



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/23/3316888

7 Ambleside Close, Felpham, West Sussex PO22 8NG

- 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 Randmere Limited against the decision of Arun District Council.
 - The application Ref FP/84/22/PL, dated 18 May 2022, was refused by notice dated 25 November 2022.
 - The development proposed is erect three-bed detached dwelling.
-

Decision

1. The appeal is allowed and planning permission is granted for erect three-bed detached dwelling at 7 Ambleside Close, Felpham, West Sussex PO22 8NG in accordance with the terms of the application, Ref FP/84/22/PL, dated 18 May 2022, subject to the conditions set out in Schedule A at the end of this Decision.

Main issues

2. 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 8 Ambleside Close, regarding outlook, and 7 Ambleside Close and 7 Thirlmere Way, regarding privacy.

Reasons

Character and appearance

3. The appeal site is situated within a mainly residential area, within the built-up area of Felpham. The site includes the access from the far end of the close to the dwelling at 7 Ambleside Close, the southernmost part of that dwelling's front space and the south eastern parts of its side and back gardens.
4. The detached and semidetached dwellings in Ambleside Close are set well back from the 3 sides of the partly verge edged close, where most front gardens include drives and/or parking spaces. The dwelling at 7 Ambleside Close is sited at the roughly south east end of a row of 4 semidetached houses at the far end of the close. The back gardens of the inner dwellings in that row are fairly compact, but those of the corner plots at 4 and 7 Ambleside Close are larger. The openness in front and between most dwellings, and the greenery in the verges and in many of their gardens contribute positively to the spacious suburban character and verdant appearance in the locality.

5. The proposed 2 storey dwelling would be sited a little way from the south east side of the dwelling at 7 Ambleside Close. It would be a little larger than the dwelling at 7 Ambleside Close, but as the dwelling would be detached, its scale and its different pattern of openings would be more visually acceptable than a dwelling of the same size and appearance to others in the row. The dwelling would respect the front building line of the other dwellings in the row, and its ground floor back projection would be in keeping with most nearby back extensions. Moreover, due to its sympathetic gabled form, the dwelling would blend in with the suburban backdrop in views from Thirlmere Way.
6. The dwelling would face the side of the chalet style dwelling at 8 Ambleside Close some distance away, but as it would be near the dwelling at 7 Ambleside Close and it would be easily seen from the street, it would be well related to Ambleside Close. There would be enough outside space to provide sufficient car parking and useable and enjoyable private outdoor space for the future occupiers and the occupiers of 7 Ambleside Close, so the proposal would respect and reflect its surroundings. To avoid the need for a front or side facing window that could overlook nearby private gardens, part of the south east facing gable wall would be set back to include a first floor roughly north east facing bedroom window. Future occupiers seeking a more conventional bedroom layout could choose not to occupy the dwelling.
7. The openness and greenery above and by each end of the present row of dwellings is important to the local character. As the gap between the dwellings at 7 and 8 Ambleside Close is greater than that between 3 and 4 Ambleside Close, there would be ample room for the proposal, so it would sustain the sense of place. Much of the dwelling's front space would be hard surfaced, but so too are the front spaces at 3 and 6 Ambleside Close, so the proposal would be in character with its context. Thus, the proposal would be well related to the existing development, it would harmonise with its surroundings including the street scene in the close, and it would respect the established pattern of development.
8. Therefore, I consider that the proposed development would not harm the character and appearance of the surrounding area. It would satisfy Policy D SP1 of the Arun Local Plan 2011-2031 (LP) which aims for proposals to reflect the character of the local area, LP Policy D DM1 which seeks to raise standards of design and to maintain character and local distinctiveness, Policy ESD1 of the Felpham Neighbourhood Development Plan 2019-2031 which seeks high quality design and to reinforce local character, and guidance in the Arun District Design Guide Supplementary Planning Document (SPD). It would also satisfy the National Planning Policy Framework (Framework) which seeks to achieve well-designed places and sympathy for local character.

Living conditions

9. The back garden of the dwelling at 8 Ambleside Close is deeper than the site, so the rearmost and widest part of that garden adjoins back gardens at 3 Thirlmere Way and 67 Outerwyke Road. The side garden at 8 Ambleside Close is also part of its occupiers' private outdoor space. Due to its orientation and relationship with the garden at 8 Ambleside Close, the proposed dwelling would be seen in the outlook from that neighbouring garden, but it would not be so overbearing or so oppressive that it would harm the neighbouring occupiers' living conditions.

10. Some degree of mutual overlooking from upper floor windows would reasonably be expected in a built-up area such as this. Due to the relationships between the proposal's rear facing first floor bedroom windows and the proposed and existing back gardens at 7 Ambleside Close and at 7 Thirlmere Way respectively, the overlooking that could occur from those windows would not harmfully diminish those nearby occupiers' privacy.
11. Thus, I consider that the proposal would not harm the living conditions of the occupiers of 8 Ambleside Close, regarding outlook, and the occupiers of 7 Ambleside Close and 7 Thirlmere Way, regarding privacy. It would satisfy LP Policy D DM1 which aims for development to have minimal impact to users and occupiers of nearby land, LP Policy QE SP1 which aims for development to not have a significantly negative impact on residential amenity, and the Framework which seeks a high standard of amenity for existing and future occupiers.

Other matters and conditions

12. The proposed chalet style dwelling before my colleague in his appeal decision ref APP/C3810/W/21/3273009 differed from the more compact house before me. Moreover, as the proposed residential mews in another colleague's appeal decision ref APP/C3810/W/21/3275037 was, in policy terms, in the countryside, her comment related to a different context. So, I have dealt with the proposal before me on its merits, and in accordance with its site specific circumstances and relevant local and national policy and guidance. Therefore, as the proposed development would be acceptable, planning permission should be granted subject to suitable planning conditions.
13. The Council's suggested conditions have been considered and reworded as necessary in the light of Framework paragraph 56 and Planning Practice Guidance. In addition to the standard implementation condition, the condition identifying the approved plans is necessary for certainty. The condition to control external materials is necessary to protect the character and appearance of the surrounding area. The condition for the parking spaces is necessary in the interests of highway safety, and the condition for secure and covered bicycle parking is reasonable and necessary to promote sustainable transport modes. The condition to control construction working hours is necessary to safeguard nearby occupiers' living conditions during the construction phase. These conditions have been imposed.
14. Energy efficiency measures and electric vehicle charging facilities are subject to the Building Regulations, so these conditions are not necessary. Insufficient clear justification has been put to me to explain why the removal of permitted development rights for extensions and outbuildings would be necessary and reasonable. So, these conditions have not been imposed.

Conclusion

15. I have found that the proposed development would satisfy the Development Plan when taken as a whole. The other considerations in this case, including the Framework, do not indicate a determination otherwise.
16. For the reasons given, the appeal should be allowed.

J Reid

INSPECTOR

Schedule A

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: PL-1594-200A, PL-1594-201C and PL-1594-202B.
- 3) No development above damp proof course level shall commence until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) The development hereby permitted shall not be occupied until space has been laid out within the site for 2 cars to be parked and that space shall thereafter be kept available at all times for the parking of vehicles.
- 5) The development hereby permitted shall not be occupied until secure and covered bicycle parking facilities have been provided within the site in accordance with details that have been submitted to and approved in writing by the local planning authority, and those facilities shall thereafter be kept available at all times for the parking of bicycles.
- 6) Demolition or construction works shall take place only between 0800 hours and 1800 hours on Mondays to Fridays, between 0800 hours and 1300 hours on Saturdays, and shall not take place at any time on Sundays or on Bank or Public Holidays.

End of Schedule A