

Arun District Council

REPORT TO:	Planning Committee 14 February 2024
SUBJECT:	Appeals Performance & Cost 2023
LEAD OFFICER:	Neil Crowther
LEAD MEMBER:	Cllr Hamilton
WARDS:	All
CORPORATE PRIORITY / POLICY CONTEXT / CORPORATE VISION: The recommendations support: <ul style="list-style-type: none">• Improving the Wellbeing of Arun.• Delivering the right homes in the right places	
DIRECTORATE POLICY CONTEXT: The proposals will help to enhance the quality of the natural and built environment, protect the district's natural and heritage assets and to promote economic growth in a sustainable manner, striking a balance between the need for development and the protection of scarce resources.	
FINANCIAL SUMMARY: Financial implications are highlighted in the report.	

1. PURPOSE OF REPORT

- 1.1. The report outlines the Council's performance at appeal during 2023 and outlines the costs associated with those appeals.

2. RECOMMENDATIONS

To note the Appeals Performance & Costs for 2023

2. EXECUTIVE SUMMARY

- 2.1. Appeals performance for 2023 is set out in the report. This report relates to performance on planning application appeals.

3. DETAIL

- 4.1 The purpose of this report is to advise Members on how the Council has performed in the calendar year of 2023 in respect of appeals. One of the indicators within the planning department's Business Plan aims for 70% of all appeals to be dismissed.

- 4.2 On 8 February 2023, a report to Committee reported appeal performance for the 2022 calendar year. Below is a summary of the Council's performance over this period:

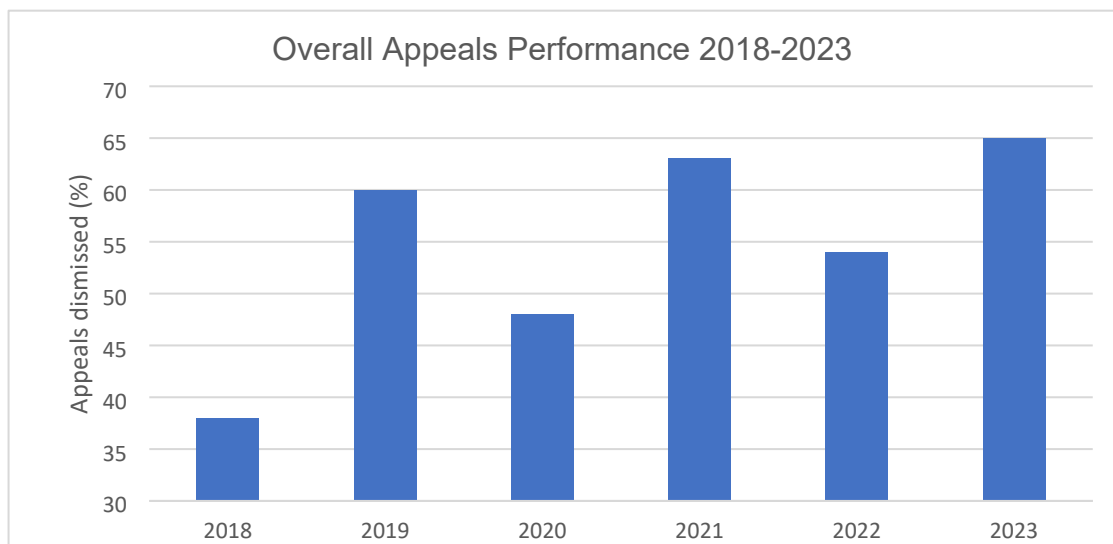
- A total of 39 appeals were determined in 2022, a decrease of 2 over that determined in 2021.

- Of these, 21 were dismissed representing a success rate for the Council of 54% of all appeals dismissed. That equated to a 9% decrease in success rate over 2021.
- Of all planning appeal decisions, 54% were made in accordance with the recommendation of officers.

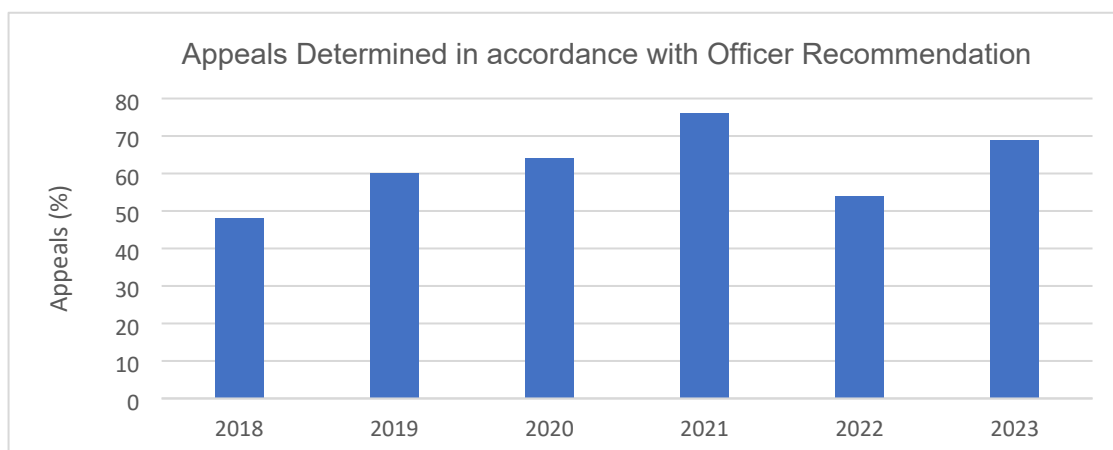
4.3 As highlighted by the recent Planning Review, appeals performance is a good indication of the quality of decision making at the Council.

ALL APPEALS

4.4 A total of 48 appeals were determined in 2023, an increase of 8 from 2022 and 7 more than 2021. Appeals workload had nearly doubled between 2019 and 2021 and this increase is continuing. Of the appeals in 2023, 31 were dismissed representing a success rate for the Council of **65%** of all appeals dismissed. That equates to an 11% increase in success rate from 2022.



4.5 In 2018, appeal decisions in accordance with the officer recommendation was only 48%. As a result, different sign off processes were introduced for delegated refusals. The performance over recent years is shown in the table below.



- 4.6 There were 3 appeals arising from a decision at Planning Committee to refuse permission contrary to the recommendation of officers in 2023 (there were none in 2022). 2 of these appeals were subsequently dismissed and 1 was allowed.

WRITTEN REPRESENTATIONS

- 4.7 A total of 42 appeals were determined by written representations in 2023. Overall, 28 of these appeals were dismissed and one resulted in a split decision. This equates to a success rate of 67% being dismissed – an increase in performance of 8% compared to 2022 but a 1% decrease on 2021.

INFORMAL HEARINGS

- 4.8 During 2023, there were 5 Informal Hearings.

