

Appeal Decision

Hearing held on 19 April 2005

by J O Head BSc(Econ) DipTP MRTPI

an Inspector appointed by the First Secretary of State

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Date
5 MAY 2005

Appeal Ref: APP/C3810/A/04/1151661

78 The Drive, Aldwick, Bognor Regis, West Sussex PO21 4DS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by R Askham against the decision of Arun District Council.
- The application Ref AW/13/04, made on 21 January 2004, was refused by notice dated 7 April 2004.
- The development proposed is an outline application for one 4-bedroom house with double garage.

Summary of Decision: The appeal is allowed, and planning permission granted subject to conditions set out below in the Formal Decision.

Procedural Matters

1. The application is in outline form, with details of the siting, design and external appearance of the buildings, the means of access and the landscaping of the site intended to be reserved for future consideration. It was agreed that the application was made on 21 January 2004.
2. The "site area" noted on the application plan, which appears to indicate the siting of a building, was agreed to be only illustrative of the possible location of the proposed house.

Main Issues

3. The main issue is the impact of the proposed development on the character and appearance of the surrounding area.

Planning Policy

4. The adopted development plan for the area comprises the West Sussex Structure Plan 2001-2016 (which has now replaced the West Sussex Structure Plan 1993) and the Arun District Local Plan 2003. Structure Plan Policy CH1 says that development will not be permitted unless it maintains and, where possible, enhances the character, distinctiveness and sense of place of different parts of the County. Local Plan Policy GEN7 requires a high quality of design and layout. Development is to respond positively to the identified characteristics of the site and the area and enhance local distinctiveness, and significant open or wooded areas that make a material contribution to the local environment are to be retained. In all cases there is encouragement for development to improve the visual amenities of the locality.
5. The appeal site falls within an Area of Special Character (ASC) designated by the Council under Local Plan Policy AREA1. Within the ASC, planning permission will be granted subject to a number of criteria. These include the retention of features, such as open spaces, that make a positive contribution to the special character of the area, and a requirement for

development to make a positive contribution to the special character of the area having regard to the characteristics included in the description of the area in supplementary planning guidance. This guidance is currently in draft form and, although it has been the subject of initial consultation, the weight that can be attached to it is limited.

Reasons

6. The appeal site forms the side garden of No 78, a substantial detached house at the eastern end of The Drive on the Craigweil Private Estate. The description of the area in the Council's supplementary guidance was generally agreed at the hearing. The estate as a whole is noted as having a low density character, with space between buildings being important to that character. As far as The Drive is concerned, the guidance draws attention to differences between the western, central and eastern sections of the road and to the more open environment that prevails at its eastern end. The development of the estate commenced in the 1930s and there are a number of houses in the area that display typical design features of that period. One of these is the appeal property, which the CECAA says was built in 1937-8. Opposite the appeal site is "Clock House", a conversion of the former stables of Craigweil House. Otherwise, this part of The Drive is lined with a mixture of pleasant but nondescript postwar dwellings. There is less mature tree cover in the eastern part of the Drive, and the large Horse Chestnut and Ilex Oak trees on the appeal site and in the front garden of No 78 are important in providing a terminal feature in the street scene.
7. The appeal proposal is identical to a number of previous outline proposals for development of this site that were granted planning permission by the Council in 1989, 1994 and 1999. All of those permissions pre-date the adoption of the Local Plan in 2003 which, for the first time, included the site within an ASC. That change in the policy background relating to the proposal is an important material consideration in this appeal. However, paragraph 1.40 of the supporting text to the general development control policy GEN7 says that it is important that all new development makes a positive contribution to the quality of the environment. Most of the criteria of Policy AREA1 do not, in my view, add significantly to the general requirement that proposals should be of a high standard of design, respond positively to the characteristics of the site and surroundings and enhance local distinctiveness. As to the requirement in criterion (iii) that development should make a "positive contribution" to the special character of the ASC, it was agreed at the hearing that this cannot be interpreted as a higher test than applies in conservation areas, where the statutory duty is to preserve or enhance character or appearance. Accordingly, the test in AREA1(iii) must allow development that would preserve or leave unharmed the special character of the area.
8. No 78 The Drive appears to occupy 2 plots on the estate plan (Plan D). The appellant says that the existing house was built on Plot 154 and that the adjoining plot, which roughly corresponds with the appeal site, was purchased later but before the house was built. A house is shown on the estate plan centrally situated on Plot 154. I saw that the main elevations of the existing house at No 78 face to the south-east, across the lawn towards the sea; and to the north-west, across the front garden and drive. The flank elevation of the house, which does not contain any major windows, faces the appeal site.
9. I agree that the estate plan must be interpreted with caution, and the existing form of development at the east end of The Drive differs in a number of details from that indicated on the plan. The existence of a "plot" does not necessarily mean that a house would be built upon it, and it is clear that some of the 1930s houses in The Drive physically occupy 2 or 3

