



Appeal Decision

Site visit made on 24 May 2006

by **Peter Bird BSc DipTP MRTPI MRICS**

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

FN

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
☎ 0117 372 6372
e-mail: enquiries@planning-
inspectorate.gsi.gov.uk

Date: 10 July 2006

Appeal Ref: APP/C3810/A/06/2008606
Wintons, The Square, Findon BN14 0TE

- 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 AB & MC Clarke against the decision of Arun District Council.
- The application (Ref FN/67/05/), dated 18 October 2005, was refused by notice dated 13 December 2005.
- The development proposed is to "Subdivide upper floor and part lower floor to create three residential units (amendments to FN/59/02/)".

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

Background Information and Procedural Matters

1. The proposal relates to an amendment to an approved development for which planning permission, Ref FN/59/02/, has been granted by the Council, by notice dated 25 October 2002, for the "Proposed conversion & extension of existing roof space to provide living accommodation and office", (the "Previous Permission"). In considering this appeal I have also had regard to the Previous Permission.

Main Issue

2. The site is within the Findon Conservation Area. I consider that the main issue is whether the proposed development would preserve or enhance the character or appearance of the Findon Conservation Area.

Planning Policy

3. The development plan includes the West Sussex Structure Plan 2001- 2016 (SP), and the Arun District Local Plan 2003 (LP). A number of policies have been referred to and I consider the following are pertinent to my consideration of the appeal. SP Policy CH4 sets out that development should not be permitted, unless conservation areas will be preserved, and where possible, enhanced. More generally, SP Policy DEV1 seeks to ensure that development is of high quality and fits in with its surroundings. Amongst the considerations of SP Policy NE17 in relation to roads, it sets out that the intensification of the use of an access on to the Network should not be permitted where the traffic capacity of the existing highway is already or is near to being exceeded. The general thrust of the SP in relation to the historic environment and the quality of development is carried forward in the LP by LP Policies AREA2 and GEN7 respectively. LP Policy AREA2 reflects the statutory duty imposed on decision makers in relation to the preservation or enhancement of the character or appearance of conservation areas. LP Policy GEN12 relates to parking in new development.

Reasons

4. Wintons is a retail property within the village of Findon. The Council describes the Findon Conservation Area as being centred on the Square and characterised by tightly grouped, street-fronted buildings of attractive design and materials. Although there is no apparent external indication that the Previous Permission has been undertaken, the appeal property has nevertheless been altered and extended in the past.
5. The proposed external alterations reflect those in the Previous Permission. By removing the irregular and somewhat awkward appearance of a number of earlier alterations, particularly those visible in relation to the adjoining green that also lies within the Conservation Area, I consider that the external appearance of the proposal would preserve and enhance the character and appearance of the Findon Conservation Area.
6. The Council does not appear to object to the external appearance of the proposal, but rather to the effect of the proposed accommodation in relation to car parking and congestion. The Council argues that the demand for car parking would be significantly increased by the change from one single unit to three smaller units. Although the demand for car parking in this location may be high, I observed at the time of my visit when the existing shop was in use that parking space was available in the adjacent row of spaces that front the green. Whilst there would be a change in the amount of residential accommodation, the proposal shows that one of the proposed residential units would displace a ground floor store to the retail area. I find that there is a lack of evidence to clearly demonstrate the effect of the Council's anticipated different level of parking in relation to either the existing use or the Previous Permission.
7. Furthermore, the property is close to the junction of Horsham Road and School Hill. The appellants' evidence illustrates heavy goods vehicles unloading in the vicinity of the site. However, although the Council argues that the proposal would increase congestion, there is a lack of evidence to clearly demonstrate that it would be any different from the existing highway conditions, and moreover, that it would be harmful to highway safety.
8. Whilst there is a lack of evidence in relation to the effect of car parking and congestion, I consider that on balance this is outweighed by the proposed alteration in the external appearance of the building which would preserve and enhance the character and appearance of the Conservation Area and I find that it would not conflict with the policies I have summarised above.

Other Matters

9. The proposal indicates the subdivision of the existing retail floorspace, but retaining retail use on the ground floor. Interested parties have expressed concern regarding the future of the village store. I understand this anxiety, however, retail use would remain and it is not for me to consider the possible loss of a particular shop.

Conditions

10. I have considered the use of conditions in relation to the advice contained in Circular 11/95. The suggested condition to restrict the duration of the planning permission would comply with the provisions of the Planning and Compulsory Purchase Act 2004. The appellant has described the present proposal as an amendment to the Previous Permission, of which the Council has provided details, including conditions, one of which relates to materials. I have

also attached a condition in relation to materials, but it more closely reflects the circular advice.

Conclusion

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

Formal Decision

12. I allow the appeal and grant planning permission to "Subdivide upper floor and part lower floor to create three residential units (amendments to FN/59/02/)" at Wintons, The Square, Findon, BN14 0TE in accordance with the terms of the application Ref. FN/67/05/ dated 18 October 2005, and the plans submitted therewith, subject to the following conditions:
- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
 - 2) No development shall take place until details of the materials to be used in the construction of the external surfaces, including joinery, of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Peter Bird

INSPECTOR