- BR/86/20/PL (Aldwick House Care Home, 41-45 Nyewood Lane)
- LU/350/22/PL (27 Clifton Road)
- LU/347/22/PL (27 Clifton Road)
- FG/124/22/PL (Lansdowne Nursery and The Barn, Littlehampton Road)
- AL/178/23/OUT (Land to the rear of Meadow Way)

- 4.9 Officers defended all five of these appeals. All 5 were refusals issued under delegated authority. Two of these appeals were dismissed and 3 were allowed. The allowed appeals were for the change of use and extension of a 32-bed care home to a 38-bed HMO (BR/86/20/PL), the retention of a 10-bed HMO (LU/347/22/PL) and an outline planning permission for 89 dwellings (AL/178/23/OUT).

- 4.10 An application for costs was made for 4 of the 5 appeals decided at informal hearings. Partial costs were awarded on 2 appeals (BR/86/20/PL and AL/178/22/OUT).

PUBLIC INQUIRIES

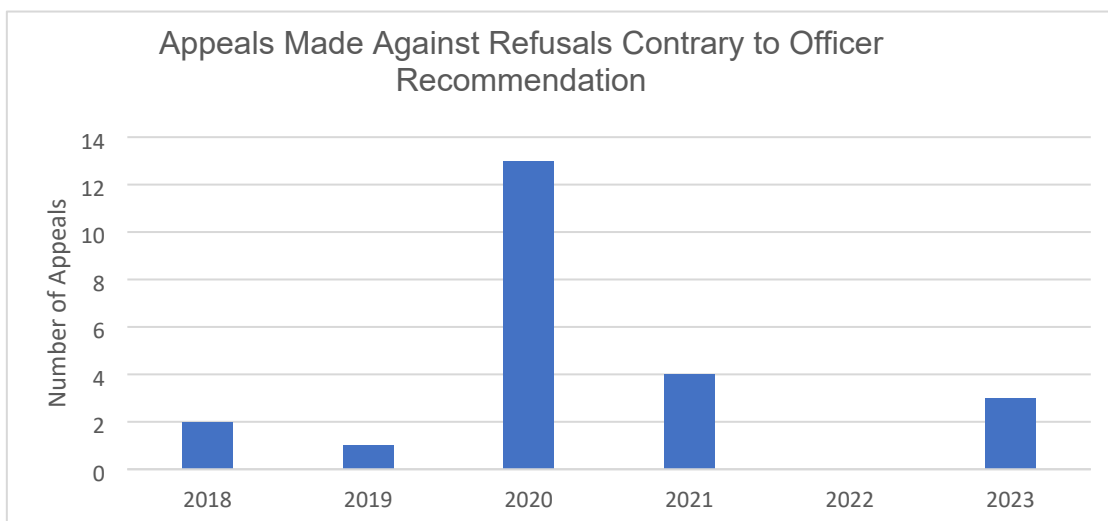
- 4.11 During 2023, there was one appeal decided by public inquiry. This application was WA/2/22/OUT – Land west of Yapton Lane, an application for 48 dwellings.

- 4.12 The application was allowed at appeal, but no application for costs was submitted and none were awarded.

PERFORMANCE OF PLANNING COMMITTEE

- 4.13 During 2023, there were 3 appeal decisions made on decisions taken contrary to the recommendation of officers. 2 of these appeals were dismissed (BR/4/22/PL & K/22/22/PL) and 1 was allowed (FG/163/21/PL).

- 4.14 The table below shows appeals workload as a result of decisions taken contrary to the recommendation of officers in recent years. The significant number during 2020 was because of a significant increase in decision taken contrary to the officer recommendation after the local elections in May 2019.



MAJOR PROPOSALS

4.15 During 2023, there were 5 appeals classified as a ‘major’ scheme. These appeals were:

WA/2/22/OUT	Land west of Yapton Lane	48 dwellings
FG/124/22/PL	Lansdowne Nursery	70 dwellings
AL/178/22/OUT	Land to the rear of Meadow Way	89 dwellings
WA/80/21/OUT	Land east of Yapton Lane	75 dwellings
Y/176/21/PL	Bonhams Field, Main Road	Variation of condition

4.16 Two of these appeals were allowed - WA/2/22/OUT and AL/198/22/OUT. Although the appeal at Lansdowne Nursery was dismissed, defending appeals for major housing schemes continues to be difficult, with the Council’s housing land supply position weighing heavily in the “planning balance”.

COSTS

4.17 Appeals performance is an indicator of the quality of decision making at the Council. The Council’s ability to impose reasons for refusal that are reasonable and can be robustly defended is an important aspect of all decisions and one that is tested at appeal.

4.18 The costs of defending appeals during 2023, where there were costs awarded, and consultants used, is set out in the table below. It should also be noted that significant officer time is also required for managing appeals workloads (even in instances where consultants are used).

4.19 There were two costs awards against the Council during 2023. Costs were awarded against the Council on BR/86/20/PL because of an unreasonable reason for refusal on the grounds of inadequate amenity space which was inconsistent with other decisions taken in the area for similar development. The Council accepted that this reason was difficult to sustain and justify but did not withdraw it.

4.20 The second award was on appeal AL/178/22/OUT. The Council was explicit in that our case on noise and disturbance was a s a result of increased movement near to existing properties and that it was not a statutory or technical issue in respect of noise levels. Despite this, the applicant submitted a noise survey. The Inspector concluded that the reason for refusal was reasonable but that the noise impact assessment should have been considered and the reason for refusal withdrawn (even though we had been very clear that this was not a noise levels issue and the Inspector had accepted this). This was a bizarre conclusion, and the Council were perfectly justified in coming to the view that noise and disturbance would result.

Site	Decision	Costs Awarded (£)	Consultant Costs (£)	Overall Cost (£)
WA/2/22/OUT	Allowed	n/a	44,731.99	£44,731.99
BR/86/20/PL	Allowed	Allowed. £4,500	NA	£4,500
AL/178/22/OUT	Allowed	Partial. Amount TBC	NA	TBC

TOTAL	£4,500	£44,731.99	£49,231.99
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SUMMARY OF ISSUES

4.21 Attached to this report is a summary of all the appeal decisions received in the 2023 period.

The schedule for all appeals determined in 2023 highlights the issues raised by Inspectors when making decisions. Where the Inspector has disagreed with the Council's decision to refuse and granted permission, the areas of disagreement are as follows:

- In 11 of the cases approved contrary to the decision the Inspector did not agree with the Council's position on character and appearance.
- In 4 of the cases the Inspector did not agree with the Council's position on adverse impact on living conditions of neighbours as regards noise and disturbance
- In 3 of the cases the Inspector did not agree with the Council's position that the adverse impacts of the development significantly and demonstrably outweighed the benefits in accordance with the NPPF.
- In 3 cases the Inspector did not agree with the Council on loss of agricultural land.
- In 2 of the cases the Inspector did not agree with the Council on the suitability of countryside locations.
- In 2 of the cases the Inspector did not agree with the Council's position on adverse impact on living conditions of neighbours as regards overlooking.
- In 2 cases the Inspector did not agree with the Council's position on the provision of amenity space for HMOs.
- In 1 case the Inspector did not agree that the development negatively impacted on amenity due to lack of disabled access.
- In 1 case the Inspector did not agree with the Council on flooding issues.

