

## Appeals Summary 2021

Site	Proposal	Recommendation/ Decision/Appeal Decision	Procedure/Issues Raised By Inspector
AL/27/20/PL Springfield, Hook Lane (SD)	Demolition of the existing dwelling & construction of 2 No. 2-bed, 3 No. 3-bed & 4 No. 4 bed houses including access, landscaping & associated works (resubmission following AL/51/19/PL).	R-R-D	<p>WR</p> <p>AL/27/20/PL &amp; AL/51/19/PL were subject to a joint Appeal with AL/37/20/PL being “Appeal A” and AL/51/19/PL “Appeal B”.</p> <p>The main issues were the effect of the proposed development on:</p> <ul style="list-style-type: none"> <li>i) in respect of Appeal A and Appeal B, the character and appearance of the area, with particular regard to the trees on the northern boundary of the site.</li> <li>ii) in respect of Appeal A and Appeal B, biodiversity.</li> <li>iii) in respect of Appeal B, the safe and convenient use of the highway, with particular regard to parking.</li> </ul> <p>(i) The Inspector concluded that both Appeal schemes would harmfully affect the character and appearance of the site and area through the loss and potential loss of significant trees. The Inspector had regard to the fact that an alternative solution with a lesser likely effect on the Root Protection Areas is possible (having regard to approved application AL/64/20/PL.</p> <p>(ii) The Inspector concluded that the loss of trees on the northern boundary associated with both Appeals would diminish the biodiversity value of the site.</p> <p>(iii) The Inspector concluded that the Appeal B scheme would be harmful to the safe and convenient use of the highway due to the shortfall in parking provision.</p>

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			Overall, the Inspector found that the harm to the character & appearance of the site and area, to biodiversity and, from the Appeal B scheme, to the safe and convenient use of the highway would significantly and demonstrably outweigh the limited benefits of one additional dwelling when assessed against the policies in the Framework taken as a whole. As a result, the Inspector stated that the presumption in favour of sustainable development does not apply.
AL/51/19/PL Springfield, Hook Lane (SD)	Demolition of the existing dwelling & erection of 3 No 2-bed, 3 No 3-bed & 4 No 4-bed dwellings, access, landscaping & associated works	R-R-D	WR  See above (AL/27/20/PL)
A/32/20/PL White Lodge, Hangleton Lane (AG)	Erection of 1 No. detached low-profile bungalow with attached garage. This application is a Departure from the Development Plan & may affect a Public Right of Way.	R-R-D	WR The Inspector found the adverse impacts of the appeal proposal would be significant. In particular, the appeal proposal would be located in an unsuitable and unsustainable location for new housing, and would result in significant harm to the development plan's strategy that seeks to restrict new development within the countryside and distribute new housing to the designated built-up areas that are more accessible and sustainable. The harm identified would significantly and demonstrably outweigh the moderate benefits of the appeal scheme, when assessed against the policies in the Framework taken as a whole.

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			Consequently, the presumption in favour of sustainable development envisaged in the Framework does not apply in this instance. The Framework is not a material consideration in this instance that indicates a decision other than in accordance with the development plan.
M/80/19/PL Former Poultry Farm, Land West of Yapton Road (AG)	Demolition of the existing structures & redevelopment to provide a new 66-bedroom care home (Use Class C2) arranged over two storeys together with associated access, car and cycle parking, structural landscaping and amenity space provision	DIS DC Comm-APP Cond sub to S106-R- ALC  Costs Allowed as per the terms set out in the Decision	Hearing The Inspector some harm to the character and appearance of the area would arise; however, the additional harm associated with the appeal scheme is only marginally more than would arise from the care home permission. This harm therefore carried limited weight in the overall assessment of the scheme. The limited adverse effects of the proposal would not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development applies in this case.  Costs decision A costs award was justified with respect to ground c) with regard to the planning obligation and only the costs relating to the preparation of the planning obligation were awarded.
M/40/20/HH 12 East Avenue, Ancton	First floor and ground floor side extensions	R-R-D&A Dismissed (First Floor Side Extension) Allowed + Conditions (Ground Floor Side Extension)	WR The Council has no objection to the proposed ground floor extension on the southern elevation. I have no reason to take a different view. The main issue in dispute is the effect of the proposed first floor extension on the living conditions of the occupiers of 14 East Avenue, with reference to outlook and privacy.

