



Planning Inspectorate

Appeal Decision

Site visit made on 8 November 2024

by J E Jolly BA (Hons) MA MSc MCIH MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th November 2024

Appeal Ref: APP/L3815/W/24/3347912

Church Corner, Itchenor Road, Chichester, West Sussex PO20 7DL

- 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 Roger and Mrs Chloe Scholes against the decision of Chichester District Council.
 - The application Ref is WI/23/00518/FUL.
 - The development proposed is for a garage building with associated landscaping including regrading land and reduce height of existing retaining wall.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The National Planning Policy Framework (the Framework) was revised in December 2023. However, on 30 July 2024 the new Government published a consultation on proposed reforms to the Framework and other changes to the planning system. Whilst a direction of travel has been outlined within the Written Ministerial Statement, which is a material consideration, the changes to the Framework can only be given limited weight at this stage, given that no final document has been published.
3. In any event, the policies that are material to this decision are not subject to any fundamental changes, and I am satisfied that this has not prejudiced any party. Consequently, in reaching my decision I have therefore had regard to the Framework published in December 2023, and any reference to Paragraph numbers are to this version.
4. Since November 2023 all designated Areas of Outstanding Natural Beauty (AONBs) in England and Wales are to be referred to as 'National Landscapes' (NL). Therefore, while the legal designation and policy status of AONBs are unchanged, all references to the Chichester Harbour AONB in this appeal will reflect that change.

Main Issues

5. The main issues in this appeal are the effect of the proposal on:
- the scenic beauty of the Chichester Harbour National Landscape (CHNL),
 - whether the proposal would preserve or enhance the character and appearance of the West Itchenor Conservation Area (CA); and,
 - the living conditions of neighbouring occupiers.

Reasons

National Landscape

6. 'Church Corner' is located in the CA on a raised corner plot that slopes down towards a small watercourse and a water pumping station adjacent to Itchenor Road. The CA is characterised in this location by a string of traditional style, flint, brick or timber dwellings that are set on generous garden plots. Itchenor Road leads down to a waterfront location of the CHNL which is typified by expanses of open water, farmland and parkland estates, all of which offer a sense of wildness in the surrounding area.
7. The appeal site is accessed via a gravelled driveway which provides access to a pair of storage containers that are found adjacent to the northern boundary with the neighbouring dwelling known as 'The Sheiling'. To the eastern side of the driveway there are steps that lead up to the host dwelling and its wrap around gardens. The Grade 1 listed St Nicolas Church can be seen from the host gardens over a field.
8. The appeal site has a scaffold wall that was constructed to reinforce the banks of the watercourse and to enable placement of the storage containers, which are surrounded by retaining walls on three sides. In addition, some of the host garden land has been levelled using the displaced soil. The council consider these changes to be unauthorised works.
9. As such, the appellants propose to regrade the land to its original profile and to replace the existing scaffold walling with a brick-faced retaining wall. The storage containers would be removed, and a garage building constructed in their place. The proposed development would be in the CHNL, and therefore, for planning purposes would be located in the countryside, to which I give great weight.
10. Modest retaining brick or stone walls associated with small waterways and other topographical features can be found in the surrounding CHNL. For example, those found in the neighbouring garden of 'The Sheiling' and St Nicholas' Church.
11. However, in this case the extensive proposal would not only result in an over engineered and an increased step up to the appeal site but also erode the gentle slope to the waterway below. Moreover, the elevated two-storey garage would readily be seen by those travelling along Itchenor Road to the front and west of the appeal site which provides access to the wider CHNL.

12. Therefore, notwithstanding that the proposed development would be relatively distant to the features of the CHNL waterfront, it would nonetheless be a highly prominent and an alien addition to the spaciousness of the surrounding and adjacent fields of CHNL on this corner plot location. I conclude therefore, that the proposal would harm the scenic beauty of the CHNL.
13. It follows then that the proposal would be contrary to Policies 33, 43, 45 and 48 of the CLP, which require that the natural beauty and locally distinctive features of the CHNL are conserved and enhanced, and the aims of Paragraphs 135, 180 and 182 of the Framework.