CONCLUSIONS

4.22 When compared to 2022, the above shows that there has been a 7% increase in the overall success rate in terms of the Council's ability to defend appeals. In winning 65% of all appeals the Council has not met its corporate target of winning 70% of appeals.

4.23 Decisions made in accordance with the recommendation of officers has improved again in 2023 by 11%.

4.24 This report will form the basis of informal discussions between officers and members and these discussions will consider what further training may be required for members and officers.

5 CONSULTATION

5.1 None

6 OPTIONS / ALTERNATIVES CONSIDERED

6.1 N/A

7 COMMENTS BY THE INTERIM GROUP HEAD OF FINANCE/SECTION 151 OFFICER

7.1 None

8 RISK ASSESSMENT CONSIDERATIONS

8.1 N/A

9 COMMENTS OF THE GROUP HEAD OF LAW AND GOVERNANCE & MONITORING OFFICER

9.1 None

10 HUMAN RESOURCES IMPACT

10.1 N/A

11 HEALTH & SAFETY IMPACT

11.1 N/A

12 PROPERTY & ESTATES IMPACT

12.1 None

13 EQUALITIES IMPACT ASSESSMENT (EIA) / SOCIAL VALUE

13.1 N/A

14 CLIMATE CHANGE & ENVIRONMENTAL IMPACT/SOCIAL VALUE

14.1 N/A

15 CRIME AND DISORDER REDUCTION IMPACT

15.1 N/A

16 HUMAN RIGHTS IMPACT

16.1 N/A

17 FREEDOM OF INFORMATION / DATA PROTECTION CONSIDERATIONS

17.1 N/A

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BACKGROUND DOCUMENTS:

Arun District Council

	Site	Proposal	Recommendation/ Decision/Appeal Decision	Inspector's Comments
1	FG/163/21/PL The Chalet, Littlehampton Road	Development comprising of marine workshop & boatyard, martial arts gym (Class E) & storage container compound (Class B8) to replace former glasshouses. This site is a Departure from the Development Plan & is in CIL Zone 3 (Zero Rated) as other development.	AC-R-ALC Costs – Dismissed	<p>WR</p> <p>The Inspector refused to accept the amended plan offered by the appellants which showed a reduced ridge height but did accept the indicative landscaping scheme.</p> <p>The main issue was the effect on the character and appearance of the area, including the gap between Angmering and Worthing.</p> <p>The Inspector determined that:</p> <ul style="list-style-type: none"> - As the development would be in the area of the former greenhouses, and as the site is in an existing cluster of development, the proposal would not undermine the visual or physical separation of the settlements. - The proposal would not represent any further encroachment into the open countryside, nor compromise the integrity of the gap. - The character in this cluster of development is light industrial and commercial. - The building would be partially set into the slope, will be partially screened by boundary treatment & landscaping, will be seen visually against existing built development and covers a smaller area than the former greenhouses. - Whilst there is conflict with policy in respect of no evidence that the proposal could not be located elsewhere these policy criteria are not fully aligned with para 84 of the NPPF. <p>The Inspector made changes to, and deleted, some of conditions recommended by officers (the conditions in the Committee report). Conditions that were deleted include a personal permission and ones controlling future use, plant & vehicle noise, electric vehicle charging, lighting, and open storage.</p>
2	AL/85/22/HH Reed Cottage, Westergate Street	Erection of detached garage with room above and 1 x dormer following the demolition of	R-R-D	<p>WR</p> <p>The main issues were the effect on the character and appearance of the site and surrounds and on living conditions for neighbours.</p>

		existing detached garage.		<p>The Inspector determined that:</p> <ul style="list-style-type: none"> - The proposal would replace a sizeable, detached garage on a large plot in an established residential area. - The new building would be markedly larger in all dimensions than the building to be removed, already being of a sizeable footprint. - By virtue of scale, the ancillary and secondary nature of this proposal towards the main dwelling would be lost. - Appreciable dominance leading to a sense of overdevelopment. - Bulk and height paying regard to proximity would have an overbearing effect on neighbours to east. <p>The Inspector noted that removal of the garage was positive, together with materials proposed for the new garage being thoughtfully chosen, however comparison offered by the appellant of similar development in the area were considered not to substantiate the scale of this proposal, being judged on its own individual merits.</p> <p>The Inspector agreed the proposal was in conflict with policy and dismissed the appeal.</p>
3	AW/93/22/HH 10 Boxgrove Gardens	Detached canopy car port.	R-R-D	<p>WR</p> <p>The main issue was the effect on the character and appearance of the locality.</p> <ul style="list-style-type: none"> - The Inspector determined that even with a flat roof and single car dimension, the carport represented a significant and visually alien structure to the front of the property. A key characteristic of the locality is that front gardens have no appreciable development in them. The structure would look ill at ease in relation to the property, and would appear adversely 'random.' - The siting and form would run contrary to the character of the area and be unacceptably visually detrimental. - It is in conflict with D DM1, Aldwick Design Statement and ADG.

				<ul style="list-style-type: none"> - The reference to a car port in Pagham did not outweigh the harm. <p>It was concluded that the proposal would have unacceptable adverse effects on the character and appearance of the locality and was dismissed.</p>
6	BR/86/20/PL Aldwick House Care Home, 41-45 Nyewood Lane	Part change of use from a 32-bed nursing home (C2 Residential Institutions) to a 38-bed sit House in Multiple Occupation (sui generis), demolition of rear conservatory & store & erection of single storey rear extension & with minor external alterations to side elevations & insertion of 4 No roof lights on rear elevation & insertion of dormer window serving Room 38	R-R-ALC Costs – Allowed	<p>IH</p> <p>The main issues were the effect of the on the character of the area and on the living conditions of neighbouring residents with specific regard to noise and disturbance, whether the development would provide satisfactory living conditions for future occupants with regard to the provision of amenity space and the effects of the development in relation to parking.</p> <p>The Inspector determined that:</p> <ul style="list-style-type: none"> - No harm on character given the former use, nature of the proposal and residential area. - No residential amenity issues as the proposal is not materially different to existing residential development or the former use and there is a management plan in place. - Whilst amenity space is limited and not completely adequate it is a greater area than for other HMO's permitted locally, these expectations cannot be realistically met in relation to a development of the scale, type and location in question, and the site is very close to public recreation parks/beach etc. - Sustainable site and there is spare on-street parking in a 200m radius. <p>The costs application was allowed in part due to the third ground of appeal on the basis that the LPA could not sustain/justify its position in light of the other cases put forward by the appellant, had not reviewed the case beforehand and did not withdraw the reason before or during the appeal.</p>
7	EP/157/21/PL 4 Beechlands Close and East of 18 Beechlands Court	Erection of 1 No 2 bed, 3-person dwelling (resubmission following EP/69/21/PL)	R-R-D	<p>WR</p> <p>Main Issues:</p> <ul style="list-style-type: none"> - The effect of the development on the character and appearance of the street scene

