



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/22/3311066

Land to the rear of Co-Op Store (plot 1), 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/22/01366/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 appeal submission included an amended plan which changed the internal layout to increase the size of the proposed bedrooms and storage spaces. Although an appeal should not be used to evolve a proposal, I am satisfied the amendment would not constitute a fundamental change to that proposed. As all parties have also had the opportunity to comment on the revisions during the appeal process, I have made my decision with consideration of these plans.
3. 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.
4. There is a further decision by the Council subject to a separate Appeal, APP/L3815/W/22/3311169. 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 3311169 also. Although several issues are similar, I have, however, dealt with it on its own merits, in a separate decision.

Main Issues

5. The main issues are the effect of the proposed development on the character and appearance of the area, the living conditions of the occupants of 7 and 8 Hale Close with specific regards to outlook, and the Chichester and Langstone Harbour Special Protection Area (SPA).

Reasons

Character and appearance

6. The appeal site is a broadly L shaped undeveloped plot which wraps around the rear and side of a Co-op convenience store. The Co-op store is located on a

corner plot with an access road leading to Hale Close separating it from Stocks Lane.

7. The surroundings of the appeal site and Co-op store are 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.
8. The proposal would locate the new dwelling between the Co-op store and Hale Close. It would be orientated in such a way that the house's frontage would face into the site, towards the proposed access and parking which it has in common with the new dwelling proposed in the Appeal 3311169 scheme.
9. The insular nature of the proposal and narrow proportions of the appeal site, constrained by the Co-op store's plant and delivery compound, has led to a contrived frontage design, requiring the use of an extended roof slope, single storey format and dog-legged front elevation. This along with the overly narrow and elongated access, split parking and awkwardly located bin storage, half-way down the access drive, clearly indicate a poorly considered site layout. This layout would create a constrained and enclosed frontage for the new dwelling overwhelmed by hardstanding and dominated by the fencing surrounding the Co-op store's compound. All of which come together to represent a convoluted scheme which is at odds to the traditional and regular pattern of residential development that instructs the character of the area.
10. It is, however, appreciated the rear element of the proposed dwelling, which would face Stock Lane, would be more traditional in form and, although not innovative nor taking the opportunity to create an active frontage, is unlikely to have a harmful impact on the lane's character. This is because it would be set back from the road and would visually relate to the built form along Hale Close which does not form part of the regular cadence of front facing properties along Stock Lane. Nevertheless, the lack of harm to the character of Stock Lane does not negate the significant harm the contrived design of the new dwelling and the constrained layout of the site would have on the overall character and appearance of the area.
11. It is acknowledged across this scheme and the scheme assessed under Appeal 3311169, the appellant has reduced the proposed number of dwellings by 1. However, I am required to make my decision on the scheme before me. I also appreciate that the proposal would be finished in materials used within the local area, but this would not overcome the harm identified.
12. The proposal would therefore significantly harm the character and appearance of the area. It would 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 environments which respect the unique character of their surroundings.
13. 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 and narrow access, and split parking, potentially shared with a second dwelling, would satisfy these requirements.

Living conditions

14. The proposed dwelling would be located to the rear of 7 and 8 Hale Close. However due to its relatively modest depth, asymmetrical roof form, lack of side facing windows, and its orientation, I find that although the proposed dwelling would alter the views from the rear gardens of Nos 7 and 8 it would not be so constraining as to overwhelm those spaces. This is because it would not enclose the whole rear boundary of either garden. It would therefore retain a proportion of the existing open aspect to the rear of each garden, and it would not alter the clear and open outlook both gardens enjoy to either side.
15. The Council have referred to its Design Guideline for Alterations to Dwellings and Extensions which in reference to new rear extensions states that the normal requirement for rear to side elevations, in the case of new 2 storey development, is 10m. Under the Council's own calculations, the side elevation of the proposed new dwelling would be 10.8m from the rear elevation of Nos 7 and 8. Therefore although not specifically written for new residential development the proposal would comply with this guidance.
16. Consequently, I do not consider the impact of the proposal to be so detrimental to the outlook from the gardens of Nos 7 and 8 to cause harm to the living conditions of the occupants of those properties. Accordingly, the proposal would comply with LP Policy 33 and the Framework insofar as they require new development to respect neighbouring occupants' living conditions.

SPA

17. 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.
18. 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.
19. 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.
20. 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

21. 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.
22. 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.
23. 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.
24. 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.
25. 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.
26. 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, and in these circumstances, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits.
27. 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