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			<p>The proposed first storey addition would be materially harmful to the living conditions of the occupiers of 14 East Avenue and for this reason it is unacceptable.</p> <p>For the reasons given above I conclude that the appeal should be allowed in part and dismissed in part.</p>
FP/61/20/PL at 10 Felpham Gardens, Felpham	Demolition of 1 No. house & erection of 2 No. chalet style dwellings with garaging & car parking (resubmission following FP/274/18/PL)	R-R-ALC	WR
BN/24/20/PL Tile Barn, 32 Hill Lane, Barnham	Erection of 1 No. dwelling & formation of new vehicular access.	R-R-ALC	WR
BE/135/17/PL Land at Wisteria Heights Caravan Park, Shripney Lane, Bersted	Continuance of use without compliance with condition 4 imposed under BE/151/11/ relating to occupancy	R-R-ALC	<p>Hearing</p> <p>Main issues were:</p> <p>(1) The effect of removing condition 4 on the provision of visitor accommodation</p> <p>(2) Whether the development makes adequate provision for affordable housing and essential infrastructure contributions</p>

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			<p>(3) Whether there are any material considerations, including the housing land supply position and any benefits of the development, which would mean that the development should be determined otherwise than in accordance with the development plan.</p> <p>(1) The Inspector found that the harm would be relatively moderate but still in conflict with ALP Policy TOU DM1.</p> <p>(2) The Inspector considered that Mobile homes are a form of low-cost housing and are 20% below local market value so met the NPPF definition therefore no additional AH requirement. The appellant offered a legal agreement to secure the other contributions but the request for off-site play was not accepted as there was no evidence that the existing play space is inadequate, nor that there is a need for improvements of the play space as a result of any additional demands placed on it by the development.</p> <p>(3) Overall determined that the benefits of 12 permanent homes outweighed the moderate harm in respect of loss of visitor accommodation.</p>
AL/54/20/HH Reed Cottage, Westergate Street	Garden shed and adjoining open potting area	R-R-ALC	<p>WR</p> <p>The main issue is the effect of the proposed development on the living conditions of neighbouring occupants at 26 Belle Meade Close, with regard to dominance and overshadowing. Having regard to the alterations that are underway at the neighbouring property, the proposed development would not give rise to a harmful impact on the living conditions of its occupants by reason of dominance or overshadowing</p>

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BN/128/19/OUT Land Adj to Highfield House, Yapton Road	Application for outline planning permission for development of 70 bed Care Home and 14 Assisted Living bungalows with associated car parking, landscaping and access	R-R-D	WR
BN/46/20/PL Poachers, Eastergate Lane	Construction of 1 No. 4-bed detached dwelling with detached carport.	R-R-ALC	WR
R/117/20/OUT Croft Works, 52 Mill Lane	Demolition of existing dilapidated storage buildings and erection of 4 no. semi detached 2- bedroom dwellings with associated gardens, car	R-R-D	WR

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Site	Proposal	Recommendation/ Decision/Appeal Decision	Procedure/Issues Raised By Inspector
	parking and landscaping.		
FG/70/20/HH 9 Telgarth Road, Ferring	Hip to Gable remodel of existing loft conversion	R-R-D	<p>WR</p> <p>The main issue is the effect of the proposed development on the living conditions of neighbouring occupiers with particular reference to the privacy of the dwelling to the west.</p> <p>The proposed development would create first floor windows on the west elevation and would result in direct overlooking in close proximity to these areas. There would be a significant loss of privacy to the neighbouring property. A condition could be used to require the first-floor west elevation windows to be fixed shut and obscure glazed, however this would result in bedrooms with very limited outlook and is unreasonable. As such, the proposed development would not accord with the development plan and would have a harmful effect on the living conditions of neighbouring occupiers with particular reference to the privacy of the dwelling to the west.</p>
R/156/20/PL 31 Albert Road, Rustington	Extension and alteration of existing residential dwelling and subdivision to form 2no. two bedroom residential dwellings,	R-R- D	WR