				<ul style="list-style-type: none"> - The effect on the living conditions for the occupiers of No. 4 Beechlands Close (outlook) <p>The Inspector concluded: The proposal would noticeably diminish this open character with the house positioned at awkward angles and hard against the pavement. It would appear as having been 'squeezed in' to site. It would be a poor focal point when viewing from Montpelier Road. Its awkward relationship with highway would have visually jarring effect. Principle of 2-storey dwelling in terms of character acceptable however, it is the combination of the height with the size, siting and awkward shape of the site that serve as a constraint and would be perceived as a somewhat contrived development.</p> <p>1.8m fence would have a significant adverse effect on the outlook from the front windows of the bungalow at 4 Beechlands Close.</p>
8	Y/60/22/PL Longacre, Maypole Lane	Erection of 1 No detached dwelling and garage with shared access from Maypole Lane.	R-R-ALC	<p>WR</p> <p>The main issues were:</p> <ul style="list-style-type: none"> - the effect on the character and appearance of the area as regards potential overdevelopment - the effect on the living conditions for occupiers of Longacre and The Paddocks as regards privacy. <p>The Inspector acknowledged the site was "tight," and shape of the site had resulted in the design of the dwelling appearing contrived. However, the dwelling is of a similar size to its neighbour and the appearance of the dwelling is appropriate. The dwelling has a large frontage and is set among the generous garden of Longacre. It would have useable garden to the front and rear and change of use from storage/builder's yard use will be an overall improvement of the character and appearance.</p> <p>The Inspector considered that the issue of overlooking could be prevented by a condition requiring the first-floor dormer windows looking towards Longacre and The Paddock by obscure glazed and fixed shut. Although not normally acceptable in a bedroom the Inspector considered that in this case the windows on the opposite elevation with view to open countryside would provide sufficient daylight to the bedrooms. The inspector noted residential amenity</p>

				<p>was likely to be improved by the removal of the builder's yard – a potential "bad neighbour."</p> <p>20 conditions were proposed, which appeared onerous for a single dwelling. The condition requiring an acoustic survey was removed, as was the EV charging condition as this is covered by Building Regs. The Inspector acknowledged the need for a precautionary approach given the nature of the site and other conditions, including contamination and the removal of PD rights were retained.</p>
9	M/48/22/PD 48 Lane End Road, Middleton-On-Sea	Notification for prior approval under Schedule 2 Part 1 Class AA for the construction of one additional storey.	O-O-D	<p>WR</p> <p>The main issue is the effect the external appearance of the development would have on the character and appearance of the surrounding area.</p> <p>An application must be made for prior approval as to the external appearance, including design and architectural features of the principal elevation of the dwellinghouse. The use of 'including' in the GPDO means that this matter is not part of a closed list. The street scene in form of pairs of semi-detached bungalows. Design would be acceptable in mixed style residential area however, as the extension would be dominant, bulky, and intrusive, it would harmfully erode the important consistency and openness in the nearby Lane End Road street scene. The proposal would be unacceptably at odds with the pattern of development and local character, it would be incongruous in its surroundings</p>
10	BR/37/22/PL 120 Victoria Drive	Change of use from residential care home (Use C2) to a 10 bed House in Multiple Occupation	R-R-D	<p>WR</p> <p>The main issues are:</p> <ul style="list-style-type: none"> - The character and appearance of the surrounding area largely in relation to changes to the roof of the building - The integrity of the Pagham Harbour Special Protection Area (SPA) – lack of S106 agreement <p>The Inspector found that the loss of chimney stacks and bulk of the new crown roof form and the steeper pitch would be unacceptably incongruous and that the harm caused could not be mitigated sufficiently by an external materials condition.</p> <p>The Inspector concluded that the proposal would have a significant</p>

				<p>impact on the SPA. The “tilted balance” is engaged in this case as the care home would not have been counted in the Objectively Assessed Need and the HMO would be counted as supplying one shared dwelling. However, the development was contrary to the Development Plan.</p>
11	<p>A/253/21/OUT Land between 32 Downs Way and 2 Ambersham Crescent</p>	<p>Outline planning application with all matters reserved for the erection of 1 No bungalow dwelling with off street parking and private amenity space.</p>	R-R-D	<p>WR</p> <p>The main issues are the effect that the development would have on the character of the surrounding area, and the living conditions of the future occupiers regarding private outdoor space.</p> <p>The Inspector determined that:</p> <ul style="list-style-type: none"> - The site which includes mainly grassed area, is in an estate mainly characterised by similar pairs of pitched roofed bungalows set well back from the roads, a few detached bungalows of similar style and siting, and linear terraces of broadly uniform 2 storey dwellings. All set well apart. - The openness at the site is important and contributes positively to the lengthy open eastward vista along the western part of Downs Way. - The siting of any dwelling and/or associated tall boundary treatment nearer to Downs Way than the front of 32 Downs Way would be unacceptably intrusive in the important eastward vista, and any dwelling and/or associated tall boundary treatment nearer to Ambersham Crescent than the front of 2 Ambersham Crescent would harmfully erode the important spaciousness about the junction between the 2 roads. - Space available and narrow form and squeezed-in siting of the proposal would be harmfully out of character with the bungalow pairs and terraced dwellings close by. - Modest enclosed outdoor space would be unacceptably incongruous and damage the sense of place. - Provision of outdoor space insufficient and relatively unusable by way of size. - Boundary treatment formed by tall vegetation could not be relied upon to ensure future privacy of dwelling and private amenity space.

				The Inspector found the harm identified did not outweigh the presumption in favour of sustainable development and agreed that the proposal was in conflict with policy and dismissed the appeal.
12	WA/42/22/PL Morelands, Arundel Road, Fontwell	Demolition of existing dwelling and erection of 5 No. residential dwellings, associated car parking and access. (Resubmission of WA/5/22/PL).	R-R-D Cost Application Dismissed	<p>WR</p> <p>The main issues were:</p> <ul style="list-style-type: none"> - Character and appearance of the surrounding area - Living conditions of future occupiers regarding outlook of 3 of the dwellings and private outdoor space of 2 dwellings. <p>The Inspector found the dwellings were too close to each other, and the road would be too prominent on the outlook of one of the dwellings. There would be little space for planting and existing vegetation at the boundaries of the site could not be relied on to endure to provide long term screening. The development would be dominated by hardstanding. The Inspector found that the comparison to the density of dwellings at “Land east of Fontwell Ave” did not alter the damaging nature of the proposal.</p> <p>The Inspector did not find that the living conditions of future occupiers would be harmed. There was one instance of unacceptable overlooking between bedrooms in plots A1 and B, but the Inspector judged this could be prevented by conditioning the windows to be obscure glazed. Although gardens of some plots did not meet the depth required by the design guide, the Inspector judged they were usable. These issues were neutral in the planning balance.</p>
13	WA/2/22/OUT Land West of Yapton Lane	Outline planning application with all matters reserved, other than means of access, for the construction of up to 48 dwellings (30% affordable homes) and dental/doctors' surgery	R-R-ALC	<p>PI</p> <p>The main issues were:</p> <ul style="list-style-type: none"> - The effect on the intrinsic character and beauty of the countryside, and on the Barnham to Walberton settlement Gap. - The implications of the loss of Grade 1 agricultural land. - Accepting that the Council is unable to demonstrate a five-year supply of housing land, the significance of the shortfall. - The consistency of the proposal with the development plan taken as a whole, and whether any conflict and harm arising would be outweighed by other material considerations.

