



Appeal Decision

Site visit made on 13 June 2023

by R J Redford

an Inspector appointed by the Secretary of State

Decision date: 29th June 2023

Appeal Ref: APP/C3810/W/22/3296267

83 Aldwick Road, Bognor Regis PO21 2NW

- 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 83 Aldwick Road Ltd against the decision of Arun District Council.
 - The application Ref BR/4/22/PL, dated 24 December 2021, was refused by notice dated 3 March 2022.
 - The development proposed is described as the enlargement of the existing House in Multiple Occupation (Sui Generis), single storey rear extension, rear roof dormer, front and rear rooflights.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Proposed Ground Floor Plan Version C was submitted with the appeal. This version of the plan shows an alternative hard and soft landscaping layout for the outside areas of the proposal. It does not fundamentally change the development therefore, regarding the 'Wheatcroft Principles'¹, I am content that by accepting this plan no parties would be unfairly disadvantaged.

Main Issues

3. The main issues are whether the proposed development would provide adequate living conditions for future occupiers with specific regard to outdoor space, and the effect of the proposal on the Pagham Harbour Special Protection Area (SPA).

Reasons

Living conditions

4. The appeal site is an existing house in multiple occupation (HMO) providing 5 bedrooms. The proposal would increase this to 11 bedrooms. The outdoor space proposed is considered by the Council to measure 41sqm whilst the appellant states it to be 75sqm. On viewing the appeal site, it is evident the only usable area of outdoor space would be that directly to the rear of the proposed rear extension, with the areas down either side too narrow to be used for anything other than access.
5. Policy H SP4(c) of the Arun Local Plan (LP) requires the provision of adequate areas of outdoor space. The proposal would create a rectangular area with hard

¹ established under *Bernard Wheatcroft Ltd v SSE* 1982

and soft landscaping and opportunities for outdoor seating. The level of surrounding development would both visually and physically enclose the proposed space, which would emphasise its compact nature. It would not only be used for leisure purposes, but it is also proposed to provide functionally for the future occupants, including access to, and storage of, bins and cycles, as well as a washing line.

6. Notwithstanding the discrepancy between the measured sizes of the outdoor space, I am unconvinced that the physical proportions, enclosed nature, and the contrasting proposed uses would provide adequately for the daily use by the potential 11 or more residents, depending on the occupancy of each room.
7. The Arun District Design Guide Supplementary Planning Document (SPD) states the minimum outdoor space provision for residential communal shared spaces is 40sqm. Irrelevant of whether the proposal would constitute 1 or more residential units, a minimum should be the starting point and the SPD also requires that outdoor space should be usable and enjoyable. I remain unconvinced the compact nature of that proposed would be both usable and enjoyable for the proposed occupants.
8. It is acknowledged the proposed location of outside furniture and the washing line on the plans is largely indicative, and the amount of hard and soft landscaping could be conditioned. Nevertheless, this would not overcome or mitigate the constrained size of that proposed.
9. The appellant has referred to 2 planning approvals in the area 86 Aldwick Road (reference BR/213/20/PL) and 35 Glamis Street (BR/162/21/PL). No 86 was for a temporary change of use and so is not comparable to that which is before me. For No 35 the proximity to Hotham Park was considered a mitigating factor when considering the adequacy of the open space provided. From the information before me and my onsite observations, the appeal site is not similarly located to a similarly large public open space. Therefore, the schemes are not comparable. Reference is also made to 81 Aldwick Road. With no details of that scheme provided I am unable to make comparison.
10. Therefore, the proposal would fail to provide adequate living conditions for future occupiers regarding outdoor space, contrary to LP Policy H SP49(c).

SPA

11. The appeal site is within 400m - 5km of the SPA which supports important populations of rare birds for a large proportion of the year, including the dark Bellied Brent Goose and Black-tailed Godwit. The increase in occupants of the HMO, whilst minimal on its own, would contribute to an increased population in combination with other plans, projects, and developments in the area. Given the proximity of the development to the SPA, it is likely that its contribution to the increase in population could lead to an increase in visitor and recreational pressure within the SPA. The susceptibility and vulnerability of the qualifying features of the SPA to such uses means it cannot be concluded that the development would not adversely affect the integrity of the protected sites in combination with other projects.
12. However, LP Policy ENV DM2, amongst other things, requires developers to contribute towards the agreed strategic approach to access management of the SPA. In this case the main parties agree this would be £1,742. In reviewing

this proposal at application stage, Natural England has confirmed the proposed contribution acceptable as mitigation. Subsequently the appellant submitted a unilateral undertaking which would secure the necessary financial contribution.

13. Consequently, I am satisfied that such contributions would be necessary to make the development acceptable in planning terms; and are fairly and reasonably related in scale and kind to the development. It follows that the effect of the proposal on the SPA would be sufficiently mitigated by this planning obligation to not harm its integrity were planning permission to be granted, in compliance with LP Policy ENV DM2.

Housing Balance

14. The Council cannot demonstrate a 5-year housing land supply, as such it is necessary for me to apply paragraph 11 of the National Planning Policy Framework (the Framework). The Council has not specified its current housing land supply, but the appellant considers it to be 2.4 years. The proposal may affect a protected habitat site, however as appropriate mitigation can be secured this does not provide a clear reason for refusal. Therefore, it is necessary to consider whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits.
15. The proposal would provide 6 additional rooms in an existing HMO which is accessibly located and would have some social benefits for future occupants. Along with the associated economic benefits during the redevelopment phase, and the proposed biodiversity improvements, these would attract only limited weight. This is due to the modest scale of the proposal, and a lack of evidence to support the appellant's assertion that there is an ongoing demand for HMO accommodation.
16. A lack of harm in relation to the vitality and viability of the town centre, highway safety, character and appearance, the living conditions of nearby residents, levels of cycle parking and refuse storage, and the SPA are neutral factors, so can not weigh for or against the proposal.
17. However, new residential accommodation should not come at the cost of future occupiers' living conditions, a position supported by paragraph 130 of the Framework. Consequently, when weighed against the policies in the Framework taken as a whole, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits.

Other Matters

18. A Council is not bound to accept the recommendations of its officers. This does not affect the planning merits of the case before me.

Conclusion

19. For the reasons given above the appeal scheme would conflict with the development plan when read as a whole and there are no sufficiently weighted material considerations, including the Framework, which would indicate a decision otherwise. The appeal is, therefore, dismissed.

RJ Redford

INSPECTOR