



Appeal Decision

Site visit made on 17 July 2023

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

an Inspector appointed by the Secretary of State

Decision date: 26 July 2023

Appeal Ref: APP/C3810/W/22/3312886

Como, Barnham Road, Eastergate, West Sussex PO20 3RT

- 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 Justin Gordon of Hive Assets against the decision of Arun District Council.
 - The application Ref BN/110/22/PL, dated 4 August 2022, was refused by notice dated 27 September 2022.
 - The development proposed is the erection of a new 2 bedroom bungalow with associated parking, bin and bike stores and landscaping.
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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 on the roughly north east side of Barnham Road within the built-up area of Eastergate. The roughly wedge shaped site includes an existing flats building, which is set well back in its front garden from the verge in Barnham Road. The drive by its south east side leads to a parking area beyond the flats building, beyond which lies a private garden, which tapers towards the back of the site. There are trees in that garden, including a mature oak, which harmonise with trees beyond the site. The site adjoins 18 Barnham Road to roughly north west, and a public footpath linking Barnham Road with Eastergate Lane runs close to its south east boundary. The north part of that boundary includes a hedge, but the south part is partly enclosed by a low fence where it adjoins a track leading to the gardens and garages of the row of mostly detached dwellings beyond it along Barnham Road.
4. The street scene on the north east side of Barnham Road is mainly characterised by detached and semidetached dwellings set back from the road on lengthy plots north west of the site, and a similar linear pattern of dwellings in somewhat shorter plots to roughly south east. The vegetation by and near the ends of most nearby back gardens and within the back garden at the site provide a partial verdant backdrop, which can be appreciated from Barnham Road in the broad gap between the flats building and the dwelling at The Mowhay. The openness and greenery within the site contribute positively to the spacious character and verdant appearance close by.

5. The proposed gabled roofed bungalow would be sited close to the boundary with 18 Barnham Road, beyond its parking spaces near the back of the flats building. The dwelling would face the public footpath and the track, and its deep but narrow garden would include the far end of the site. The front garden to the flats building would provide 2 parking spaces for the flats, bin stores for all 3 dwellings, and a narrower private garden for one of the flats.
6. However, due to the siting of the dwelling, well beyond the back of the flats building and partly within the garden at the back of the site, it would be poorly related to Barnham Road. There are a few exceptions, but most of the various sheds, garages and outbuildings in nearby back gardens are modest in scale and ephemeral or low-key in character, so the dwelling would look incongruous in nearby views from the public footpath and the track, and from the nearby part of Barnham Road. So, the proposal would be harmfully at odds with the established development pattern on the north east side of Barnham Road.
7. The height of the dwelling would be subordinate to the height of the flats building, but due to its bulk and lengthy form, it would erode the openness behind the flats building, which is important to the local character. Due to the extensive area of buildings and hard surfaces within much of the site, and the close relationship of the dwelling to retained trees including the oak, the proposal would be unacceptably built-up and squeezed in. Moreover, as the useability of the proposal's modest gardens would be constrained by the trees, and hedges within the site that would initially be retained, they could not be relied upon to endure in the long term. So, the built-up character and discordant appearance of the proposed development would harmfully erode the character and appearance of its immediate surroundings.
8. Due to its height, scale, bulk and siting, the dwelling would have a dominant impact on the outlook from the back garden of the dwelling at 18 Barnham Road, which would be harmfully at odds with the spacious character close by. Even so, the dwelling would not be so overbearing or so oppressive that it would harm the neighbouring occupiers' living conditions.
9. The scale of the village and the activity within it can be expected to change as the land to roughly north and south has been allocated for housing in the Arun Local Plan 2011-2031 (LP) and the site further north west along Barnham Road is identified as a housing site in the Barnham and Eastergate Neighbourhood Development Plan 2019-2031 (NP). However, these likely future developments would have little impact on the open local character close by. As the extension, permitted by the Council in about 2018, prior to the adoption of the NP and the Arun District Design Guide Supplementary Planning Document (SPD), would have adjoined the existing flats building, much of the openness and greenery in the back garden would have been sustained, in line with the back extensions to some of the nearby dwellings, so it differed from the 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 local area, LP Policy D DM1 and NP Policy ES5 which seek high quality design and respect for context, LP Policy QE SP1 which aims for development to contribute positively to the quality of the environment, and guidance in the SPD. It would also be contrary to the National Planning Policy Framework (Framework) which seeks to achieve well-designed places and sympathy for local character.

Other matters

11. The site is within the 12 km zone of influence (ZoI) of the Singleton and Cocking Tunnels Special Area of Conservation (SAC). In determining this appeal, I am the competent authority for the purposes of the Conservation of Habitats and Species Regulations 2017 (as amended).
12. The proposed development would increase the amount of development and activity within the ZoI. So, this proposal, in combination with other plans and projects, would be likely to have a significant effect on the SAC due to its impact on the foraging habitat of bats associated with the SAC. As the proposal is not directly connected with or necessary for the management of the SAC, it would be necessary for me to undertake an appropriate assessment of the implications of the proposal for the SAC 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 SAC 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. So, I have not pursued the matter further with the parties.
13. The Council cannot demonstrate a 5 year supply of deliverable housing sites, and the shortfall is significant. So, Framework paragraph 11 d) is relevant. The proposal aims to make more efficient use of land within a reasonably accessible location, and its other benefits would include a welcome new home, jobs during construction, and the future occupiers' likely support for local shops and services. However, even if an appropriate assessment were to conclude that the integrity of the SAC would not be adversely affected, as the harm identified in my main issue would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, planning permission should not be granted.

Conclusion

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

J Reid

INSPECTOR