



Appeal Decision

Site visit made on 5 January 2024

by Jonathan Bore MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 January 2024

Appeal Ref: APP/C3810/W/23/3325093

Land to the rear of 107 Felpham Way, Felpham, Bognor Regis, West Sussex, PO22 8QB

- 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 Sussex Reeves Home Limited against the decision of Arun District Council.
 - The application Ref FP/155/22/PL, dated 17 August 2022, was refused by notice dated 22 February 2023.
 - The development proposed is the construction of a detached 2 bed dwelling with electric mobility scooter/cycle and refuse storage facilities.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of a detached 2 bed dwelling with electric mobility scooter/cycle and refuse storage facilities on land to the rear of 107 Felpham Way, Bognor Regis, PO22 8QB in accordance with the terms of the application, Ref FP/155/22/PL, dated 17 August 2022, and the plans submitted with it, subject to the conditions set out in the annex to this decision.

Main Issues

2. The main issues in this appeal are, firstly, the effect of the proposed dwelling on the character and appearance of the locality, and secondly, whether the garden space would be adequate for the prospective occupants.

Reasons

3. On the first issue, the dwelling would be in the form of a bungalow, and would be situated between Rainbow Cottages, a row of three bungalows, and Sunny Side Cottages, a pair of chalet style bungalows. The ridge height of the proposed bungalow would be a little lower than the neighbouring bungalows; its building lines would be similar to those of the neighbouring properties; it would be a similar distance from the northern boundary to Flax Mean and from the southern boundary; and it would be a similar distance from its side boundaries. Thus, in terms of its scale and siting, the bungalow would be seen as a natural piece of infilling and would not appear cramped.
4. There are some small flank windows in the neighbouring properties which currently face the site. In the appeal scheme, they would look out on to the flank wall of the proposed bungalow. However, the principal windows of those properties, which are to front and rear, would be unaffected by the scheme and the living conditions of the occupiers would not be harmed.

5. Unlike the bungalows either side, the proposed bungalow would not take access from the privately owned Flax Mean. Access instead would be taken from Felpham Way via a passage which runs between a new commercial/residential development and a fish and chip shop. The bungalow would therefore have the reverse orientation from its neighbours, with its rear elevation and back garden boundary facing Flax Mean and its front elevation facing the boundary with the backs of properties on Felpham Way. Although unorthodox, there would be no harm from this orientation. There would be no significant overlooking, and the use of the passage by pedestrians, cycles or mobility scooters would be unlikely to cause disturbance to neighbours. The character of Flax Mean would not be notably altered by being fronted by the rear garden boundary of the bungalow, since it already exhibits varied boundary treatments including side boundaries consisting of substantial walls and hedges. It is proposed to set the rear garden fence away from the kerb line in Flax Mead to allow for some planting to soften this boundary.
6. On the second issue, the Arun Design Guide states that private rear gardens should have a minimum depth of 10.5m. But the bungalows either side of the appeal site have gardens that are much smaller than this, and in comparison the proposed bungalow would be on a wider plot and would have a more generous area of amenity space overall. Different people have different needs and there is no reason to conclude that the living conditions of the prospective occupiers would be harmed by the bungalow's limited garden size.
7. The scheme would make the best use of land in a built-up area to provide a new home. It would be in accordance with Policy D SP1 and D DM1 of the adopted Arun Local Plan which seek to make efficient use of land and deliver a range of housing types in sustainable locations, and to reflect the character of the area; it would also accord with the conditions set out in Policy H2 of the Felpham Neighbourhood Plan in respect of windfall sites. By making the best use of urban land it would also be in accordance with the aims of national policy as expressed in the National Planning Policy Framework.

Other Matters

8. Felpham Parish Council are concerned that the scheme would not provide car parking. However, there are bus services and shops in the vicinity and the development may appeal to those who do not wish to run a car. The site has space to provide parking for cycles and a mobility scooter. Although some of the nearby streets are private with controlled access, there are other unrestricted streets in the wider area which do not suffer notable parking stress. This is not an appropriate reason to dismiss the appeal.

