The Planning Inspectorate

Appeal Decision

Site Visit made on 22 January 2013

by E C Grace DipTP FRTPI FBEng PPIAAS

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

Decision date: 29 January 2013

Appeal Ref: APP/C3810/A/12/2182248
14 Churchill Walk, The Parade, Pagham, Bognor Regis PO21 4TR

- 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 F Elliott against the decision of Arun District Council.
- The application Ref P/33/12, dated 2/5/12, was refused by notice dated 2/7/12.
- The development proposed is dwelling house and parking space (re-submission following P/2/12).

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are whether the proposal would result in: a) a plot that is awkwardly shaped and uncharacteristically small and b) a house that would be incongruous with the adjoining terrace property, and harm the open and spacious character and appearance of the locality.

Reasons

3. The appeal site forms part of the curtilage of 14 Churchill Walk, which is a two storey end of terrace dwelling. It occupies a visually prominent position at the intersection of The Parade, Harbourview Road, The Causeway and Ashcroft Way. The proposed plot would mainly be formed from the open plan side garden and fenced rear garden areas of No14, but also wrap around the rear, entailing removal of the existing garage. A new gravelled parking space for the proposed dwelling would be formed in place of the garage, while the host dwelling would be provided with a new gravelled parking space in its front garden served off The Parade.

4. It has been subject to a lengthy planning history, including approvals for a two storey side extension incorporating 2 bedrooms in 2005 and a 2 bed house in 2008 (ref: P/94/08). However, there were refusals of permission in respect of proposals for erection of a 2 bed house in 2008, 2010 and 2012, with the latter being an amendment to the 2008 approval.

5. The appellant states that when the case officer considered the approved 2 bed dwelling scheme he commented: "Although the plot for the new dwelling is smaller than those surrounding, it remains comparable to others in the locality and can adequately accommodate the new dwelling". He therefore fails to comprehend why the Council now state the plot is uncharacteristically small, particularly as it has been expanded to incorporate the host dwelling's garage.

6. I too find it inexplicable why the Council considered it suitable in size to accommodate a dwelling leading to a grant of planning permission for such in 2008, yet now regard it to be uncharacteristically small. It appears similar in shape and size to that previously approved which also involved demolition of the existing garage and provision of 2 parking spaces. No explanation has been provided by the Council to address this change of stance. Consequently, in light of that previous permission, and absence of any substantiated argument from the Council in support of the first refusal reason, I consider it unreasonable to find the plot would be too small or awkwardly shaped.

7. With regard to the second issue, the previous approval for a house on the site is shown as being an extension to the end gable of the existing terrace with a building of similar design and appearance to the host dwelling. The appellant has not indicated why that permission was not implemented. However, the current proposal is depicted as being of an entirely individual design and would extend from the end of the existing terrace and be raked at an angle to it, whereby it would project further into the open plan grassed area than the previously approved dwelling. It would also be constructed up to within 1.5m of the footpaths passing to the side and rear of the plot.

8. I consider the design of the proposed dwelling would appear incongruous with the adjoining terrace property, and harm the open and spacious character and appearance of the locality. Furthermore, I find it would afford a poor standard of amenity and outlook for future occupants due to the 2 main lounge windows either having an outlook of a fence 1.5m away or of pedestrians passing by at a similar distance.

9. Although there has been no highway objection to the proposal, the Highway Authority sought clarification on the access and parking arrangements. It occurs to me that the proposed parking space to serve the host dwelling would be at a point where there is a bend in the road, close to this multi-armed junction, which I do not regard as being conducive to highway safety. Also, the provision of a hard standing at this point would further erode the green open plan appearance of this conspicuous locality.

10. Finally, the Council's statement comments considerably about the making of a financial contribution towards the provision of affordable housing. Whilst I am aware this was a ground of refusal in respect of the previous application (P/2/12), the appellant states a Section 106 Unilateral Undertaking was submitted with this proposal regarding that matter and it does not comprise one of the refusal reasons. Therefore, as the Council appear to have been satisfied by this I am at a loss to understand the claim in the Council's statement that there is no Section 106 Undertaking in place. Nevertheless, as decision maker in this case, I am required to assess whether the Agreement meets the statutory tests of the Community Infrastructure Levy (CIL) Regulations. Whilst these seem to be met, the version of the legal obligation sent to me has had the signatures redacted, and I am thus unable to conclude it has been duly completed and cannot thus take it into account.

11. For the reasons given above I conclude that the proposal would contravene Local Plan Policy GEN7 and that the appeal should be dismissed.

Edward Grace

Inspector