
Appeal Decision

Site visit made on 14 April 2015

by Nick Fagan BSc (Hons) DipTP MRTPI

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

Decision date: 21/04/2015

Appeal Ref: APP/L3815/W/14/3001266

Bradstow Lodge, The Drive, Ifold, Loxwood, Billingshurst, West Sussex RH14 0TE

- 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 Mr & Mrs Gregory against the decision of Chichester District Council.
 - The application Ref PS/14/03297/OUT, dated 1 September 2014, was refused by notice dated 5 November 2014.
 - The development proposed is the demolition of the existing dwelling and construction of 3 No detached dwellings.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of the existing dwelling and construction of 3 No detached dwellings at Bradstow Lodge, The Drive, Ifold, Loxwood, Billingshurst, West Sussex RH14 0TE in accordance with the terms of the application, Ref PS/14/03297/OUT, dated 1 September 2014, subject to the conditions in the Schedule at the end of this decision.

Procedural Matters

2. The site address in the application form gives the address as Loxwood but the Design and Access Statement makes clear that it is in Ifold.
3. The proposal is in outline, with access, layout and scale for determination at this stage. Appearance and landscaping are reserved matters, although a detailed arboricultural assessment and tree retention and protection plan has been submitted.

Main Issues

4. The main issues are the effect of the proposed development on the character and appearance of the area and whether it would be likely to adversely affect protected wildlife species.

Reasons

Character and Appearance

5. Ifold is a twentieth century settlement, apparently created by the selling of plots of land for development by a landed estate between the wars. As such it is characterised by mainly single and two-storey detached houses in generally

large plots. It has a suburban low density sylvan feel, most of the houses being set back from the road frontages. However there are also several backland developments off The Drive including two relatively recent higher density ones at Woodland Copse and Simmons Place, as well as a development of two bungalows under construction opposite the appeal site.

6. The appeal site is triangular lying on the corner of The Drive and The Ride, two of the principal roads in Ifold. It is bounded by mature landscaping including a tree screen at its south-east and north-west corners and generally along the frontage of The Drive, as well as a mature hedge along all its boundaries. It is therefore well screened from the adjoining roads and it is intended to retain the majority of this landscaping.
7. The existing vehicular access off The Ride would be used to give a joint communal access to the 3 new chalet bungalows whilst the secondary existing access would be sealed off and the laurel hedge extended to help screen the gable of House 1. This house would be relatively close to the boundary, closer than existing houses in the immediate area, but such a change would not compromise the character of the area because only the side of this dwelling with its half-hipped roof would face the road. The height of this house would be relatively modest and would not make a significant impact on the street scene in this part of The Ride. Additionally, the existing garage on this site and other plots in the area are sited relatively close to the road and House 1, although closer still, would not be at odds with such development.
8. Houses 2 and 3 would be well set back from the site boundaries and their forms would be easily accommodated on such a large site. The proposal would clearly increase the density of development on the plot but it would still be of an acceptably low density comparable with recent housing schemes in the area and would not result in an over development of the site. All the new houses would have good sized private gardens, similar to those of the dwellings in the more recent backland developments. The parking and access arrangements, whilst different from that on the linear plots in the area, would be an appropriate design solution to this triangular shaped corner plot.
9. The proposed new houses would not be particularly prominent given their modest height and the retained landscaping screen, despite the site's location on the corner of the two roads. Their scale and density would be in keeping with recent development in the area. I therefore conclude that the proposed development would not harm the character and appearance of the area.
10. It would comply with Policies RE5, BE11, BE12 and BE13 of the Chichester District Local Plan, First Review, 1999 (CDLP). These Policies together require amongst other matters development to reflect and respect the character of the area including in terms of its scale, mass and building line and to be of good design.
11. The development would also comply with Policies 1, 2 and 33 of the emerging Chichester Local Plan: Key Policies (KPLP), which cover the same matters. These Policies carry some weight owing to the advanced stage that this Plan has reached. It would also comply with the paragraphs of the National Planning Policy Framework (NPPF) listed in the Council's first refusal reason because they cover the same character and design issues.