Conditions

9. The list of conditions is set out in the Annex to this decision. In addition to the normal conditions on timescale and drawings, it is necessary to impose conditions in respect of land contamination, in view of the previous commercial use of the site; details of materials, to ensure that the development fits in with its surroundings; and cycle parking and/or mobility scooter parking, to encourage the use of sustainable transport and facilitate mobility and accessibility. It is also necessary to remove permitted development rights for extensions, new buildings and fences, and to limit construction hours, given the proximity to and reverse orientation to neighbouring properties and the consequent potential to affect neighbours' living conditions and the character of

the area. The Council's suggested condition for a biodiversity enhancement strategy is disproportionate to this small scheme but a simple condition is imposed requiring the submission of details of biodiversity enhancements and details of the fencing and planting adjacent to Flax Mean, to encourage biodiversity gain and protect the character of the cul-de-sac.

Conclusion

10. I have considered all the other matters raised but they do not alter the balance of my conclusions. For the reasons given above the appeal is allowed.

Jonathan Bore

INSPECTOR

ANNEX

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: DLS-031-SK 20; DLS-031-SK 21B; DLS-031-SK 22B; DLS-031-SK 23B; DLS-031-SK24A; DLS-031-SK 25A; DLS-031-SK26A.
- 3) Prior to commencement of the development hereby approved (or such other date or stage in development as may be agreed in writing with the local planning authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the local planning authority:
 1. A preliminary risk assessment which has identified: all previous (historical) uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways, and receptors; potentially unacceptable risks arising from contamination at the site.
 2. A site investigation scheme, based on (1) above to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 3. Based on the site investigation scheme and the detailed risk assessment (2), an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 4. A verification report providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance, and arrangements for contingency action.

Any changes to these components, (1) to (4) require the express written consent of the local planning authority.
- 4) The scheme shall be implemented as approved above and, prior to commencement of any construction work (or such other date or stage in development as may be agreed in writing with the local planning authority), a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of that remediation shall be submitted to and approved in writing by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. The report shall also include a long-term monitoring and maintenance plan for longer-term monitoring of pollutant linkages, maintenance, and arrangements for contingency action, as identified in the verification report, and for the reporting of this in writing to the local planning authority.

- 5) If during development, any visible contaminated or odorous material, (for example, asbestos containing material, stained soil, petrol / diesel / solvent odour, underground tanks, or associated pipework) not previously identified, is found to be present at the site, no further development (unless otherwise expressly agreed in writing with the local planning authority) shall be carried out until it has been fully investigated using suitably qualified independent consultant(s). The local planning authority must be informed immediately of the nature and degree of the contamination present and a method statement detailing how the unsuspected contamination shall be dealt with must be prepared and submitted to the local planning authority for approval in writing before being implemented. If no such contaminated material is identified during the development, a statement to this effect must be submitted in writing to the local planning authority.
- 6) No development above damp proof course level shall take place until details and samples of the materials to be used in the construction of the external surfaces of the dwelling 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 and samples.
- 7) Prior to occupation of the dwelling, the applicant shall provide the dwelling with a secure cycle and/or mobility scooter parking space.
- 8) Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking or re-enacting this Order) no extensions (including porches or dormer windows) to the dwelling house shall be constructed or buildings shall be erected within the curtilage unless permission is granted by the local planning authority on an application in that behalf.
- 9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order) the building shall not be extended or altered in any way unless permission is granted by the local planning authority on an application in that behalf.
- 10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order) no further gates, fences or other means of enclosure shall be constructed unless permission is granted by the local planning authority on an application in that behalf.
- 11) Before the dwelling is occupied, details of (i) biodiversity enhancements on the site, and (ii) the fencing and planting to be carried out adjacent to Flax Mean, shall be submitted to and approved by the local planning authority and the development shall be carried out in accordance with the approved details.
- 12) No demolition / construction activities shall take place other than from 08:00 hours until 18:00 hours (Monday to Friday) and from 08:00 hours until 13:00 hours (Saturday) with no noisy work on Sunday or Bank / Public Holidays.