				<p>The Inspector acknowledged the five-year housing land supply is not being met, and there is significant need for affordable housing within the District – it was noted that this site would assist the housing supply issue. As a result, they gave substantial weight to both the provision of market housing and provision of up to 14 affordable homes. Moderate weight was given to the development providing a mix of dwellings to meet local need. The Inspector did not feel the site, whilst not remote, is a highly sustainable location, and gave little weight to this. They noted economic benefits, with the creation of jobs and other spin off benefits to the local economy during the construction period. The provision of public space and the proposed SUDs were highlighted as a benefit, which would have social and environmental benefits, alongside the 12% Biodiversity Net Gain the development would bring.</p> <p>The Inspector recognised the conflict with ALP Policy C SP1 and NP Policy HP1 in regard to the five-year HLSs. They did not give it much weight due to the uncertainty surrounding how the Council will address the housing shortfall. Moderate weight was given to D SP1 and D DM1, but it was concluded that the development would only cause a moderate level of landscape and visual harm which would be localised and limited in extent. It was agreed by the Inspector that the proposal was in conflict with Policy SO DM1, but limited conflict was found with SD SP3, in light of the acute housing land supply position. It was considered the harm to the significance of the setting and small incursion to the Walberton Village CA would be less than substantial and low level, and overall would be acceptable.</p> <p>On planning balance, the Inspector found the adverse effects of granting permission would not significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies in the Framework taken as a whole.</p>
14	AW/280/22/HH 25 Oxford Drive, Aldwick, Bognor Regis, PO21 5QU.	Retrospective application for installation of front fence.	R-R-D	<p>WR</p> <p>The main issue was the effect on the character and appearance of the locality.</p> <p>The vast majority of neighbouring properties have adhered to the open plan estate concept of which this property is a part of.</p>

				The Inspector agreed the fence was contrary to D DM1 and Arun Design Guide and found the proposal to be jarring on the eye and harmful to the visual merits of the scene, in character and appearance terms.
15	FP/127/22/PL 42 Felpham Road	Construction of boundary wall	R-R-ALC	<p>WR</p> <p>The main issue was the effect on character and appearance.</p> <p>Where the refusal argued that the 1.7m wall would be unduly dominated and impact the open character of the area, the Inspector did not believe the character of the area was open. Fencing, garage doors and main elevations are principal elements on the street scene and higher boundary treatment on the return on a corner plot is common. They considered that it would not be a prominent feature on the street scene and materials were appropriate for the location.</p>
16	LU/167/22/PL 17 Cherry Croft	Erection of new self-contained dwelling at side of existing terrace house.	R-R-D	<p>WR</p> <p>The main issues of the appeal were:</p> <ul style="list-style-type: none"> - The effect on the street scene. - The effect on the living conditions of the occupiers of 19-25 Cherry Croft. <p>The Inspector found the proposal to sit comfortably with the predominant pattern of development of two and three storey terraces and the extension towards the footpath would not appear out of character with the varied pattern of development in the immediate street scene. They found no conflict with D SP1, D DM1, Arun Design Guide or NPPF (S12) in terms of street scene.</p> <p>The two-storey terrace at 19-25 Cherry Croft face onto the side of the appeal property with short gardens to the front and a public footpath between. The outlook from 19 and 21 would not be materially affected. Despite 23 and 25 benefitting from south facing rear gardens they appear to have habitable rooms facing north towards the appeal property. The development would bring the flank wall to within less than 9m from the front face of the two houses. The close proximity would be overbearing and detract from their outlook so harm the living conditions of 23 and 25.</p> <p>The public footpath would become less attractive to the local</p>

				<p>community especially at night.</p> <p>The potential benefit of reduced overlooking from the appeal property compared to the existing property (due to fenestration changes in the flank wall) would not outweigh harm to living conditions already identified.</p> <p>NPPF Para 11(d) is engaged. The adverse impacts significantly and demonstrably outweigh the social and economic benefits of 1 dwelling and the proposal would not be a sustainable form of development.</p> <p>The proposal fails to accord with the development plan and there are no material considerations, including the framework, which indicate a decision other than in accordance with the development plan. Appeal dismissed.</p>
17	BN/102/22/RAI Birch Level Crossing, Barnham	Prior approval under Part 18 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 for the erection of a stepped footbridge.	O-O-ALC	<p>WR</p> <p>Main issue: - Whether the step footbridge would injure the amenity of the neighbourhood.</p> <p>The Inspector agreed that the provision of a ramped bridge would provide a better long-term solution to serve development on both sides of the railway. Under the terms of the GDPO they were limited to only consider whether the proposal would injure the amenity of the neighbourhood.</p> <p>The provision of a stepped bridge over the railway would improve the desirability of the route and make it safer for most users, and the Inspector noted the lack of ramps could be injurious to those who are unable to use steps. However, as they identified there may be opportunities to upgrade the access to the bridge in the longer term, through other developments around the site. This would not prevent the council securing appropriate improvements to the bridge in future.</p> <p>It was noted that refusing this bridge or requiring amendments would risk further delays to the delivery of a significant number of much needed homes. It was concluded the appeal proposal would not</p>

				result in injury to amenity, and that there was no reason for prior approval to be withheld.
18	BR/4/22/PL 83 Aldwick Road, Bognor Regis	Enlargement of existing HMO (Sui Generis). Single storey rear extension, rear roof dormer, front and rear rooflights (resubmission following BR/79/21/PL).	DIS DC Comm-R-D	<p>WR</p> <p>The main issues were:</p> <ul style="list-style-type: none"> - Provision of amenity space - Effect on Pagham Harbour SPA <p>The Inspector agreed with the officer's report that whilst the applicant had stated that 75sqm of amenity space would be provided, much less than this could be considered usable space. The space had a feeling of enclosure and would need serve other purposes, e.g., storage of bins and cycles. There is no nearby provision of public open space which would compensate for this, as on previous allowed appeals.</p> <p>The Inspector found the Pagham Harbour contribution would be required but as this could be secured as mitigation of the harm, this was not considered a reason for refusal.</p> <p>The Inspector gave limited weight to the provision of 6 new rooms in respect of paragraph 11. The number is modest and there was a lack of evidence provided of the ongoing demand for HMO accommodation. The Inspector concluded that "new residential accommodation should not come at the cost of future occupiers living conditions" as supported by para 130 of the NPPF.</p>
19	EP/101/22/PL 4 Beechlands Close Site, fronting Montpelier Road	1 No dwelling house (resubmission following EP/157/21/PL)	R-R-D	<p>WR</p> <p>Main issues:</p> <ul style="list-style-type: none"> - Character and appearance of the area. - The living conditions of the occupiers of 4 Beechlands Close, regarding privacy, outlook and daylight, and neighbours at Nos. 17 & 18 Beechlands Court, regarding outlook, daylight, noise, and disturbance. - If the proposal would provide acceptable living conditions for future occupiers, regarding internal space standards. <p>The Inspector concurred with the reasons for refusal in relation to the harm on the character of the area and the lack of living amenity for occupiers of the dwelling owed to lower than minimum space standards.</p>

