

CHECAA

Craigweil House and its Environs Conservation Area Association

'Preserving our Regal, Historic and Architectural Heritage for Future Generations'

Objection (5) to AW-155-17-2017 – Build house in front garden of Brus Lodge, 28 Kingsway – 18-9-2017

Head of Planning Application,
Arun District Council
Maltravers Road
Littlehampton
BN17 5LF

BY EMAIL

18 September 2017

Dear Sir,

OBJECTION to AW/155/17/PL drawing attention to the Unlawful Development of frontage adjacent to the Brus Lodge site which was Refused by the Local Planning Authority and Dismissed upon Appeal – yet remains intact and wrongly appears to be part of the established character of the Craigweil House Conservation Area and Craigweil House Area of Special Character.

CHECAA is concerned that Unlawful Development at 'The White House', 24 Kingsway, immediately west of the proposed Brus Lodge garden development site may be accepted by the Case Officer, Development Control Committee Members and an Appeal Inspector, should the case go down that route, as being Lawful and, therefore, accepted and assessed as being part of the established character and appearance of the Craigweil House Conservation Area. Further, it may, wrongly, be seen as Approved development which was deemed to be an acceptable feature serving to preserve or enhance the character and appearance of the CA when, in fact, it is still Unlawful Development which has been allowed to stand despite ongoing complaints to the LPA by CHECAA.

The timber fencing which runs from the front gate of 'The White House' to the eastern boundary of 'Brus Lodge' was unlawfully erected without any Planning Permission and a retrospective planning application was submitted on the 25 June 2014 – over 5 years ago - and validated on the 23 July 2014 only after CHECAA had lodged complaint with the Local Planning Authority (LPA) and an Enforcement Enquiry (ENF) was instituted.

The Retrospective Planning Application seeking to legitimise this Unlawful Development was Refused by the LPA and the applicant, a Mr. Styles, lodged an Appeal to the Secretary of State. This was Dismissed by Planning Inspector Mr. I. McHugh, DipTP, MRTPI* on the 11 December 2014. Notwithstanding this sequence of events, the fence stands to this day and to the world at large appears to be lawful.

This development is not Lawful but Unlawful Development – Refused under planning application AW/184/14 by delegated powers on the 22 September 2014 and with the Appeal Dismissed on the 11 December 2014 and CHECAA considers it important that the issue be explained and exposed for the better understanding of the setting in considering the current applicant AW/155/17/PL at ‘Brus Lodge’.

‘The White House’ is a designated Heritage Asset and appears on the Local List under Planning Policy GEN 22 and is also located within the Heritage Asset that is the Craigweil House Conservation Area. The development site to the east of ‘The White House’ is, again, a designated Heritage Asset; ‘Brus Lodge’, shown on the Local List, and, completing a cluster of highly valued Heritage Assets, there is, to the south of both, a third Heritage Asset, ‘Little Fellows’, at 31 The Drive – the first house built on the estate.

The development site in the front side garden of ‘Brus Lodge’ is, therefore, undoubtedly the most sensitive area of land within the CA and CHECAA contends that it should be cherished and its importance – for all the reasons CHECAA has already laid out for consideration by the Decision Maker – accorded great weight, as is required by Paragraph 132 of the National Planning Policy Framework which, we respectfully remind you states:-

‘When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of a heritage asset or development or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.’

CHECAA repeats its contention that this proposed development in the garden setting of ‘Brus Lodge’ will make no positive contribution, as required by the Area of Special Character, and will fail to preserve or enhance the character or appearance or setting of the Craigweil House Conservation Areas and, accordingly, should by Refused.

Yours faithfully,

Richard D. Ostler
Chairman

*Attached: Copy of Inspector’s Dismissal Appeal Decision 11 December, 2014.

Established 20 January 2001

**Chairman: Richard D. Ostler: ‘Silvergates’, 52 The Drive, Craigweil-on-Sea, Aldwick, PO21 4DT
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Appeal Decision

Site visit made on 4 December 2014

by **I McHugh DiPTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 11 December 2014

Appeal Ref: APP/C3810/D/14/2226766

The White House, 24 Kingsway, Bognor Regis, West Sussex, PO21 4DH

- 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 Richard Styles against the decision of Arun District Council.
- The application Ref AW/184/14/HH was refused by notice dated 22 September 2014.
- The development proposed is the erection of 6 x 1.5m high fence panels at the north boundary of the property.

