



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: 1st February 2024

Appeal Ref: APP/L3815/W/23/3325872

Edelsten Cottage, 2 Marine Drive, West Wittering PO20 8HE

- 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 A Edwards against the decision of Chichester District Council.
 - The application Ref WW/20/01192/FUL, dated 24 March 2020, was refused by notice dated 2 February 2023.
 - The development proposed is demolition of a single dwelling house and construction of development comprising 4 no. 2 bed flats, new access and associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The main Parties have had the opportunity of commenting on the implications of the latest revised National Planning Policy Framework (the Framework) published in December 2023. The appellant has also had the opportunity of commenting on the implications of the West Wittering Neighbourhood Plan (the NP) which was made 28 November 2023. I have taken account of the responses made.

Main Issues

3. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

4. The appeal site is within the settlement boundary and in principle the development of flats is acceptable provided other planning policies and material considerations are satisfied.
5. West Wittering has a varied and diverse streetscape with buildings of many sizes, styles, designs and materials including blocks of flats, large, detached houses and small cottages. The appeal building is a two storey with a crown roof in a predominantly residential street. It has a relatively large, overgrown rear garden and is set back from the street. It is an unremarkable building and an appropriately designed replacement would in principle be acceptable.
6. To the west is a public park and carpark with clusters of semi mature trees which provide an open setting separating the appeal site from other residential development some distance away. Lanka Court which adjoins the appeal site, comprises a two storey block of flats facing the street and a three storey block behind and at right angles to it. Directly across Marine Drive from the appeal

site is a house with gable to the road and bungalows with accommodation in the roof space.

7. The proposed replacement two and three storey flat roofed building would be of contemporary design and would appear as a series of stacked blocks. This would be different from the more traditional existing building and from many nearby buildings although the proposed materials are all in evidence in the local area. Lanka Court has flat roofs and there are other examples of contemporary design in the wider area.
8. There would be some articulation in heights with the third storey substantially, recessed, almost 5m, from the front façade and set in from the side facing the park. This would present a more interesting appearance than the simple block form of the adjoining flats.
9. However, the two storey element would be some 1.7m forward of the front Lanka Court building and noticeably higher. The three storey element would be about halfway back from the front of the two storey Lanka Court building. Although not dissimilar in height, apart from the higher Lanka Court water tank, it would be well forward of the three storey Lanka Court building and significantly wider as viewed from the street and so would be much more prominent. Moreover, the Lanka Court three storey building is well set back behind other buildings and much less noticeable although it can be clearly seen behind and between buildings from some points on Shore Road and parts of the park.
10. This part of Marine Drive is mostly characterised by lower buildings, including the appeal site, the adjacent two storey flat roof building and chalet bungalows which generally reduce in height from the more commercial Shore Road towards the park. The height, scale and massing would be harmfully incongruous within the heights of the surrounding buildings. This would be exacerbated by the positioning forward of the neighbouring block of flats making the proposal even more prominent in views along Marine Drive even though the trees in the park would screen the proposed development from some views.
11. There would be some scope for landscaping in front of the proposed building but little scope for meaningful planting to the rear or to the side facing the park. Unlike other nearby buildings one side wall would be very close to the side boundary of the site with no scope for landscaping on that side boundary.
12. The combined height, scale, mass and position would result in a building out of scale and harmfully at odds with the local street scene. The proposal would therefore harm the character and appearance of the area. Consequently, it would be contrary to Policy 33 of the Chichester Local Plan Key Policies 2014-2029 (2015) (the LP), Policy WW1 of the NP, and those principles of the Framework that together require development to meet the highest standards of design, add to the overall quality of the area and be sympathetic to local character.

Other Matters

13. The appeal site is in the zone of influence for impact on the Chichester and Langstone Harbours Special Protection Area. In the absence of mitigation, the proposal would result in a net gain of dwellings and, together with other plans

and projects, would be likely to increase visitor pressure on the SPA and lead to further disturbance to its habitats and the birds it supports.

14. The Council has an agreed mitigation strategy and a signed agreement under s106 of the Town and Country Planning Act 1990 as amended makes provision for the payment of a Recreation Disturbance Mitigation Contribution. However, in view of my conclusions on the main issue it is not necessary for me to undertake an Appropriate Assessment under the Regulations or to consider these matters further. Nor do I need to further consider the s106 obligations in respect of a contribution towards off site highway capacity improvements or the requirement of restricting occupancy to Principal Residences arising from Policy WW5 of the NP.
15. I acknowledge that the appeal scheme attempts to address concerns in relation to previous proposals. However, that would not be a reason to allow an otherwise unacceptable proposal.
16. There are other much larger blocks of flats in the wider area such as the four storey blocks at Seagate Court on Shore Road. However, these are much further away, I have no information about the planning history and I do not consider their character and appearance set a good design precedent for development on the appeal site. There are also larger houses and flats on Shore Drive and Cakeham Road. However, many of the three storey buildings are of more traditional design with accommodation in the roof space and not such a block like appearance or are in more mixed commercial and residential areas. Many of the two storey buildings also rely on accommodation within a more traditional roof form.
17. There are many reasons why third party objections are not raised to planning proposals. The lack of such objections in itself would not be sufficient reason to allow an otherwise unacceptable proposal.
18. None of the above matters lead me to any different conclusions in respect of the appeal before me.

Planning balance and conclusion

19. The proposal would make efficient use of land and would provide much needed smaller dwellings close to services and facilities. There would be economic benefits arising from employment during construction and from spend in the local economy. However, these benefits would be tempered by the modest scale of the development. They do not out-weigh the harmful effect on the character and appearance of the area. HLS and NPPF
20. In failing to comply with Policy 33 of the LP and WW1 of the NP the proposal cannot be said to comply with the development plan taken as a whole. I find insufficient material considerations to outweigh this conflict. The appeal should be dismissed.

S Harley

INSPECTOR