				No significantly adverse impacts on neighbouring occupiers at Nos. 17 & 18 were identified. The Inspector agreed the proposal was in conflict with policy and dismissed the appeal.
20	BN/99/22/OUT Eastmere Stables, Eastergate Lane	Outline permission with all matters reserved, other than access, for 9 No residential dwellings.	R-R-ALC	<p>WR</p> <p>The main issues were:</p> <ul style="list-style-type: none"> - Whether the location was suitable for the development. - The effect on the character and appearance of the surrounding area. <p>The Inspector agreed the development was a departure from the development plan but found that Eastergate Road had reasonably high levels of development. They judged the residential use of the front section of the appeal site, which had stables used for storage and a large area of hardstanding would not have a harmful effect on the character and appearance of the surrounding area. The Inspector found there was harm caused by building on the rear portion of the site which was equestrian paddocks. They suggested this could be mitigated to some extent at reserved matters stage, with the council being able to control landscaping, scale, and layout.</p> <p>The Inspector concluded that the proposal conflicted with the development plan. However, the Inspector gave significant weight to the lack of 5-year housing land supply and the potential contribution of small sites. The presumption in favour of sustainable development outweighed the conflict with the development plan.</p>
21	FG/54/22/PL R/O 1 Sea Drive	1 No new dwelling.	R-R-D	<p>WR</p> <p>The main issue was the effect on the character and appearance of the area.</p> <p>The Inspector found that most of the bulk of each dwelling in both appeals would be sited well forward of the general building line to the North on Sea Lane and both proposals would be harmfully intrusive. Also, the dwellings would look bulky and unbalanced relative to neighbours.</p> <p>The Inspector found the extensive use of hardstanding and limited room for planting would result in an overly cramped development that diminishes the open and green character of the area.</p>

				<p>The Inspector considered overlooking as an issue which was not identified by the LPA. However, it was concluded that some mutual overlooking from upper floors in the BUAB is to be expected and the existing owners of the property would expect this overlooking, and that future occupiers would not choose to occupy the dwelling if not desired.</p> <p>The previously approved scheme was identified as a fallback by the appellant. However, the Inspector noted the disposition and bulk of a different scheme on the site would likely be significantly different and little weight was given to this claim as a fallback.</p> <p>Both appeals were dismissed.</p>
22	FG/134/22/PL R/O 1 Sea Drive	1 No new dwelling (Resubmission of FG/54/22/PL)	R-R-D	<p>WR</p> <p>The main issue was the effect on the character and appearance of the area.</p> <p>The Inspector found most of the bulk of each dwelling in both appeals would be sited well forward of the general building line to the North on Sea Lane and both proposals would be harmfully intrusive. The dwellings would look bulky and unbalanced relative to neighbours.</p> <p>The Inspector found the extensive use of hardstanding and limited room for planting would result in an overly cramped development that diminishes the open and green character of the area.</p> <p>The Inspector considered overlooking as an issue which was not identified by the LPA. However, it was concluded some mutual overlooking from upper floors in the BUAB is to be expected and that the existing owners of the property would expect this overlooking, and that future occupiers would not choose to occupy the dwelling if not desired.</p> <p>The previously approved scheme on this site was identified as a fallback by the appellant. However, the Inspector noted the disposition and bulk of a different scheme on the site would likely be significantly different and little weight was given to this claim as a fallback.</p>

				Both related appeals were dismissed.
23	WA/39/22/PL Cherry Tree Nursery, Eastergate Lane	Continuation of use of land for the stationing of 14 No agricultural workers caravans for a temporary period of 3 years	R-R-ALC	<p>WR</p> <p>The main issues were whether the caravans are justified, having regard to the development plan & other material considerations and the effect on the living conditions of the occupiers of adjoining dwellings, with particular reference to noise & disturbance.</p> <p>The Inspector agreed the caravans were not needed for a specific enterprise or on the same site. This meant conflict with policies. However, there was a need identified for accommodation to serve sites in the wider area and the development plan is silent on how needs will be accommodated in the BUAB.</p> <p>The Inspector found no evidence had been offered by the council as to the residential amenity impact. The Inspector noted no concerns from neighbours, the Police or from Environmental Health.</p> <p>The Inspector stated material considerations exist to justify development otherwise than in accordance with the development plan.</p>
24	BN/110/22/PL 1 Como, Barnham Road	Erection of 1 No 2-bedroom bungalow with associated parking, bin and bike stores and landscaping (resubmission following BN/142/21/PL)	R-R-D	<p>WR</p> <p>The main issue was the effect on the character and appearance of the surrounding area.</p> <p>The Inspector found the dwelling would be poorly related to the street, the site would be overly built up in terms of area of buildings and hardstanding and incongruous when viewed from the public footpath. The openness of the area to the rear of properties on the street was important to local character.</p> <p>The Inspector concluded the previous approval for a part one and part two storey side extension did not set a precedent as the proposal would have preserved more openness and greenery. They did not find significant harm to residential amenity which was incorporated in the reason for refusal, however found sufficient harm on character and appearance grounds alone to conclude that the harm outweighed the benefits.</p>
25	FP/84/22/PL 7 Ambleside	Erection of 1 No three-bed	R-R-ALC	WR

