



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: 03 April 2023

Appeal Ref: APP/C3810/W/22/3306960

Morelands, Arundel Road, Fontwell, Arundel, West Sussex BN18 0SB

- 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 Mohammed Al-Samaraie of Moreland Property Development Limited against the decision of Arun District Council.
 - The application Ref WA/42/22/PL, dated 25 April 2022, was refused by notice dated 17 August 2022.
 - The development proposed is 5 No. residential dwellings, associated car parking and access.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Mohammed Al-Samaraie of Moreland Property Development Limited against Arun District Council. This application is the subject of a separate Decision.

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 living conditions of the occupiers of the dwellings on plots A1, A2 and B regarding outlook, and plots B and C regarding private outdoor space.

Reasons

Character and appearance

4. The appeal site is situated on the roughly south west side of Arundel Road, within the built-up area boundary of Fontwell. The nearby mainly residential area is mainly characterised by rows of detached and semidetached dwellings with mostly long back gardens set back from both sides of the road, and similar or wider dwellings with shorter front and back gardens in culs de sac from it.
5. The site includes Morelands Cottage in its grounds, which is situated behind the substantially set back building at The Laurels, and a lengthy access strip, which adjoins The Ridings. Permission has been granted for the land to roughly north west, south west and south east of the main part of the site to become allotments, paddocks and orchards (open space) within a development including roughly 400 dwellings at 'Land east of Fontwell Avenue' (the Fontwell scheme), which has begun.

6. The 5 detached 2 storey family sized dwellings of 3 different types with on-site parking for 2 cars would be sited on both sides and at the end of the proposed road within the main part of the site, along with a visitor parking space, and habitat area, in place of the existing cottage.
7. However, the plot A1 and A2 dwellings and the plot B dwelling opposite would be uncomfortably close to each other, and 3 sides of the plot B dwelling would be surrounded by the road. The dwellings on plots A1, A2 and A3 would have little space between them, and the plot C dwelling would be squeezed-in between the boundary and the end of the road. There would be little room for planting, so nearly all of the space in front of the dwellings would be hard surfaced, and the habitat space would be little more than a verge by the turning head. As the extensive hard surfaces would be largely enclosed and dominated by the dwellings and tall boundary treatment between them, the proposal would have an unacceptably built-up character and appearance.
8. The dwellings would take up most of the depth and much of the width of the main part of the site, so the relatively shallow back gardens would be unlikely to support much planting. As the existing vegetation within the site is not subject to statutory protection, and the nearby vegetation outside the site is not within the control of the appellant, it could not be relied upon to partly screen the proposal in the long term. So, the proposal would be unacceptably intrusive in views from the open space. Because the proposal's built-up character and appearance would contrast starkly with the reasonably spaciouly sited nearby dwellings, it would be harmfully at odds with the local character.
9. The density of the proposal would be lower than that of the group of dwellings referred to by the appellant, in Fontwell Close, Arundel Road and The Ridings. Even so, as there is room for a garden or planting in front of most of those dwellings, which respect the nearby development pattern and local character, and as few details of the Fontwell scheme have been put to me, these nearby developments provide little support for this damaging proposal.
10. Therefore, I consider that the proposed development would harm the character and appearance of the surrounding area. It would be contrary to LP Policy D SP1 which aims for proposals to reflect the characteristics of the site and local area, LP Policy D DM1 and Policy HP13 of the Walberton Neighbourhood Development Plan 2019-2031 (NP) which seek a high quality design and respect for context, the thrust of NP Policy HP11 which seeks for development to be appropriate to its location, and guidance in the Arun District Design Guide Supplementary Planning Document (SPD). It would also be contrary to the National Planning Policy Framework (Framework) which seeks the creation of high quality, beautiful and sustainable buildings and places.

Living conditions

11. Due to the relationships between the dwellings on plot B, and on plots A1 and A2, the dwellings would not be so overbearing or so oppressive in the outlook from the opposing dwellings that their occupiers' living conditions would be harmed. The plot A1 master bedroom and plot B bedroom 4 windows would be roughly opposite and close to one another, so the overlooking that could occur would cause an unacceptable loss of privacy. Even so, that harm could be overcome by imposing a condition for the lower parts of those windows to be obscure glazed and fixed shut, if the proposal were to be otherwise acceptable.

12. At its greatest depth, the partly tapered back garden of the dwelling on plot B would be less than the minimum 10.5 m advised in the SPD. However, there would be room for a family to, say, sit or eat outside, hang washing, tend some plants, and for some modest play equipment. Although that back garden would be small, and it would be less than desirable for some occupiers, it would be useable. The private garden of the dwelling on plot C would be on its south east side, so its depth would exceed the guidance in the SPD. Due to the shading and other effects of the tall oak tree T16 within that garden, the tree might not endure, but that matter has been considered in my first main issue.
13. Thus, I consider that the proposal would not harm the living conditions of the occupiers of the dwellings on plots A1, A2 and B regarding outlook and plots B and C regarding private outdoor space. It would satisfy LP Policy QE SP1 which aims for development to not have a significantly negative impact upon residential amenity, LP Policy D DM1, and the Framework. So, this issue is a neutral factor in the planning balance.

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 proposal seeks to make more efficient use of the site, which is in a reasonably accessible location. Its other benefits would include 4 welcome new homes, jobs during construction and the future occupiers' likely support for local shops and services. However, 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

15. 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.
16. For the reasons given, the appeal should be dismissed.

J Reid

INSPECTOR