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	together with formation of new vehicular access and entrance drive.		
LU/287/20/A 50 High Street, Littlehampton	Retention of 2 No. internally illuminated fascia boards.	R-R-D	<p>WR</p> <p>The main issue is the effect of the advertisement on the amenity of the area.</p> <p>The entire external appearance of the building is bright and uses bold contrasting colours to distinguish the ground-floor, fascia signs and first floor level. The design of the advertisements, particularly in their use of colour and the size of their font, creates an imposing and obtrusive appearance among shop fronts which are generally more muted. They are unsympathetic to the character of the area and are poorly sited alongside the historically distinctive building of character which adjoins the appeal site to the left. The proposed advertisements cause harm to the visual amenity of the area.</p>
P/18/20/PL Land West of Barton House, Manor Park	Change of use from highway land to residential use for the development of 4 No. 3 bed terraced houses with associated	R-R-D Costs dismissed	WR



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Site	Proposal	Recommendation/ Decision/Appeal Decision	Procedure/Issues Raised By Inspector
	parking & access. This application affects the setting of a listed building.		
P/1/21/PL Land at Summer Lane	Material change of use of land from agricultural use to use for open space.	R-R-D  Costs refused (appellant)  Costs allowed in Part (LPA)	WR  The main issues were: (1) whether the proposal would prejudice the delivery of housing, and (2) whether there is safe and suitable access to the site.  (1) This appeal failed as the proposal would prejudice the delivery of housing, and as a result would conflict with the Arun Local Plan policies which identify the amount and location of new housing in a comprehensive planned manner, together with supporting infrastructure. The Inspector also stated that whilst the proposal may find support from other Local Plan policies, the most important policies in the development plan relate to the delivery of housing which it conflicts with.  (2) The Inspector considered that use of the land as open space would require parking but that this could be accommodated on Paghams Road or at Paghams Village Hall, further that access by public transport via a bus service is also available nearby. The hedging and drainage ditches adjacent to the land would not prevent access. Access for maintenance purposes could be secured by a

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			<p>condition. Therefore no conflict with Policies T SP1 or T DM1 of the Arun Local Plan.</p> <p>Separately the costs application by the appellant was dismissed as the Inspector found there to be no evidence of unreasonable behaviour by the Council which had justifiable grounds on which to refuse planning permission and defend the appeal.</p> <p>However, the costs application by the Council was allowed in part on the grounds that the appeal was in conflict with the development plan, in conflict with the allocated/permitted use of the majority of the site, there was no realistic prospect of it ever being implemented. Therefore, the appeal was unreasonable on this basis. There was no award of costs in relation to the access refusal reason hence why only allowed in part.</p>
BN/74/20/PL 3 Woodside, Barnham	Change of use of some land from public amenity land to private garden, and erect new 1.8m wooden fence with concrete posts.	R-R-D	<p>WR</p> <p>The main issue is the effect of the proposal on the character and appearance of the area.</p> <p>There would also be scope to retain some vegetation at the rear corner of the property where the new fence line steps in. However, this does not adequately mitigate the harm.</p> <p>Accordingly, I conclude that the proposal would cause material harm to the character and appearance of the area.</p>
FP/61/20/PL 10 Felpham Gardens	Demolition of 1 No. house & erection of 2 No. chalet style dwellings with	R-R-ALC	WR

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	garaging & car parking (resubmission following FP/274/18/PL).		
FP/189/20/PL Land between 49 and 51 Summerley Lane	1 No dwelling to replace existing garage	R-R-ALC	WR  The main issue is the effect of the proposed development on the character and appearance of the area. The proposed house would be a lot smaller, both in height and width, than the adjacent properties. However, since it would retain a similar set back from the street than the neighbouring bungalow and garage, it would not be prominent and only limited harm to the spacious character of the street would result. In the context of the wider area, it would not be uncharacteristic of other development along Summerley Lane. I conclude that the proposed development would not harm the character and appearance of the area.
WA/79/20/PL Spindlewood, Yapton Lane	Demolition of existing dwelling & erections of 8 No. new dwellinghouses with associated landscaping & parking (resubmission following WA/30/20/PL).	R-R-ALC  Costs refused	WR