plots on the estate plan. Nevertheless, from the evidence that I saw at the site visit, the existing house at No 78 is consistent with a building designed and sited to occupy the plot shown as No 154 whilst allowing for the possibility that a house would be erected on the adjoining plot. There are, moreover, a number of established trees and a high hedge on part of the eastern boundary of the appeal site, which divide it from the remainder of the garden of No 78. In those circumstances, a properly sited and designed building on the appeal site would not, in my view, detract from the setting of the existing house.

10. Notwithstanding its relationship to No 78, the appeal site contributes to the open and green character of this end of The Drive. In common with the remainder of the estate, some of the trees on the site are the subject of a Tree Preservation Order although, since the trees are indicated by reference to an Area and the order is almost 50 years old, it is difficult to be certain which trees are protected. However, in my judgment, a house sited to respect the building line of the adjoining bungalow to the west would be set far enough back into the site to allow the retention of all of the front boundary trees. There appeared to me also to be sufficient space for an access to be formed onto The Drive without harm to those trees. Much of the area on which a house would be sited is occupied by lawn but some trees within the site would, depending on the design of the house, need to be removed. These would be, in the main, fairly small specimens that are clearly not covered by the Preservation Order and their removal would not be unduly harmful provided that adequate replanting was undertaken in accordance with any future submission of landscaping details. Trees on the side boundaries of the site might be affected by their proximity to the proposed house but it is, in my estimation, likely that any conflicts could be resolved by pruning and crown reduction rather than by removal of the trees. Views of the house from The Drive would be filtered by trees and it is unlikely that the house would be readily visible from the beach because of the existing dense Tamarisk shrubs on the southern boundary, with tall trees behind.
11. Provided that the house was sited appropriately and further landscaping and planting took place, I consider that the contribution of the site to the leafiness and openness of the street scene would not be unduly compromised. The view across the frontage of the adjoining bungalow would not be greatly affected and the street scene at the eastern end of the road would be improved by the removal of the existing close-boarded boundary fence. Both the appeal site and No 78 would have adequate frontages, bearing in mind their siting at the cul-de-sac end of The Drive, and both the existing and the proposed houses would occupy plots of equivalent size to the other plots on the south side of The Drive. The appeal site is, in my view, of sufficient width to accommodate a new house that would respect the building-to-building distances established by the existing development in the locality.

Conclusions

12. Subject to appropriate and sympathetic design and siting, and to any additional landscaping and tree planting that may be necessary, I consider that a 4-bedroom detached house, with garage, could be accommodated at the appeal site without harm to the setting of the existing house at No 78 or to the open, spacious and leafy character of this part of the Craigweil Private Estate. The special character of the estate would be maintained and the proposal would present an opportunity for the erection of a well-designed building that could improve the architectural distinction of this part of The Drive. There would, accordingly, be no conflict with policy for the Area of Special Character or with the general aims and

requirements of development plan policy. I conclude that the proposed development would preserve the character and appearance of the surrounding area and I find that it is, accordingly, acceptable.

13. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

Conditions

14. It was agreed at the hearing that, if the appeal were allowed, planning permission should be granted subject to the standard time conditions for outline applications. I have also imposed conditions relating to landscaping implementation and tree protection, since these were imposed on the last outline planning permission and continue to be relevant. Because of the relationship between any building that might be approved and the retained trees at the site, and the increased importance given to this matter by the designation of the ASC, I agree that an additional condition should be imposed withdrawing permitted development rights for the enlargement of the house. In the interests of clarity, I have re-worded the suggested condition to refer to specific Classes of permitted development.

Formal Decision

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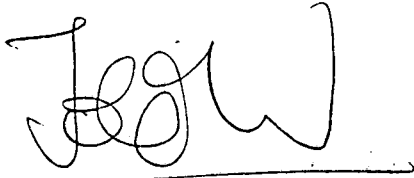
15. I allow the appeal, and grant planning permission for one 4-bedroom house with double garage at 78 The Drive, Aldwick, Bognor Regis in accordance with the terms of the application, Ref AW/13/04, dated 21 January 2004, and the plans submitted therewith, subject to the following conditions:

- 1) Approval of the details of the siting, design and external appearance of the buildings, the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained in writing from the local planning authority before any development begins.
- 2) Plans and particulars of the reserved matters referred to in condition 1 above, relating to the siting, design and external appearance of any buildings to be erected, the means of access to the site and the landscaping of the site, shall be submitted to, and approved in writing by the local planning authority and shall be carried out as approved.
- 3) Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.
- 4) The development hereby permitted shall begin either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
- 5) The approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.
- 6) No development, including site works of any description, shall take place on the site unless and until all the existing trees/bushes/hedges to be retained on the site have been protected by a fence to be approved by the local planning authority erected around each tree or group of vegetation at a radius from the bole or boles of 5 metres or such distance as may be agreed in writing by the local planning authority. Within the areas so fenced off the existing ground level shall be neither raised nor lowered and no materials, temporary buildings, plant, machinery or surplus soil shall be placed thereon without the prior written approval of the local planning authority. If any trenches for services are required in

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the fenced off areas they shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 25mm or more shall be left unsevered.

- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no development falling within Classes A, B, C or D of Part 1 of Schedule 2 to the Order shall be carried out unless planning permission has first been obtained from the local planning authority.



INSPECTOR

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APPEARANCES

FOR THE APPELLANT:

Mr R Askham	Appellant, 78 The Drive, Bognor Regis, West Sussex PO21 4DS
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FOR THE LOCAL PLANNING AUTHORITY:

Mr P Burgess BA(Hons) BPL MRTPI	DMH Planning, 100 Queens Road, Brighton, East Sussex BN1 3YB
Mr T Rodway	Planning Officer, Arun District Council, Civic Centre, Maltravers Road, Littlehampton, West Sussex BN17 5LF

INTERESTED PERSONS:

Mr R Ostler	Secretary, Craigweil and its Environs Conservation Area Association (250 members), 52 The Drive, Bognor Regis, West Sussex PO21 4DT
Mr I Jefferies	Vice-Chairman CECAA, 46 Kingsway, Bognor Regis, West Sussex PO21 4DN

DOCUMENTS

Document	1	List of persons present at the hearing
Document	2	Letters of notification of hearing and list of persons notified
Document	3	Mr Askham's statement and further comments
Document	4	Mr Burgess's statement, with Appendices 1 & 2
Document	5	Draft Supplementary Planning Document <i>Areas of Special Character - Description Review</i>
Document	6	E-mail correspondence between Mr Ostler and Mr Cantwell (7/4/04)
Document	7	Copy of the Bognor Regis Urban District Council Tree Preservation Order No 2 1958
Document	8	Details of CECAA, including aims and objectives

PLANS

Plan	A	Site Plan 1:1250 (<i>Application plan</i>)
Plan	B	Street atlas extract showing location of site
Plan	C	Revised plan to accompany Draft Supplementary Planning Document
Plan	D	Craigweil House Estate Plan (undated)
Plan	E	Craigweil House Estate reference plan, dated 1 May 1937

PHOTOGRAPHS

Photo	1	3 photographs of the appeal site, submitted by Mr Ostler
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