



Appeal Decision

Site visit made on 22 April 2024

by R J Redford MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 May 2024

Appeal Ref: APP/L3815/W/23/3323418

107 East Beach Road, Selsey PO20 0EZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mrs Lisa McGlinchey against the decision of Chichester District Council.
 - The application Ref is SY/22/02871/FUL.
 - The development proposed is to demolish the existing dwelling and to replace it with new.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The National Planning Policy Framework (the Framework) was updated in December 2023. The main parties are aware of this and the sections pertinent to this appeal have not changed to such an extent as to affect the matters raised. It has not therefore been necessary to seek their views, however the revised version has been referenced in this decision.
3. It is also recognised that the emerging Chichester Local Plan 2021-2039 (eLP) is awaiting examination post regulation 19 representations, although the eLP has not been referred to in the reasons for refusal.

Main Issues

4. The main issues are the effect of the proposed development on the character and appearance of the appeal site and its surroundings; and the living conditions of the occupants of Nos 105 and 109 East Beach Road with specific regard to privacy.

Reasons

Character and appearance

5. The appeal site comprises a chalet bungalow with wrap around first floor terrace. There is a parking area to the front and a garage and pool to the rear. The site is reasonably compact and faces the sea across East Beach Road, with Newfield Road to the rear.
6. It sits within a row of similar sized plots all with similarly proportioned dwellings and compact rear gardens. Although there is no uniform style or design to the properties on this part of the road, the constrained nature of the plots and proximity to each other means there is a regularity to the height of

windows, doors, and eaves, specifically in the front elevation. This creates a cadence to the street scene and provides an element of cohesion across the mix of differently designed properties.

7. The proposal would replace the existing dwelling with a two-storey property that would have a forward-facing glazed balcony and a semi-basement. It would have a similar footprint and location within the site as the existing dwelling, and the existing parking, garage and pool would be retained.
8. It is acknowledged that the overall height of the proposal would not be so different to the adjacent property, 109 East Beach Road, and other properties along the road. However, the proposed semi-basement would raise the ground and first floor levels above those of adjacent properties, which would be evident by the prominence of the proposed front door and associated steps. The raised position of the main body of the proposed building would not only be at odds to the cadence of the road but would create visual bulk by drawing attention to the 3 levels of the proposed new building. This would be unduly dominant in the street scene and out of keeping with the scale of the surrounding properties. Thus, the proposal would have a detrimental effect on the character and appearance of the area.
9. It is acknowledged that the non-traditional design would not be out of keeping with the mix of differently designed properties along East Beach Road, and the proposal would have a similar footprint to the existing building. However, these elements of the proposal do not negate the identified harm in relation to the character and appearance of the area.
10. I am mindful of the appellant's personal circumstances, that the proposed development would provide suitable accommodation to address their family's needs, as well as their understanding that the existing property may not meet modern construction standards. Nevertheless, I remain unconvinced these matters outweigh the harm identified.
11. The proposal would therefore harm the character and appearance of its surroundings. It would fail to comply with Policy 33 of the Chichester Local Plan (LP) as far as it seeks that the character of the surrounding area is respected and where possible enhanced.

Living conditions

12. Due to the compact nature of the rear gardens and the abundance of balconies and first floor terraces, some mutual overlooking of neighbouring gardens is to be expected. In this regard there is already some overlooking of the rear gardens of 105 and 109 East Beach Road.
13. The proposed obscure glazing and limited opening of all windows in the side elevations would limit views of Nos 105 and 109's rear gardens to the proposed rear facing windows only. Due to the proposed semi-basement, it is likely the ground floor windows would be raised to a height which would provide some views over the rear boundary treatments and there would be 2 first floor rear facing windows, one of which serves a toilet.
14. Nevertheless, as the rear elevation would be broadly in line with the properties on either side, and both Nos 105 and 109's rear gardens are already overlooked by neighbours, I am satisfied that any increase in overlooking from the proposed rear facing windows would not be so significant as to make the

rear gardens of Nos 105 and 109 untenable and thereby harm the living conditions of the occupants of those properties.

15. The Council's concerns relating to the proposed flat roof are noted, however the plans do not show any access onto this space and its use could be controlled by condition.
16. Consequently, I am satisfied that the proposal would not harm the living conditions of the occupants of Nos 105 and 109 East Beach Road with specific regard to privacy. It would, therefore, comply with LP Policy 33 insofar as it seeks new development to respect the living conditions of occupants of neighbouring properties.

Conclusion

17. Whilst I have found for the appellant in relation to the second main issue. This would be a lack of harm and thus, by definition, is in capable of weighing against the harm that I have found regarding the first main issue.
18. In making this decision I have had due regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it.
19. Nevertheless, it does not follow from the PSED that the appeal should succeed, and for the reasons set out 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