



Appeal Decision

Site visit made on 27 March 2023

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

an Inspector appointed by the Secretary of State

Decision date: 3 April 2023

Appeal Ref: APP/C3810/W/22/3308028

**Cordell Rest Home, 120 Victoria Drive, Bognor Regis, West Sussex
PO21 2EJ**

- 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 Matthew Reynolds of Reynolds and Co against the decision of Arun District Council.
 - The application Ref BR/37/22/PL, dated 10 February 2022, was refused by notice dated 8 July 2022.
 - The development proposed is a residential conversion from a seven bed C2 Residential care home into a ten bed C4 House in Multiple Occupation.
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Decision

1. The appeal is dismissed.

Preliminary matter

2. The description of the proposed development in the banner heading above has been taken from the application form, but the address and list of intended works have been omitted for clarity.

Main issues

3. 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

4. The appeal site is situated within a mainly residential area where there are mostly Victorian style and later buildings including the low pitched roofed 3 storey flats buildings at Carlingford Court. The street trees are important to the area's partly leafy suburban character. The existing 2 storey mostly hipped roofed appeal building is situated within its grounds on the prominent roughly east corner where Victoria Drive meets Annandale Avenue.
5. The appeal building includes some later alterations, and its decorative state is poor. Even so, much of the form and character of the roughly early C20 villa has endured. The building's most significant features include its low pitched slate roof and its tall chimney stacks, which can be readily seen from both roads, and which are important to the sense of place. Due to its handsome proportions and spacious corner siting, the appeal building makes a positive

contribution to the street scenes in Victoria Drive and Annandale Avenue, and to the character and appearance of the area.

6. The proposal would include the loss of the existing chimney breasts and stacks, and the garage facing Victoria Drive, along with alterations to the roof including a steeper pitched crown roof with a large flat roofed top, taller gable facing Annandale Avenue, roof lights and a rear facing flat roofed dormer.
7. The proposed roof would be no taller than the tallest part of the present roof, its height would be similar to that of the nearby Carlingford Court buildings, and its pitch would be similar to that of other nearby buildings, including the building next door at 122 Victoria Drive. However, the Carlingford Court buildings on the other side of Victoria Drive are simpler in form, later in style, and partly screened from the appeal building by the intervening trees. The building at 122 Victoria Drive, which includes a deep street facing projecting gable, also differs in style and is partly screened by the street trees. Moreover, its stacks were lost long ago in a different policy context.
8. Due to the loss of the elegant chimney stacks, its bulky crown roofed form, the steeper pitch of its roof, including the taller gable facing Annandale Avenue, its dissonant proportions, and the form and bulk of the dormer, the proposal would harm the character and appearance of the appeal building. Moreover, due to the siting of the appeal building, the dominant character and discordant appearance of the proposal would be unacceptably incongruous in its partly leafy townscape setting, including the views from Victoria Drive and from the south east corner by the junction of the 2 parts of Annandale Avenue.
9. Roof insulation would be a requirement of the Building Regulations whatever its form, so the changes to the roof would not be necessary to make the building energy efficient. External materials could reasonably be controlled by condition if the proposal were to be otherwise acceptable, but that would not overcome the harm that the proposal would cause to the character and appearance of the appeal building, and thus, to the sense of place.
10. 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) which aim for proposals to reflect or improve the character of the site and local area, LP Policy D DM4 which aims for extensions to sympathetically relate to the existing building, guidance in the Arun District Design Guide Supplementary Planning Document (SPD), and the Framework which seeks the creation of high quality, beautiful and sustainable buildings and places.

SPA

11. The site falls within the 400 m to 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).
12. 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, and so I have not pursued the matter further with the parties.

13. Thus, the proposed development would be likely to have a significant adverse effect on the integrity of the SPA. It would be contrary to LP Policy ENV DM2 which seeks contributions towards the strategic approach to access management at Pagham Harbour, the Habitats Regulations, and the Framework which aims to conserve and enhance the natural environment.

Other matters

14. The Council cannot demonstrate a 5 year supply of deliverable land for housing. The shortfall is significant. So, the Framework's presumption in favour of sustainable development is engaged. The Council has explained that the former care home would not have been counted in the Council's Objectively Assessed Need. However, for Housing Delivery Test purposes, the House in Multiple Occupation would be counted as the supply of one shared dwelling.
15. The proposal aims, amongst other things, to make better use of the existing building in a reasonably accessible location within the built up area. The other benefits would include a welcome new home for its occupiers, 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, the harm identified in the first main issue would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, so planning permission should not be granted.

Conclusion

16. 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.
17. For the reasons given, the appeal should be dismissed.

J Reid

INSPECTOR