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BN/51/20/PL Land at Chantry Mead	4 No dwellings including access, landscaping & associated works.	R-R-D	WR
FP/179/20/PL 7 Ambleside Close	1 No 3 bedroom detached chalet bungalow.	R-R-D	WR
FP/184/20/PL R/O 7 Middleton Road	Demolition of existing garage/outbuilding & construction of a pair of semi-detached houses & associated works.	R-R-ALC	WR
AW/31/21/HH 3 Haydon Close	Single storey rear extension and front porch.	R-R-ALC	<p>WR</p> <p>The main issue is the effect of the proposed development on: (1) the character and appearance of the host building and the surrounding area; and (2) the living conditions of adjoining occupiers.</p> <p>(1) Despite its large footprint and providing more floorspace than the existing bungalow, the lower height and lesser width of the proposed extension means that it would appear as a visually subservient addition that would not unacceptably dominate the original building. Its flat roof would reflect other nearby flat roof features. Due to the varying size of surrounding properties, I conclude that the</p>

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			<p>proposed development would not harm the character and appearance of the host building or surrounding area.</p> <p>(2) The proposed rear extension would be in close proximity to the boundaries with Nos 4 and 37 and would project above the existing fencing. However, it would not about the boundaries and its bulk and height would not be significant given its single-storey flat-roof form. It would not result in significant overshadowing or loss of light to No 4. I conclude the proposed development would not harm the living conditions of adjoining occupiers.</p>
K/54/20/PL Land East of Kingston House, Kingston Lane	Single storey 4 bed dwelling & stable block (resubmission following K/16/19/PL	R-R-D	WR
A/151/20/OUT Land to the South of Downes Way	Outline application for all matters reserved for the erection of 1 No. detached dwelling with associated landscaping and parking.	R-R-ALC	WR
R/138/20/PL 55 Milton Avenue	Demolition of garage & construction of 1	R-R-D	WR The Inspector found the proposed development would harm the character and appearance of the area in conflict with Policies D

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	No. 2-storey chalet dwelling (resubmission following R/182/18/PL).		SP1 and D DM1 and Policy 2 of the Rustington Neighbourhood Plan which together support new development that reflects the characteristics of the site and local area in terms of density, scale, massing and character.
BR/86/20/PL Aldwick House Care Home	Part change of use from a 32-bed nursing home (C2 Residential Institutions) to a 38-bedsit House in Multiple Occupation (sui generis) comprising 24 No single person & 14 No two-person bedsits along with separate shower rooms & wcs, demolition of rear conservatory & store & erection of single storey rear extension & with minor external alterations to side	R-R-D	WR

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	elevations & insertion of 4 No roof lights on rear elevation & insertion of dormer window serving Room 38		
R/197/20/OUT Croft Works, 52 Mill Lane	Outline application with some matters reserved for the demolition of existing dilapidated storage buildings & erection of 2 No. detached 3-bedroom chalet bungalows with associated car barns, gardens, car parking & landscaping (resubmission following R/117/20/OUT).	DIS DC Comm-AC-R-ALC  Costs allowed	WR The Inspector concluded that the proposed use of the access would be safe and suitable having regard to pedestrian safety and emergency vehicles access. It would therefore accord with Policy T SP1 of the Arun Local Plan which requires development to be designed to give priority to pedestrians and provide safe and secure layouts for traffic and pedestrians. It would also comply with the Framework which sets out development should only be refused on highway grounds if there would be an unacceptable impact on highway safety. There was no substantive evidence of sprinkler systems malfunctioning.  Costs decision: The refusal of planning permission constitutes unreasonable behaviour contrary to the basic guidance in the National Planning Policy Framework and the PPG and the applicant has been faced with the unnecessary and wasted expense of lodging the appeal.
FG/34/21/HH 50 Ocean Drive	1st floor side extensions, two storey front	R-R-D	WR

