



Appeal Decision

Site visit made on 19 September 2023

by R J Redford MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 October 2023

Appeal Ref: APP/L3815/W/22/3311169

Land to the rear of Co-op Store (plot 2), Bracklesham Lane, Bracklesham PO20 8JA

- 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 Northhold Group against the decision of Chichester District Council.
 - The application Ref EWB/22/01367/FUL, dated 24 May 2022, was refused by notice dated 9 September 2022.
 - The development proposed is one detached dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The National Planning Policy Framework (the Framework) was updated on 5 September 2023. However, the sections pertinent to this appeal have not materially altered and so I will reference the revised version in this decision.
3. There is a further decision by the Council subject to a separate Appeal, APP/L3815/W/22/3311069. As that development is by the same appellant and landowner, and the appeal site partially overlaps that of this appeal, I have been appointed to determine Appeal 3311069 also. Although several issues are similar, I have, however, dealt with it on its own merits, in a separate decision.

Main Issues

4. The main issues are the effect of the proposed development on the character and appearance, the living conditions of the occupants of Fabius and Juno with specific regards to privacy, and the Chichester and Langstone Harbour Special Protection Area (SPA).

Reasons

Character and appearance

5. The appeal site is an irregularly shaped undeveloped plot which is located along the side of a Co-op convenience store and surrounded by residential properties accessed from Hale Close and Middleton Close. It is in an area characterised by a mix of residential properties of varying forms and styles. Although there is no strong cohesion to the appearance of the area beyond that of a functional vernacular common to the time of each property's construction, the overriding character is that of 2-storey dwellings on modest regularly shaped plots in proximity to the road edge.

6. The proposal would locate the new dwelling towards the rear of the appeal site and would share an access and parking with the proposed dwelling which forms the basis of Appeal 3311069.
7. The proposed access to the front of the appeal site would be seen in context with the Co-op store's parking area and fail to relate comfortably with the proposed dwelling which would be set away from it. The layout of this area would also appear contrived as it has been designed to accommodate a second dwelling, the subject of Appeal 3311069. This means the parking and bin storage for the proposed dwelling before me would be some distance away and not convenient for future occupiers thus emphasising the awkward layout. In combination with the considerably long access this would create a convoluted frontage, dominated by hardstanding and with limited space for meaningful landscaping. Therefore, this part of the proposal would fail to contribute to the character and appearance of the area.
8. That the proposed new dwelling would be largely screened from the surrounding road network by existing development, and its design, finish, and rear garden size would be reflective of properties within the area is noted. However due to the visibility of the front portion of the site these matters do not mitigate the identified harm.
9. It is acknowledged across this scheme and the scheme assessed under Appeal 3311069, the appellant has reduced the proposed number of dwellings by 1. However, I am required to make my decision on the scheme before me.
10. Therefore, by virtue of the layout and design of the access and parking I find the proposal to cause moderate harm to the character and appearance of the area. The proposal would therefore fail to comply with Policies 33 and 47 of the Chichester Local Plan: Key Policies (LP) and the Framework insofar as they require new development to provide high quality living environments which respect the unique character of their surroundings.
11. The proposal would also fail to comply with LP policy 39 as far as it seeks to ensure site layouts provide suitable internal circulation and turning arrangements, and it has not been evidenced to my satisfaction how the elongated access, and parking, potentially shared with a second dwelling, would satisfy these requirements.

Living conditions

12. The proposed dwelling would be located to the side of a semi-detached pair of dwellings, Fabio and Juno. Both properties have open frontages therefore their modest rear gardens are the only source of private outdoor space available to their occupants. Currently both rear gardens enjoy a good level of privacy with overlooking restricted to the upper floor windows of the attached property. These windows provide mutual views down the length of the gardens but retain reasonable levels of privacy to the immediate rear of each dwelling.
13. However, the location of the proposed new dwelling would be close to the shared boundary and due to its orientation, the proposed upper floor windows would have near unfettered views of the full length of both Juno's and Fabio's rear gardens including the area immediately to the rear of each dwelling.
14. Such a reduction in actual and perceived privacy could have a significantly detrimental impact on the living conditions of the occupants of both Fabio and

Juno. Accordingly, the proposal would fail to comply with LP Policy 33 and the Framework as far as they require new development to respect neighbouring occupants' living conditions.

SPA

15. The appeal site falls within the zone of influence of the SPA and the proposal would create a new residential dwelling. This would lead to an increase in population which could lead to an increase in visitor and recreational pressure within the SPA. Given the susceptibility of the SPA to additional pressures, it cannot, therefore, be concluded that the development would not adversely affect the integrity of the protected site in combination with other projects.
16. This is a long-standing issue for the Council, so it has a standard appropriate assessment template for development of this nature. This concluded that any likely harm could be mitigated against by a financial contribution to the Bird Aware Solent Mitigation Strategy for Recreational Disturbance. The appellant has confirmed they would be willing to undertake such an obligation but have only submitted an unsigned unilateral undertaking. Notwithstanding that it would be preferable this was secured prior to a decision being made, as both main parties are aware of the contribution amount, and it is part of a strategy imbedded in local plan policy, a negatively worded condition could be used in this instance to secure such an obligation.
17. Therefore, I am satisfied the proposal could comply with LP Policy 50 and the Framework as far as they seek to secure appropriate avoidance or mitigation measures for any likelihood of a significant effect on the SPA.
18. The Council has referred to the Affordable Housing Supplementary Planning Document, however it has not been made clear how this relates to the SPA. Consequently, it has not been determinative in my decision.

Planning Balance and Conclusion

19. The Council have identified that as of December 2022 its housing land supply was 4.74 years. The appellant has referred me to the findings of appeal decision APP/L3815/W/21/3270721 which was issued in May 2022 and identified the housing land supply as 4.17 years. In either case it is evident the Council cannot demonstrate a 5-year housing land supply and so it is necessary for me to apply paragraph 11 of the Framework.
20. The proposal would provide a net increase of 1 home in an accessible location, and the Framework seeks to make more efficient use of land in accessible locations. However, due to the number of houses involved and the falling shortfall in housing land supply, and along with the small contribution that 1 dwelling would make to an identified housing need, the contribution to the Council's 5-year housing land supply would only attract limited weight.
21. I can also only attribute limited weight to the proposed improvement the appellant considers the proposal would have on landscaping, flora, and fauna, as it has not been shown how this would be an improvement to the existing undeveloped nature of the site.
22. The appellant has drawn my attention to a speech given by the Secretary of State for Levelling Up, Housing and Communities on 24 July 2023. Although this may express the direction of the government's thinking on planning

matters, at the time of writing it has not been translated into planning policy. Accordingly, the matter carries extremely limited weight in my considerations.

23. I have found the proposal would not harm the living conditions of the occupants of adjacent properties and would be capable of not having a harmful effect on the SPA. The Council also did not find harm in relation to highway safety, amount of parking, ecology, and drainage. Nevertheless, an absence of harm is neutral in the planning balance.
24. However, the proposal would conflict with the Framework, which sets out that good design is a key aspect of sustainable development and seeks to achieve well designed places which retain a high standard of amenity, and in these circumstances, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits.
25. 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