Wildlife

12. The Council considered the appellants' initial biodiversity survey to be deficiently lacking in detail, a view with which I concur. However, they have submitted as part of this appeal a full preliminary ecological appraisal or Phase 1 Habitat Survey¹. This concludes that whilst there are likely to be bats on-site a detailed mitigation strategy would be devised as part of a Phase 2 summer dusk emergence Survey. It also suggests ecological enhancements for the benefit of wildlife.
13. The Council has been afforded a chance to comment on this document. It maintains that the Phase 2 dusk emergence surveys should take place prior to the granting of any permission because the design of the roofs of the new houses may need to be changed to provide new roosting opportunities post construction. However, I consider this can be adequately tackled by a condition requiring such a Phase 2 survey prior to development commencing and the putting in place of an appropriate bat mitigation strategy should such a survey reveal roosting bats. Should a bat roost be located on the site it would also be necessary for the appellant/ developer to apply for a European Protected Species License prior to any demolition works taking place on site.
14. I therefore conclude that, subject to such a condition, the proposed development would not be likely to adversely affect legally protected wildlife species.
15. CDLP Policy BE14 states that development which would have an adverse effect on wildlife species protected by law will not be granted permission. The proposal, subject to conditions, would not do so and therefore would comply with this Policy. Likewise it would comply with Policy 49 in the emerging KPLP and comply with paragraphs 17 and 109 of the NPPF.

Conditions

16. The Council has suggested a total of 14 conditions. I have amalgamated some of its suggested conditions in the interests of brevity. My conditions 1-3 below deal with the customary outline planning permission legal requirements. A condition listing the approved drawings is necessary for the avoidance of doubt as to what has been approved. A condition requiring the proposed off-street parking spaces is necessary because the adjoining roads are very narrow.
17. A condition requiring a Construction Method Statement to be agreed with the Council is necessary to ensure that the building of the houses does not inconvenience neighbours or impede the traffic flow on The Drive or The Ride. A condition is also required to ensure that each new dwelling has satisfactory external storage for refuse and cycle storage in the interests of the appearance of the area and sustainability of the development.
18. Appearance and landscaping are reserved matters so there is no reason for conditions concerning facing materials or details of landscaping, although I have made clear in my Condition 9 below that the boundary hedge and tree screen needs to be retained as shown on the submitted tree plan and the hedge needs to be continued to infill the existing secondary access on The Ride.

¹ Preliminary Ecological Assessment & Day-Time Bat Roosts Assessment by Lizard Landscape Design, 13 January 2015

19. There is no necessity to remove permitted development rights as suggested by the Council because the government has seen fit to generally allow such development and the plots of the new houses are large enough to allow for such without compromising the character of the area.

Conclusion

20. For the reasons given above I conclude that the appeal should be allowed, subject to these conditions.

Nick Fagan

INSPECTOR

Schedule of Conditions

- 1) Details of the appearance and landscaping (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: 0814/DPA01, 02, 03, 04, 05, 06 & 07 all Revision 01; LLD716/01 Revision 02 & LLD716/02 Revision 01.
- 5) No dwelling shall be occupied until space has been laid out within the site in accordance with drawing No 0814/DPA04 Revision 01 for a total of 3 parking spaces per dwelling (9 in total) and for vehicles to turn so that they may enter and leave the site in forward gear.
- 6) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors
 - ii) loading and unloading of plant and materials
 - iii) storage of plant and materials used in constructing the development
 - iv) wheel washing facilities
- 7) Demolition or construction works shall not take place outside 0700 hours to 1800 hours Mondays to Fridays and 0800 hours to 1300 hours on Saturdays nor at any time on Sundays or Bank Holidays.
- 8) Prior to development commencing a Phase 2 summer (May-September) dusk emergence survey shall be undertaken to ascertain whether any bats are present on the site, either in existing buildings or the trees identified on the site in the Phase 1 Habitats Survey by Lizard Landscape

Design dated 13 January 2015. If bats are found an appropriate mitigation strategy shall be devised and agreed with the local planning authority in writing, as set out in the above Phase 1 Survey. Additionally, any works to the trees and hedges on the site shall be conducted outside of the bird nesting season (1 March to 1 October), as also set out in that Survey.

- 9) The existing hedge and tree screen along the boundary of the site, apart from those two trees identified on Plan LLD716/02 Revision 01, shall be retained. Any part of the hedge which is removed without consent or dies or becomes severely damaged or diseased during a period of 5 years from the date of completion of the development shall be replaced in the next planting season with a hedge of a similar size and species. The gap in the southern hedge by the existing secondary access adjacent to the proposed site of House 1 shall be infilled as part of the detailed landscaping at reserved matters stage.
- 10) Prior to commencement of development detailed plans shall be submitted to the local planning authority for refuse bin storage sufficient for 2 No 240 litre wheeled bins and secure cycle storage for each dwelling. The cycle storage shall take the form of a covered building or shed/structure.

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