	Close	detached dwelling (resubmission of FP/86/21/PL)		<p>The main issues were:</p> <ul style="list-style-type: none"> - Impact on character and appearance of the surrounding area. - The living conditions of nearby occupiers with regard to outlook and privacy. <p>The Inspector found the siting of the house respecting the front building lines and being well related to the street. Its design which included a sympathetic roof would help the dwelling to blend in with its surroundings. The detached nature of the house would make its distinct pattern of opening acceptable. There would be sufficient parking and amenity space retained.</p> <p>The Inspector found the dwelling would be visible from the neighbouring gardens but it would not be so overbearing as to harm living conditions. They identified a degree of overlooking from upper floor windows but concluded this was usual in built up area and did not harmfully diminish privacy.</p> <p>The Inspector concluded the proposal did not harm character and appearance and the proposal complied with D DM1, having minimal impact on users and occupiers of nearby land.</p>
26	A/256/22/PL Downsview, Littlehampton Road	Sub-division of existing residential curtilage and erection of 1no. 4-bedroom chalet bungalow and detached single garage	R-R-D	<p>WR</p> <p>The main issue was if the development would have reasonable access to local shops and services by means other than by car.</p> <p>The development was outside of the built-up area boundary and in the Angmering and Worthing settlement gap. The boundary of the BUAB is on the opposite side of the A259.</p> <p>As the detrimental effect on openness would be confined to the site of an existing dwelling, the Inspector found the proposal would not undermine the visual and physical separation of settlements and the proposal would not undermine the integrity of the settlement gap.</p> <p>Although in reasonable proximity, access to public transport was poor due to the hazardous nature of the road. This would reduce attractiveness of walking and cycling.</p> <p>The Inspector concluded access to shops and services was</p>

				unacceptably poor and the proposal was contrary to the development plan as a whole.
27	Y/176/21/PL Bonhams Field, Main Road	Variation of condition following grant of Y/63/19/RES relating to Condition 1 - approved plans	R-R-D	<p>WR</p> <p>The main issues were:</p> <p>(i) the effect of on the setting of Yapton Conservation Area (CA) and whether the development would preserve the setting of listed buildings in the vicinity of the appeal site; and</p> <p>(ii) the effect on the character and appearance of the surrounding area.</p> <p>The Inspector found harm to the significance, and ability to appreciate the significance of, the CA and the relevant listed buildings in this appeal, through harm to the setting. It was determined that the harm was 'less than substantial.' Limited public benefits had been identified and these were of low weight compared to the harm. Harm was also found to the character & appearance of the area.</p> <p>The Inspector concluded the harm to the CA and listed buildings is not outweighed by the public benefits in this case. This disengages the 'tilted balance' as it provides a clear reason for refusing the development. With the additional harm to character, the level of overall is significant and not outweighed by material considerations.</p>
28	LU/385/22/PL Garage compound, Colebrook Road	Construction of 3 No garages on existing garage compound	R-R-ALC	<p>WR</p> <p>The main issue was:</p> <ul style="list-style-type: none"> - The effect on the occupiers of 27 Colebrook Road, as regards noise and disturbance. <p>The Inspector found that, as the garages would be made from substantial, permanent materials, with a path and fence between them and their nearest neighbour, the only significant sources of noise would be car engines and the opening/shutting of garage doors.</p> <p>The Inspector found no evidence the garages would give rise to an unacceptable level of noise, and similar levels of noise could be generated though the use of the site as parking. The garages would not result in significantly more intrusive noise or disturbance.</p>
29	K/22/22/PL Land east of	3 No stables and a barn	Dis DC Comm R-D	WR

	<p>Kingston House</p>		<p>The main issues in this appeal are:</p> <ul style="list-style-type: none"> - The effect on the character, appearance, and function of the East Preston and Ferring gap. - Whether the site would be in a suitable location with respect to bridleways or other suitable routes available to horse riders. <p>The scale and materials of the barn would result in a more modern agricultural barn than that of a traditional rural barn. Though conditions could be used to ensure an appropriate colour. Layout would jut out at a right angle into the site resulting in a conspicuous built form that is obtrusive and out of keeping for the open character.</p> <p>The stables were acceptable traditional design but jut out into the site (albeit in a corner) and would face hardstanding where vehicles (agricultural or otherwise) could be parked, once again being unduly prominent.</p> <p>No sufficient evidence was provided to justify the 'minimal' or 'ancillary' needs of the proposal which appears to be more appropriate for a commercial equestrian setting than private and minimal use.</p> <p>The proposal would cumulatively extend this isolated cluster of buildings and encroach further into the countryside. Albeit by a small amount, causing a localised reduction in the extent of the gap and diminish its purpose.</p> <p>Whilst a previous stables were granted (albeit a different design etc) the permission had expired and this appeal was determined on its individual merits, being a site with no fallback position.</p> <p>The development would have a significant adverse impact on character, appearance, and function of the East Preston and Ferring gap.</p> <p>It does not comply with Policies EQU DM1(a), D DM1 and SD SP3 of the Arun Local Plan 2018 (the LP) or with Policies KPNP2 or KPNP3 of the Kingston Neighbourhood Plan 2014 (the NP).</p>
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				<p>There is no bridle network next to or near the site. Public footpaths should not be used by horse riders. Nearest bridleway a mile away. The nearby public highways can be used by riders but would not be conducive to a safe or pleasant experience.</p> <p>Horses could easily be transported by vehicle to the nearby bridleways and new Pegasus crossing suggests expected future demand for horse riders to cross the A259 to the bridle network.</p> <p>Kingston Lane south appears to be conducive to horse riding without interfering unduly with users and leads to open greenspace that is a BOAT and could be used by riders. Consequently, it complies with LP Policies EQU DM1(b) and T SP1.</p> <p>Concluded that design/layout was unacceptable but it was safely and sufficiently connected to suitable horse-riding networks/networks usable by riders.</p>
30	BE/30/23/HH 2A Stroud Green Drive	Erect 2m high boundary fence.	R-R-D	<p>WR</p> <p>The main issues were: - effect on character and appearance of the surrounding area</p> <p>Little weight attached to applicants concerns re: privacy and security as street facing bedrooms are not unusual for bungalows.</p> <p>Other tall fencing in locality differ from proposal and provide little support for this damaging proposal. Most front and side boundaries are open and the nearby street scene within Chalcraft Lane is characterised by the openness and greenery on both sides of the road.</p> <p>Suggested changes to retain fence at current height, include a trellis or set in from pavement by leaving a green buffer would not outweigh harm to street scene and to the sense of place. As little of the original fence permitted in 2009 under a different development plan exists it attracts minimal weight.</p> <p>The Inspector concluded the fence would harm the character and appearance of the surrounding area contrary to D DM1, ADG and the</p>

