



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/W/23/3332139

Shamba, The Ride, Ifold, Loxwood RH14 0TQ

- 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 Mr Ahamed against the decision of Chichester District Council.
 - The application Ref is PS/22/02314/FUL.
 - The development proposed is Demolition of existing bungalow and redevelopment of two residential units.
-

Decision

1. The appeal is dismissed.

Main issues

2. The main issues are the effect that the proposed development would have on:
 - the character and appearance of the surrounding area,
 - the living conditions of the future occupiers of the proposed dwellings regarding privacy and private outdoor space, and the occupiers of Shaftesbury regarding outlook, and
 - the integrity of the Arun Valley Special Protection Area, Special Area of Conservation and Ramsar (the Arun Valley site).

Reasons

Character and appearance

3. The appeal site is situated within a mostly residential area within the settlement boundary of Ifold on the roughly east corner where The Ride meets Chalk Road. The site includes a detached bungalow, which would make way for the proposal. There are several trees within the site, including 2 sizable oak trees towards the north west boundary. The locality is mainly characterised by spaciouly sited detached dwellings set back from the verge lined roads in good-sized landscaped plots. The variety in the appearance of the dwellings and the leafiness and greenery within the gardens, including the trees within the site by the junction of the 2 roads, contribute positively to the local semirural character, and to the sense of place.
4. The proposal includes 2 similar but handed 2 storey mainly barn hipped roofed dwellings, which would be reached from The Ride. The upper floors of the dwellings would be partly within their roof spaces
5. Because the proposed dwellings would face one another across the courtyard, the north west dwelling (dwelling A) would have a back to front relationship

with Shaftesbury, and the south east dwelling (dwelling B) would have a back to side relationship with Belton Acre, which would be at odds with the local development pattern, where most dwellings face the roads over front gardens and/or drives.

6. Due to the scale of the initially useable parts of their plots, the close relationships between the proposed dwellings, between dwelling B and the site's north east boundary, and between the dwellings and the trees, the proposal would be unacceptably squeezed in. As there would be little room for planting in the hard surfaced courtyard between the 2 dwellings, and as the plot for dwelling B would be smaller than most others that front The Ride, the built-up appearance of the proposal would erode the sense of place.
7. Whilst the sylvan setting of the dwellings could be attractive to the occupiers initially, the dwellings and their private gardens would be close to most of the trees. So, in time, for reasons including shading, and the inconvenience of dealing with fallen twigs, leaves and other detritus associated with the trees, or to make room for a larger lawn or patio, the occupiers would be likely to severely reduce or fell some or all of the trees. As the occupiers would also be likely to reduce the other planting by the boundaries with The Ride and Chalk Road, which would diminish its partial screening effect, the domestic paraphernalia in their gardens, including washing lines, garden furniture, barbecues, play equipment, and so on, would be seen from the nearby roads. Consequently, the Council could come under pressure from the dwellings' occupiers seeking privacy and security to allow tall fencing by the roads, which it could find hard to resist. So, the proposal would be incongruous in the nearby street scenes in The Ride and Chalk Road.
8. The plot of Mill House, which is almost opposite the site, was larger and deeper than most others nearby, so there was room behind that dwelling for the dwellings at 1 and 2 Millhouse, which can barely be seen from The Ride. The plot at Furzedown, further south east in The Ride, was larger than the site, so there was ample room for that dwelling to be replaced by Magnolia and Wisteria Cottages, which differ in their design. As these developments respect the local character, and as the other developments referred to by the appellant predate current Development Plan policy, they provide little support for this damaging proposal.
9. Therefore, I consider that the proposed development would harm the character and appearance of the surrounding area. It would be contrary to Policy 25 of the Chichester Local Plan: Key Policies 2014-2029 (LP) which aims to conserve and enhance the rural character of the area, LP Policy 33 which seeks a high standard of design and respect for context, and the National Planning Policy Framework (Framework) which aims to achieve well-designed places, and sympathy for local character.

