboats in Chichester Canal. It is also clear from the definition in the reasoned justification to PP19 that a 'houseboat' does not need to be, or to look like, a boat.
10. The proposed houseboat would be longer, wider and taller than that existing, but its enclosed living space would be inset from its decks on all sides, its pitched roofed form would sympathise with its rural surroundings, and it would be smaller than most other replacement houseboats in the canal. So, its scale and mass would be acceptable. The clean design of its features including its standing seam cladding, recessed gable end, railings and fenestration, would have a smart modern appearance, which would harmonise with the other houseboats, and which would conserve the character and significance of the heritage asset. Moreover, the proposal's simple form, and its subdued, dark or non-contrasting colours, which could reasonably be controlled by a materials condition, would readily integrate with its marine and countryside context within the Area of Outstanding Natural Beauty.
11. Therefore, I consider that the proposed development would not harm the character and appearance of the surrounding area, and that it would conserve and enhance the landscape and scenic beauty of the Area of Outstanding Natural Beauty. It would satisfy LP Policy 43 which aims to conserve and enhance the natural beauty and locally distinctive features of the Area of Outstanding Natural Beauty, and the thrust of the guidance in PP19.

Conditions

12. The Council's suggested conditions have been considered and re-worded in the light of paragraph 56 of the National Planning Policy Framework (Framework) and Planning Practice Guidance. In addition to the standard implementation condition, the condition identifying the approved plans is necessary to provide certainty. Because the houseboat would be prefabricated off-site and craned into position, and because that may be the first operation to take place, it is necessary for the condition to control its external materials to be a pre-commencement condition. That condition is necessary and reasonable to protect the character and appearance of the area, and to conserve and enhance the Area of Outstanding Natural Beauty.
13. The appellant's ecological impact assessment explains that the proposal will result in the loss of minimal areas of bankside habitat where the anchors are to be fixed, and it includes measures to minimise impacts on ecological features, including water vole, bats, nesting birds, reptiles and hedgehog. The conditions for the proposal to be carried out in accordance with the ecological impact assessment, and to control external lighting, are reasonable and necessary in the interests of biodiversity. These conditions have been imposed.
14. However, as the site includes a berth on the north side of the canal and the land on its south side is not within the control of the appellant, and as no reasons for the suggested condition were given, the condition for bat, hedgehog, and bird nesting boxes on the south side/bank of the canal would not be reasonable. Moreover, as they would repeat measures included in the ecological impact assessment, conditions to control works to trees, vegetation, and brush, compost and debris piles would not be necessary. Whilst it would be desirable in terms of sustainable development, there is insufficient evidence to explain why the condition to control water use to the level proposed would be necessary. So, these conditions have not been imposed.

Conclusion

15. I have found that the proposed development would satisfy the Development Plan when taken as a whole. The other considerations in this case, including the Framework, do not indicate a determination otherwise.
16. For the reasons given, the appeal should be allowed.

J Reid

INSPECTOR

Schedule A

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: TQRQM21034151653750 (site location plan), DWG 01, DWG 02, and DWG 03.
- 3) No development shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local

planning authority. Development shall be carried out in accordance with the approved details.

- 4) The development hereby permitted shall be carried out in accordance with the GE Consulting Services (UK) Ltd Ecological Impact Assessment ref 0787-EcIA-AM dated February 2021.
- 5) No external lights shall be installed other than those that are in accordance with details of external lighting that have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved external lighting details, and once installed the approved external lighting shall be retained as approved thereafter.

End of Schedule A