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	<p>extension, side and rear extensions, installation of balcony to rear and 2 x front dormers including demolition of existing garage.</p>		<p>The main issues are the effect of the development upon: (1) the character and appearance of the host building and the surrounding locality; (2) the living conditions of current and future occupiers of Nos 44a and 46 Ocean Drive with particular regard to access to light and appearance of the extensions; and (3) the living conditions of current and future occupiers of Nos 44a and 52 Ocean Drive, and 4 South Drive, with particular regard to privacy.</p> <p>(1) The proposal appears to be more of a reconstruction of a new dwelling as opposed to an extension. It would not be subservient to the host dwelling and would subsume the existing dwelling, eroding much of the characteristic visual gaps to either side of the property and be disproportionately large when viewed from the street scene. The proposed alterations and extensions would cause unacceptable detriment towards the architectural authenticity and integrity of the existing and cause harm towards the character and appearance of the surrounding locality.</p> <p>(2) Given the height of the proposed dwelling in close proximity to the boundary, the proposed scheme would cause material detriment to the living conditions of No.46 as a result of loss of light, and material detriment to the living conditions of No.44a as a result of loss of light and visual appearance.</p> <p>(3) The screening to the sides of the balcony would not completely obscure all overlooking opportunities. Given the suburban environment, the development would carry</p>



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			<p>a significant impact on the living conditions of surrounding occupiers. The proposed first floor balcony would create adverse detriment to surrounding occupiers of Nos 44a and 52 Ocean Drive, and 4 South Drive.</p>
<p>EP/22/21/HH 15 The Plantation</p>	<p>Erection of rear extension and loft conversion with rear dormers and side gables</p>	<p>R-R-D</p>	<p>WR</p> <p>The main issue is the effect of the proposed alterations to the roof on the character and appearance of the host building and surrounding locality.</p> <p>The proposed scheme would not be subservient to the host. It would subsume the existing dwelling and erode much of the characteristic roof form and would be disproportionately large when viewed from the street scene. The proposed alterations and extensions to the roof would cause unacceptable detriment towards the architectural authenticity and integrity of the existing and cause harm towards the character and appearance of the surrounding locality.</p>
<p>Y/50/21/DOC Land to the south of Ford Lane and East of North End Road</p>	<p>Approval of details reserved by condition imposed under ref Y/82/20/RES relating to Condition No 8 - electric vehicle charging strategy</p>	<p>R-R-D</p>	<p>WR</p> <p>The Main issues were:</p> <p>The electric vehicle charging strategy would satisfy the numerical requirements of ADC Parking Standards SPD Table 2.2, but due to the potential trip hazards from charging cables crossing paths, the siting of the EV charging points for some of the dwellings would not be acceptable. These include Plots 47, 80, 81, 82, 90 and 91, and the charging point for one of the flats.</p>

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			<p>The proposed EV charging points strategy would not be acceptable; it would be contrary to paragraph 130 of the National Planning Policy Framework which aims to ensure that developments will function well, and to create places that are safe, with a high standard of amenity for future users.</p>
<p>Y/51/21/DOC Land to the south of Ford Lane and East of North End Road</p>	<p>Approval of details reserved by condition imposed under ref Y/82/20/RES relating to Condition No 8 - electric vehicle charging strategy</p>	<p>R-R-D</p>	<p>WR</p> <p>The Main issues were:</p> <p>The electric vehicle charging strategy would be contrary to ADC Parking Standards SPD Table 2.2 because less than 20% of the remaining flats and houses without a garage or driveway would each have an EV charging point, and because the use of some EV charging points, including the charging point at Plot 80 and the charging point for one of the flats, could present unacceptable trip hazards.</p> <p>The proposed EV charging points strategy would not be acceptable; it would be contrary to paragraph 130 of the National Planning Policy Framework which aims to ensure that developments will function well, and to create places that are safe, with a high standard of amenity for future users.</p>
<p>BE/109/19/OUT Land to the east of Shripney Road</p>	<p>Outline application with some matters reserved for up to 46 No dwellings together with access.</p>	<p>DIS DC Comm-App cond with S106-R-ALC</p> <p>Costs allowed in part</p>	<p>Hearing</p> <p>The Main issues were:</p> <p>(1) Whether the proposal would accord with the Council's strategy for residential development.</p>

