



Appeal Decision

Site visit made on 22 May 2023

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

an Inspector appointed by the Secretary of State

Decision date: 30th May 2023

Appeal Ref: APP/L3815/W/22/3310388

21 Vincent Road, Selsey, Chichester PO20 9DQ

- 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 N Hutton against the decision of Chichester District Council.
 - The application Ref SY/22/00606/FUL, dated 9 March 2022, was refused by notice dated 28 July 2022.
 - The development proposed is erection of 1no 2bed bungalow.
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Decision

1. The appeal is dismissed.

Reasons

2. The main issue is the effect that the proposed development would have on the character and appearance of the surrounding area.
3. The appeal site is situated within a mainly residential area in Selsey, which is designated as a settlement hub in the Chichester Local Plan: Key Policies 2014-2029 (LP). The existing dwelling at 21 Vincent Road is closer to the street than the dwellings on either side, and its present back garden is deeper than most nearby. The site includes a strip of land from the roughly west side of Vincent Road that would give access to the main part of the site, which includes the far end of the back garden of the existing dwelling.
4. The nearby stretch of Vincent Road is mainly characterised by detached dwellings of 2 storeys or less in a range of scales and styles, with relatively shallow front spaces including gardens and/or drives, and deeper back gardens, in a linear pattern along the street. The development pattern in the nearby streets is similar. So, due to the siting of the nearby dwellings, the depth of their back gardens, and their relationships with adjoining back gardens of dwellings in nearby streets, the locality has a spacious suburban character. As the openness and greenery in most back gardens can be seen above and between most dwellings, it contributes positively to the sense of place.
5. The proposed back garden of the existing dwelling at 21 Vincent Road would be shorter than those on either side, so the proposed hipped roofed bungalow and its parking and turning area would be sited by or near the ends of the back gardens of the dwellings on either side. There is a sizeable outbuilding/garage by the end of the back garden at 19 Vincent Road, but there is little more than a modest shed or 2 towards the ends of the other nearby back gardens. Because there are no other dwellings behind those in the street-related rows, the proposal would be at odds with the local layout. As the proposed dwelling

would be largely surrounded by existing back gardens, it would be unacceptably incongruous. Moreover, because the built-up appearance of the proposed dwelling and its associated hard surfaces, including the lengthy drive, would erode the important openness and greenery at the back of the dwellings in Vincent Road, the proposal would harmfully diminish the sense of place.

6. The site and the grounds for the existing dwelling at 21 Vincent Road would be similar in scale to those of most nearby plots on the roughly east side of Clayton Road. However, as the nearby Clayton Road dwellings are sited in a linear pattern related to that street, their back gardens contribute positively to the verdant spaciousness behind the adjoining back gardens of the dwellings in Vincent Road. As the openness and greenery that can be appreciated beyond the dwellings on both sides of the nearby section of Vincent Road are reflected in most other nearby streets, including in the nearby part of Warner Road, the smaller plots in Clayton Road close by provide little support for this damaging scheme.
7. The dwellings behind frontage buildings near the High Street are some distance away to roughly north east, by the town's main shopping area, where the local character differs. Moreover, the glossary to the National Planning Policy Framework (Framework) explains that previously developed land excludes residential gardens in built-up areas.
8. Therefore, I consider that the proposed development would harm the character and appearance of the surrounding area. It would be contrary to LP Policy 33 which seeks high standards of design and respect for context, Policy 003 of the Selsey Neighbourhood Plan 2017, which seeks respect for the form and character of the settlement, and the Framework which aims for development to be sympathetic to local character and to maintain a strong sense of place.

Other matters

9. The site falls within the 3.5 km zone of influence of the Pagham Harbour Special Protection Area (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).
10. 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. As 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.
11. Thus, I consider that the proposal would be likely to have a significant adverse effect on the integrity of the SPA. It would be contrary to LP Policy 51 which requires appropriate avoidance and/or mitigation measures for the effects of development on the SPA, the Habitats Regulations, and the Framework which aims to conserve and enhance the natural environment.

12. The Council says that it cannot demonstrate a 5 year supply of deliverable land for housing. The shortfall is relatively modest. So, the tilted balance in the Framework would be engaged if an appropriate assessment were to conclude that the proposal would not have a significant adverse effect on the integrity of the SPA. The benefits of the proposal would include a welcome new dwelling in a reasonably accessible location, jobs during construction and the future occupiers' likely support for local shops and services. However, even if the application of policies in the Framework that protect areas or assets of particular importance were to not provide a clear reason for refusing the development proposed, the harm identified in the 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

13. 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.
14. For the reasons given, the appeal should be dismissed.

J Reid

INSPECTOR