Decision

1. The appeal is dismissed.

Procedural Matters

2. The fence panels have already been erected. I have therefore dealt with the appeal in accordance with Section 73A of the Town and Country Planning Act 1990, for development that has already been carried out.
3. The appellant makes reference to difficulties with pre-application enquiries that were made to the Council. This is a matter between the two main parties and it has no bearing on the outcome of this appeal.
4. The planning application form gave the height of the fencing in imperial measurement. I have used the metric measurement contained in the Council's decision notice in this appeal decision.

Main issue

5. The main issue is whether the proposal would preserve or enhance the character or appearance of the Craigwell House Conservation Area (CA), which is a designated heritage asset.

Reasons

6. The appeal property is a detached dwelling, which is situated within a private residential estate. The front boundary of the property consists of the appeal fencing, a low brick wall and shrubbery.
7. The site lies within the CA, which has also been designated by the Council as an Area of Special Character. In addition, 'The White House' is included in the Council's local list of "Buildings or Structures of Character". The CA is characterised by large, individually designed houses that are generally situated within large plots. Although there are examples of timber fencing along some street-facing boundaries of dwellings in the wider CA (including the boundary of

the neighbouring property), the predominant boundary treatment facing onto Kingsway is low walls or open frontages, with planting. In my opinion, these boundary treatments are an important and distinctive feature of the CA.

8. The Council argues that the appeal fencing fails to integrate with the existing boundary treatment and the streetscene, by virtue of its height and materials. The Council states that the development therefore conflicts with Policies AREA1; AREA2; and GEN7(ii) of the adopted Arun District Local Plan 2003 (LP). These policies seek to ensure (amongst other things) that proposals make a positive contribution to Areas of Special Character; new development preserves or enhances the character or appearance of a Conservation Area; and development respects and enhances local distinctiveness.
9. I consider that the policies referred to above accord with the principles of the National Planning Policy Framework (the Framework), which also seeks to conserve and enhance the historic environment; and to ensure that new development makes a positive contribution to local character and distinctiveness (paragraph 131). In addition, there is a statutory duty to have special regard to the desirability of preserving or enhancing the character or appearance of a conservation area. Consequently, the policies of the LP are given full weight in my decision.
10. I have taken into account the appellant's grounds of appeal and, in particular, I have observed that the appeal fencing adjoins an existing neighbouring fence, which is similar in appearance, longer in length and visually prominent in the streetscene. I also accept that the appeal fencing will 'weather' over time, and that planting could help to soften its visual impact. In reaching my decision, I have also taken into account the fact that the appellant's neighbour has not objected to the fencing.
11. However, in my opinion, the appeal fencing significantly departs from the traditional form of street-facing boundary treatment within the CA. Furthermore, I am not persuaded that the existence of other fencing adjacent to the site, or elsewhere within the CA, should act as a precedent for this appeal as, cumulatively, such developments would erode the character and appearance of the area. I note that the appeal fencing has replaced a "rotten" wooden trellis, which was covered with ivy and brambles. However, in my opinion, the replacement fencing is an incongruous feature, because of its height and material. It is visually harmful and detracts from the appearance of the site and from the wider CA. It also appears at odds with the remainder of the front boundary treatment to the appeal property as it sits awkwardly against the existing pedestrian gateway, which is abutted on one side by the fencing and on the other side by a brick pillar and low brick wall.
12. Paragraph 132 of the Framework states that any harm to heritage assets should require clear and convincing justification. In terms of the Framework, I consider the harm to be "less than substantial", which engages paragraph 134 of the document. This requires a balancing exercise of harm against the public benefits of the proposal. However, I am not persuaded that the arguments put forward by the appellant are public benefits that are sufficient to outweigh the harm that I have identified.
13. Taking into account all matters raised, I find that the proposal would not preserve or enhance the character or appearance of the CA. It would therefore

conflict with the LP policies and with the principles of the Framework, as referred to above.

Conclusion

14. For the reasons given above, it is concluded that the appeal should be dismissed.

I McHugh

INSPECTOR