Conservation Area

14. The appellant has brought to my attention other garages in the surrounding area. These developments are in a different location in the CHNL altogether and I cannot be certain if they were permitted under the same development proposal before me or not. Therefore, I have considered the proposal on its own planning merits.
15. The proposal would be constructed in materials that would accord with the surrounding built form in the CA, including the host dwelling. However, the special character and significance of the CA is further typified by the linear pattern of development facing the road as it marks the route to Chichester Harbour. Whereas the proposal would be set back from the highway forward of the host dwelling. This awkward arrangement would be at odds with the pattern of development along Itchenor Road and hence be incongruous with the character and appearance of the CA in this very specific location.
16. There have been changes to the proposed development from a previous scheme for the site which included external stairs and a dormer window. Nonetheless, notwithstanding the West Itchenor Conservation Character Appraisal and Management Proposals, the development would still be of some considerable scale, height and mass with a convoluted pitched roofscape and a contemporary style opening to the front.
17. Consequently, the two-storey proposal would be highly visible at the end of the host driveway to those passing by in either direction on Itchenor Road. This would be particularly the case at certain times of the year when leaf coverage is likely to be less dense. Landscaping would not be adequate mitigation. Indeed, even if secured by condition, I cannot be certain that any landscaping or planting would survive in perpetuity, particularly as the ownership of the property is likely to change over time.
18. Therefore, I conclude that the proposed development would fail to preserve or enhance the character and appearance of the CA.
19. Accordingly, the proposal would be at odds with the CLP when read as a whole, and Paragraph 135 (c) of the Framework, which requires that planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting.

Living conditions

20. While the proposal has been reduced in height from a previous scheme for the site, the regrading of the land would nonetheless result in a development that would be sited on higher land than currently exists. Hence the proposal would loom over the shared northern boundary treatment with 'The Sheiling'.
21. As a result, it would be possible to look on to the activity and occupancy of the habitable rooms of that dwelling from the fenestration of the northern elevation when making use of the garage space. This would erode the privacy of the neighbouring occupiers. For similar reasons to my findings above, landscaping would not be adequate mitigation.
22. I conclude therefore, that the proposal would harm the living conditions of the neighbouring occupiers.
23. Therefore, the proposal would be contrary to Policy 33 of the CLP which says that proposals should meet the highest standard of design, and Paragraph 135 (f) of the Framework, which is clear that new development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Other Matters

24. The Grade I listed St Nicholas Church lies to the east of the appeal site behind a field. However, as the proposal would be relatively distant to the church and set to one side of the host dwelling, I conclude that the proposal would have a neutral effect on the setting of this listed building.

Heritage Balance

25. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, which is supported by the national *Planning Policy Guidance* (PPG), requires the decision maker to have special attention to the desirability of preserving or enhancing the character or appearance of designated conservation areas within which development may occur. Paragraph 205 of the Framework states that great weight should be given to an asset's conservation, and that this is irrespective of whether harm is substantial or less than substantial. I have found that the proposed development would fail to preserve or enhance the character and appearance of the CA.
26. In accordance with Paragraph 202 of the Framework, I am required to assess the extent of such harm. I find that the harm would be 'less than substantial'. This is to be balanced against the public benefits arising from the proposal. The courts have also confirmed that less than substantial harm does not equate to a less than substantial planning objection, and this is supported by the national Planning Policy Guidance (PPG) which requires that whether a proposal causes substantial harm will be a judgement for the decisionmaker, having regard to the circumstances of the case.
27. The proposed development would be relatively small scale and located outside the public realm for private storage use. As such, I afford the social and short-term economic benefits associated with its use and construction minimal weight.

28. There would also be biodiversity and ecological benefits related to the proposed development that could be secured by condition, for example bird and bat boxes. I attribute these environmental gains some moderate weight.
29. Drawing these benefits together, in accordance with the balancing exercise contained in Paragraph 208 of the Framework, I conclude that the public benefits of the scheme would not outweigh the 'less than substantial harm' to the CA.

Conclusions

30. For the reasons given above, I conclude that the appeal should be dismissed.

J E Jolly

INSPECTOR