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			<p>(2) The accessibility of the site, with particular regard to services and facilities.</p> <p>(3) The effect upon the character and appearance of the area.</p> <p>(4) Whether the proposal would result in unacceptable flood risks, with particular regard to climate change.</p> <p>(5) The effect upon agricultural land.</p> <p>(1) The Inspector agreed that the development was in conflict with policies designed to protect the countryside.</p> <p>(2) The Inspector stated that whilst 'high quality' public transport would not be immediately available at the site, the proposal would provide for appropriate opportunities to promote sustainable transport modes, including cycling, walking and public transport and therefore can be considered accessible in the context of the NPPF.</p> <p>(3) The Inspector concluded that there would be some, albeit fairly limited, harm to the character and appearance of the area mainly from the loss of the open field. Whilst this harm would be fairly limited it would be contrary to the aims of Policy C SP1.</p> <p>(4) The Inspector was satisfied that the proposal would not result in any significant flood risks, including for future residents and was in accordance with the NPPF.</p> <p>(5) The Inspector concluded that the need for housing is so significant in the District that it would outweigh the limited harm arising from loss of the agricultural land. It would also, as far as</p>

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			<p>possible, use the lowest grade of land suitable for the development.</p> <p>Overall, the Inspector considered that material considerations (housing land supply, scheme benefits) indicate that planning permission should be granted for the proposed development and that it represents sustainable development as defined by the NPPF.</p> <p>Costs were awarded in respect of the refusal reasons concerning development outside the settlement boundary and future flood risk. There were no costs awarded in respect of the loss of agricultural land refusal reason.</p>
AL/70/20/PL West Barn Old Dairy Lane	Residential Mews consisting of 6 No dwellings.	R-R-D	WR
P/21/21/HH 6 The Green	Loft conversion to form new first floor with front and rear dormer projection	R-R-D	<p>WR</p> <p>The main issue is the effect of the proposal on the character and appearance of the host property and the wider surrounding area.</p> <p>The proposal would be out of keeping with the group of properties within which the appeal property lies, disrupting the regularity of the building design. Each flat – roofed box dormer would occupy a considerable amount of the retrospective roof slope of the dwelling and would not respect the traditional pitched roof construction to the original property. The dormers would appear as bulky, top heavy and discordant additions to</p>

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			<p>the front and rear roof slopes and would be out of character with the prevalent roofscape within the locality.</p> <p>The incongruous nature of the proposal would be exacerbated and notably unbalance the existing visual harmony arising from the symmetry of the two dwellings. I conclude that the proposal would cause significant harm to the character and appearance of the host property and the wider surrounding area.</p>
<p>EP/47/21/HH West House, South Strand</p>	<p>Erection of second floor addition, part single storey side, part two storey front, side and rear extensions and alterations to fenestration/ openings</p>	<p>R-R-D</p>	<p>WR</p> <p>The main issues are the effect of the proposal on (1) the character and appearance of the locality and (2) on the living conditions for neighbours.</p> <p>(1) The scheme is simply too ambitious and the design misguided. It would be too large for the site, and particularly so given proximity to boundaries. The completed home would look out of place, overdeveloped and jarring to the eye; there would be no sympathy to the existing streetscene. It would stand out as an unsubtle anomaly with an excessive size and little in the way of obvious design quality, local analysis, or architectural inspiration to commend the scheme. In summary, the scale and design of the proposal would run contrary to the character of the area and would be visually detrimental.</p> <p>(2) The appeal proposal would be an excessive bulk of a building which would simply be uncomfortably and unacceptably overbearing for adjacent residents. The development would unduly detract from the sense of</p>

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			spaciousness expected from those living in the local environment. The arrangement of the planned development would result in unreasonable levels of overlooking.
R/126/21/HH 19 Botany Close, Rustington	Installation of car port	R-R-D	<p>WR</p> <p>The main issue is the effect of the proposal on the character and appearance of the locality.</p> <p>Botany close has a varied front building line, but spacious front gardens are almost always the common denominator and it is landscape and openness which set the scene not forward positioned structures. The sizeable appeal proposal would thus be an anomaly and would be regrettable in the street scene. I recognise that the front gates when closed and the pillars would block a large part of the structure from one direction. However, it would still be evident and ironically the gates and pillars, even without the car port, are fairly strident and not themselves the norm for this locality with its informal aesthetic. In summary the siting and scale of the proposal would run contrary to the character of the area and would be visually detrimental. I conclude that the appeal proposal would have unacceptable adverse effects on the character and appearance of the locality.</p>