Living conditions

10. All of the opposing upper floor windows in dwellings A and B would light bathrooms, which are non-habitable rooms. These windows would be obscure glazed, but as the outlook from them would not cause harm if they were to be opened, say, for ventilation, they would not need to be fixed shut. As the ground floor windows in the kitchen areas of the kitchen/living/diners in the fronts of the dwellings could face a tall fence between the drives of the 2

dwelling, which could reasonably be controlled by condition if the proposal were to be otherwise acceptable, the occupiers' privacy would be protected.

11. Whilst the layout and scale of the 2 dwellings and their private outdoor spaces would be at odds with the local character, that has been considered in my first main issue. However, due to the depth and scale of the back gardens of both dwellings, there would be enough space for the occupiers to, say, sit or dine outside, dry washing, grow some plants, and for children to play. So, the proposed outdoor spaces would be useable.
12. The mostly single storey wide fronted dwelling at Shaftesbury fills most of the width of its plot, and it is sited further back from Chalk Road than the garage at Sunset next door. As part of the taller part of dwelling A would be similarly sited in front of the dwelling at Shaftesbury, and well away from the common boundary, it would be acceptable. Most of the taller part of dwelling B would project beyond the nearby back outshoot at Shaftesbury, and whilst it would be seen in the outlook from the windows in the south east facing wall of the outshoot, its impact on that dwelling would be acceptable. So, due to the distances and relationships between the proposal and the dwelling at Shaftesbury, the proposal would not be so oppressive or so overbearing that it would harm the living conditions of the occupiers of Shaftesbury in their home or in their back garden.
13. For similar reasons, and due to the orientation, as the fairly small high level window in the nearby side of Shaftesbury is unlikely to provide the only natural light to a habitable room, the proposal would not cause an unacceptable loss of sunlight or daylight at Shaftesbury. Overlooking and loss of privacy at Shaftesbury were not concerns in the Council's reasons for refusal, and I agree.
14. Thus, I consider that the proposal would not harm the living conditions of the occupiers of the proposed dwellings regarding privacy and private outdoor space, and the occupiers of Shaftesbury regarding outlook. It would satisfy LP Policy 33 which seeks a high quality living environment in keeping with the character of the surrounding area, and the Framework which seeks a high standard of amenity for existing and future users. This matter attracts neutral weight in the planning balance.

The Arun Valley site

15. The appeal site is within the Sussex North Water Supply Zone. In determining this appeal, I am the competent authority for the purposes of The Conservation of Habitats and Species Regulations 2017 (as amended).
16. Natural England has advised that the Sussex North Water Supply Zone includes supplies from an abstraction which cannot, with certainty, conclude no adverse effect on the integrity of the Arun Valley site. As it cannot be concluded that the existing abstraction within the Sussex North Water Supply Zone is not having an impact on the Arun Valley site, developments within this zone must not add to this impact. One way of dealing with this is water neutrality, that is, the use of water in the supply area is the same or lower after the development has taken place.
17. The proposal would replace the existing dwelling with 2 dwellings. As the proposal would increase the number of dwellings, and it would be likely to increase the number of people living at the site, the proposal would be likely to

increase the use of water. Because the proposal is not directly connected with or necessary for the management of the Arun Valley site, it would be necessary for me to undertake an appropriate assessment of the implications of the proposal for the Arun Valley site in view of its conservation objectives. I could only grant planning permission if I were to ascertain in that appropriate assessment that the integrity of the Arun Valley site would not be adversely affected. However, as the proposal would not be acceptable for other reasons, it is not necessary for me to undertake an appropriate assessment. So, whilst the appellant has submitted a water neutrality statement, there is no need for me to consider it.

Other matters

18. In his appeal decision ref APP/L3815/W/21/3270721, my colleague found that the Council could demonstrate 4.17 years supply of deliverable land for housing (HLS). As the Council cannot demonstrate a 5 year HLS, and the shortfall is notable, Framework paragraph 11 d) is relevant. The proposal aims to make more efficient use of the site within the Service Village of Plaistow/Ifold, and its other benefits would include a welcome new home and jobs during construction. However, even if an appropriate assessment were to conclude that there would be no adverse effect on the Arun Valley site, the harm that the proposal would cause to the character and appearance of the area would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, so planning permission should not be granted.

Conclusion

19. 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.
20. For the reasons given, the appeal should be dismissed.

J Reid

INSPECTOR