



Appeal Decision

Site visit made on 23 January 2024

by S Harley BSc(Hons) M.Phil MRTPI ARICS

an Inspector appointed by the Secretary of State

Decision date: 29 January 2024

Appeal Ref: APP/L3815/W/23/3320818

The Boulevard Restaurant, 3-4 New Parade, High Street, Selsey PO20 0QA

- 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 Adam Christmas, The Christmas Corporation Ltd against the decision of Chichester District Council.
 - The application Ref SY/21/02895/FUL, dated 29 September 2021, was refused by notice dated 17 November 2022.
 - The development proposed is retention of canopy to shopfront.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the canopy on the character and appearance of the area.

Reasons

3. The double unit appeal site is centrally located in New Parade, a two storey terrace of shops and other town centre uses built in the 1960s. It is within the Selsey Settlement Boundary. A canopy over an existing out-door seating area would be acceptable in principle provided other planning policies and material considerations are satisfied.
4. There has been an uncovered outside seating area adjoining a restaurant in the appeal building for many years. In June 2021, in response to the challenges arising from the Covid-19 Pandemic, the appellant constructed a canopy to provide a well ventilated seating area that could be used in poor weather and to increase the profitability of the business.
5. The mono pitched appeal canopy extends forward by 2.6m from the building over the seating area. It projects well forward of the flat roofed canopies of the adjacent shops and restaurants so, although set back from the High Street carriageway by about 9m, it is much more prominent in the street scene.
6. The canopy is supported by timber frame with posts stained brown. Such materials are not unacceptable in the local area but the posts are positioned beyond the timber decking which makes them appear more intrusive and narrows the available footpath. The canopy roof is corrugated sheet metal which is not a commonly occurring roof covering in front of buildings in the nearby area. The edges of the canopy are not all properly supported and are subject to warping and bending which indicates a lower quality build than is to

be expected at the front of a building in the public realm. The resulting irregularities along the edges, together with the pale surface and the extent of projection emphasis its incongruous appearance. For these reasons the way the canopy appeared at the time of my visit does not amount to good design.

7. The Selsey Conservation Area (the CA) centres on the High Street. Its special character arises from the varied historical architecture and the high concentration of listed buildings. Building materials are mixed and include picturesque thatched and peg-tiles, local Mixen stone, flint, and red brick. The CA is surrounded by mainly inter-war and post-war development.
8. The canopy is close to the southernmost edge of the CA so there is intervisibility between them and to that extent the appeal site forms part of its setting. However, given the long relatively narrow shape of the CA the canopy is not visible from most of the CA. Just because a structure can be seen from a CA does not necessarily mean it will cause harm and the canopy is not particularly intrusive as seen in views out from the CA.
9. The canopy is however prominent in views towards the CA when approaching from the south. In some of these, from New Parade in particular, the canopy harmfully obstructs views of the CA and No 154 High Street. This is the thatched roof and sandstone/brick Selsey Cottage, constructed of materials typical of the CA, and is the final property at the edge of the CA.
10. As existing at the time of my visit I consider the canopy is harmful to the appearance of the street scene and harms views towards the CA. Due to the scale and position of the proposal, the harm to the setting in which the CA is appreciated is less than substantial, nevertheless it is real and enduring.
11. Amendments were proposed during the course of the application by way of annotations on the application plans. The painting of the shiny, pale canopy roof in a matt slate grey colour would reduce glare and reflection, would not be dissimilar in colour to the adjacent roof canopies, and would recess its appearance in the street scene. Dark brown stained timber would not be out of character. The repositioning of the supporting posts to sit inside the decking would remove the footpath obstruction and appropriate measures could resolve rainwater issues.
12. However, there are no details of the new position of the posts. Nor is it clear how the gutter and downpipe would relate to the re-positioned frame or function in a satisfactory manner in terms of rainwater disposal without discharging onto the footpath. No have measures been put forward to improve the appearance of the front edge of the canopy. Moreover, no consideration appears to have been given to whether the extent of the canopy overhang could be reduced so as to intrude less into views of the CA and Selsey Cottage.
13. I have considered whether the conditions proposed by the Council to address the changes put forward by the appellant could be used to make the development acceptable. However, in view of the above concerns, and as there is no clear timetable for the implementation of changes, I consider the proposed conditions would not meet the tests of precision and enforceability as required under the National Planning Policy Framework (the Framework).
14. In accordance with the Framework less than substantial harm to the importance of a heritage asset should be balanced against the public benefits

of the development. The canopy provides a well-ventilated customer seating area; the additional seating provides a valuable community resource, helps the viability of the business, helps secure some 50 full and part time jobs and increases spending in the local economy. These are matters of great weight but could be achieved in a less harmful way. I conclude the public benefits do not outweigh the harm caused to the setting in which the CA and Selsey Cottage are experienced.

15. For the above reasons I conclude there would be conflict with those parts of Policies 40 and 47 of the Chichester Local Plan: Key Policies 2014-2029 (the LP), Policies 001 and 002 of the Selsey Neighbourhood Plan 2021 (the NP) and those principles of the Framework that seek good design that protects and enhances the built and historic environment.

Other Matters

16. The downward direction of spot lighting on the wall of the appeal building to illuminate the fascia sign and reduce light spill towards windows of properties opposite is to be welcomed. However, this is to be expected of all external lighting and does not add weight in favour of this appeal proposal.
17. The Council refused the application against the advice of Officers and the appellant has expressed dissatisfaction with the Council's Decision. I have reached my own Decision based on the planning merits of the case including what I saw during my site visit.

Conclusion

18. The economic social and environmental objectives of the Framework are to be delivered through the preparation of development plans and are not criteria against which every planning application or appeal should be determined. I have found that the canopy harms the character and appearance of the street scene. It also harms the setting in which the CA is appreciated and there are other less harmful ways in which the identified public benefits could be achieved. Accordingly, the harm caused by the canopy outweighs the benefits.
19. In failing to comply with Policies 40 and 47 of the LP and Policies 001 and 002 of the NP the canopy cannot be said to comply with the development plan taken as a whole. There are insufficient material considerations to outweigh this conflict. The appeal should be dismissed.

S Harley

INSPECTOR