



Appeal Decision

Site visit made on 2 September 2024

by J Reid BA(Hons) BArch(Hons) RIBA

an Inspector appointed by the Secretary of State

Decision date: 11th September 2024

Appeal Ref: APP/L3815/D/24/3340983

Estoril, Main Road, Fishbourne, West Sussex PO18 8AN

- 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 Dr Annelize Meyer against the decision of Chichester District Council.
 - The application Ref is FB/24/00007/DOM.
 - The development proposed is Erection of detached garage.
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Decision

1. The appeal is dismissed.

Main issue

2. The main issue is whether the proposed development would preserve or enhance the character or appearance of the Fishbourne Conservation Area, part of which is within the Chichester Harbour Area of Outstanding Natural Beauty, which is now known as the Chichester Harbour National Landscape.

Reasons

3. The appeal site is situated outside any settlement boundary designated in the Chichester Local Plan: Key Policies 2014-2029 (LP) and the Fishbourne Neighbourhood Plan 2014-2029, so it is, in policy terms, in the countryside.
4. The site is located within the Conservation Area, which is mainly characterised by its historic settlement pattern, which, close by, includes intermittent development related to Main Road, set within the mostly flat landscape. The traditional scale, forms and features of the historic and most more recent buildings, and the use of local building materials are important to its appearance, and to its significance as a historic maritime settlement. The site is also within the National Landscape, which has the highest status of protection in relation to landscape and scenic beauty. Whilst the National Landscape includes the mainly open estuarine and agricultural landscape to roughly south of Main Road, which is partly screened by the trees to roughly south of the site, the openness within the site and within the field to roughly west contribute positively to its local rural landscape character.
5. The site includes the existing dwelling, which is set well back from the roughly south side of the sometimes busy Main Road. The site is largely bounded by tall solid fencing with gates. Similarly set back low profile medical and dental clinic buildings (clinic buildings), which are partly screened from the road by trees by their frontage, lie roughly east, and part of their parking lies roughly south of

- the site, with countryside beyond it. To roughly west lies a good-sized mostly open field, beyond which is a cluster of development near Old Park Lane.
6. The proposal includes a barely barn hipped pitched roofed building, including part glazed garage style doors in its east side and a store in the upper floor mainly within its roof space partly lit by an east facing window, which would be sited close to the site's north west corner.
 7. However, due to its substantial scale, tall and bulky form, and its discordant siting close to the road and well away from the dwelling and the clinic buildings next door, the proposal would harmfully erode the important openness and leafiness in westward and eastward views along Main Road, to the detriment of the character and the appearance of the Conservation Area and the natural beauty and landscape character of the National Landscape. As any vegetation between the proposal's walls and the fences could not be relied upon to endure in the long term, the proposal's substantial stark and urbanising appearance would dominate the street scene on the south side of Main Road. So, due to its height, scale, bulk, form and siting, the proposal would be incongruous.
 8. The hipped roofed garages at The Old School House and 1 Claver Gardens are set well back from the road, roughly in line with the front of Blackboy Court, and set well back from the low roadside hedge by further taller planting, respectively. Moreover, as both garages are sympathetic to the scale, form, design, and siting of the relevant dwellings, and the nearby development, they provide little support for this damaging scheme. As it would appear that the proposed extensions to the dwelling permitted by the Council, ref 22/01542/DOM, are being built, the appellant's suggested condition would not be necessary. In his appeal decision ref APP/L3815/D/21/3277793, my colleague dealt with a different proposal at the site, but as his appeal decision referred to that proposal's scale and design in such a prominent location, its siting was a concern.
 9. In the terms of the National Planning Policy Framework (Framework), the proposal would cause 'less than substantial harm' to the significance of the Conservation Area. As the existing boundary treatment largely screens vehicles parked at the site, and as most of the benefits put to me would be private gains for the appellant, the public benefits would not be enough to outweigh that less than substantial harm. Moreover, insufficient clear and convincing justification has been put to me to explain why the proposal would be necessary to conserve or enhance the significance of the heritage asset.
 10. Therefore, I consider that the proposed development would fail to preserve or enhance the character or appearance of the Conservation Area, and that it would fail to conserve and enhance the landscape and scenic beauty of the National Landscape. It would be contrary to Policy 33 which seeks high quality design and respect for context, LP Policy 43 which aims to reinforce the distinctive character and special qualities of the Area of Outstanding Natural Beauty, LP Policy 45 which aims for proposals to have minimal impact on the landscape and rural character, LP Policy 47 which reflects the thrust of my statutory duty regarding conservation areas, LP Policy 48 which aims for proposals to respect and enhance the landscape character of the surrounding area and site, and guidance in the Adopted Joint Chichester Harbour Area of Outstanding Natural Beauty Supplementary Planning Document.

Conclusion

11. I have found that the proposed development would be contrary to the Development Plan when taken as a whole. The other considerations in this case, including the Framework, do not outweigh that conflict.
12. For the reasons given, the appeal should be dismissed.

J Reid

INSPECTOR