				NPPF which seeks well-designed places and sympathy for local character.
31	BN/130/22/T 133 Farnhurst Road	Tree A – Fell Tree B – crown reduction	R-R- split decision ALC/D	<p>WR</p> <p>Split Decision:</p> <ul style="list-style-type: none"> - The appeal is dismissed as it relates to the reduction of all limbs by 2m height to leave 12m and laterals 4m to leave 2m to oak (B). - The appeal is allowed as it relates to the felling of oak (A) <p>The main issues were:</p> <ul style="list-style-type: none"> - Effect on character and appearance of the area and if works were justified. <p>The Inspector gave significant weight to the previous decision to fell tree A in 2017 and found little to be changed since that decision, the tree is leaning and will continue to worsen. Its removal will benefit tree B which is to be retained.</p> <p>The Inspector found the reasons for the reduction work to tree B to carry little weight as based on concerns relating to matters common to tree owners and ones that go hand-in-hand with living in a mature landscape (access/light). Agreed with LPA that tree B will need careful future management. A more rounded assessment of current shape and condition of tree B could be made once tree A felled. The moderate harm as a result of the pruning works to tree B is not outweighed by matters raised but the previous permission to fell tree A carries significant weight and justifies removal.</p>
32	WA/107/22/PL Morelands, Arundel Road, Fontwell	4 No dwellings, associated car parking and access.	R-R-D	<p>WR</p> <p>The main issues were:</p> <ul style="list-style-type: none"> - The character and appearance of the surrounding area - Effect on the Singleton and Cocking Tunnels Special Area of Conservation and protected habitats and their species <p>The Inspector found although one dwelling had been removed and the position of other dwellings slightly altered, the awkward relationships identified in the previous application and appeal persisted. The distance between buildings and the road and the lack of potential for planting in the intervening space remained a concern. Poor relationship with the road was a concern for one of the dwellings, as well as lack of garden space and poor outlook from one</p>

				<p>of the dwellings. Houses were judged to be unacceptably squeezed in. Although the overall density is lower than on other nearby developments, the pattern of development was seen as out of character with the local pattern of development.</p> <p>The PEA did not mention the SAC and the impact of increased activity in the buffer zone was not assessed and although the existing dwelling had been assessed as having high bat roost potential, no mitigation measures have been proposed. The mitigation measures identified in the reptile survey were inappropriate and incomplete. The Inspector found these issues should not be dealt with via conditions after approval, which had been suggested by the applicant. Harm to character/appearance and protected species was seen to outweigh possible benefits.</p>
33	FG/124/22/PL Lansdowne Nursery and The Barn, Littlehampton Road	Demolition of existing buildings and erection of 70 No. dwellings with associated works (site relocation to Clapham).	R-R-D	<p>Hearing</p> <p>The main issues were:</p> <ul style="list-style-type: none"> - effect on the character and appearance of the area, including the setting of the South Downs National Park (the National Park) and Highdown Hill Camp. - the effect of the development on the economy. - the effect of the development in relation to agricultural land and soils; and - whether public open space provision would be acceptable. <p>The Inspector gave considerable weight to the fact that the site is outside the built-up area, the harm on Highdown Hill Camp Scheduled Ancient Monument and the setting of the National Park. They considered the development, which had an urban character out of keeping with the locality. The impact on views from the Downs was given weight.</p> <p>The Inspector concluded the potential of the site as agricultural land was unlikely to be realised and disagreed with this reason for refusal. They concluded the effect on the economy could be mitigated through a condition requiring the existing business to be relocated. The Inspector concluded the provision of public open space was acceptable given the access that residents would have to other open spaces, such as Highdown Hill and the position of the open space close to the A259 did not necessarily make it unattractive. The Inspector questioned whether swales should be treated as drainage</p>

				features and excluded from the open space calculations, as they would be publicly accessible.
34	R/276/22/HH 15 The Martlets	Erection of boundary fence.	R-R-ALC	<p>WR</p> <p>Main Issues:</p> <ul style="list-style-type: none"> - Impact on character and appearance of area. <p>Open character of the area informed by open plan condition and most notable within central parts of the estate. Inspector found that as the property was to the edge near garages and walls of blocks of flats that it did not read as part of the main open character. Inspector did not feel that the plot in question should need to reflect the open and attractive plot it mirrors to the north of the estate as the other plot is at the entrance and as aforementioned, the host is within a tighter urban grain at the edge.</p> <p>Oddly, the inspector identified the fence as encompassing the main garden of the plot as it is side-on to the highway. Unclear as to how this conclusion was made as the plot benefitted from a designated private rear garden also to the rear of the dwelling.</p> <p>The inspector also concluded that the enclosure of the site provided a safe and secure private space for occupants. And that contrary to Sussex Police advice against tall boundary treatment, that this close boarded 1.8m tall fence surrounding the property was not of a height that would obscure the view of the main property and did not apply. *This appears illogical as this 1.8m solid fence fully obscures any view of the ground floor of the site from ground level and that the Police advice referred to recommends 1m or lower*.</p> <p>Allowed with plans condition only. No non-standard conditions.</p>
35	LU/347/22/PL 27 Clifton Road	Retention of first floor 10 No room HMO and 1 No flat at first floor (resubmission following LU/60/22/PL)	R-R-ALC Costs - Dismissed	<p>Hearing</p> <p>Main Issues:</p> <ul style="list-style-type: none"> - Suitability of accommodation given flood risk. - Housing need. - Planning balance. <p>The Inspector found that without access to safe refuge and with sleeping accommodation located to the ground floor there would be a risk to life. This is in conflict with the PPG. The ten-year limit would reduce risk however the risk still stands. This is given significant</p>

				weight against the provision of housing.
36	LU/350/22/PL 27 Clifton Road	Temporary change of use for 10 years of the ground floor to a 10 bed HMO (Sui Generis) including alterations/rearrangement of existing ground floor C3 unit (permanent).	R-R-D	<p>Hearing</p> <p>Main Issues:</p> <ul style="list-style-type: none"> - Suitability of accommodation given flood risk. - Adequacy of amenity space. - Quality of open space. - Housing need. - Planning balance. <p>Unlike GF accommodation there is safe refuge for occupiers of the 1st floor. Wider sustainability benefits should be considered including the provision of housing. Planning balance found the benefits outweighs the harm.</p> <p>The under provision of amenity space is relatively small, it is broadly useable and enjoyable. Quality of space not exemplary but adequate. Other local open spaces as fall back. Planning balance found the benefits outweighs the harm.</p>
37	AL/179/22/OUT Land to south of Dukes Road	Outline application with some matters reserved, except access and layout, for the erection of 9 No dwellings (resubmission following AL/39/22/OUT).	R-R-D Costs - Dismissed	<p>WR</p> <p>The main issues were:</p> <ul style="list-style-type: none"> - Whether the site is a suitable location. - The effect on the character and appearance of the area. <p>The Inspector agreed that the site was an unsuitable. The site is outside the built-up area boundary and far from services. Public transport is available but is some distance from the site and access to the would be via Duke's Lane. The Inspector concluded this would give rise to unacceptable increased risk of vehicular and pedestrian conflict, accident or injury and that residents would be reliant on cars.</p> <p>The inspector found the access via a service road running parallel to Duke's Road would be out of keeping with the surroundings. The proposal would fill the only significant gap in buildings along the south side on Duke's Road and erode the semi-rural feel. The open land provided would be to the rear of the dwellings and would not mitigate this impact. The Inspector addressed the tilted balance but concluded that the location was nevertheless unsuitable.</p>
38	AL/39/22/OUT Land to south of Dukes Road	Outline application with some matters reserved (appearance, landscape, and scale) for the	R-R-D Costs - Dismissed	<p>WR</p> <p>This appeal was determined at the same time as the appeal for the resubmission (AL/179/22/OUT). The proposals were identical, and</p>

		erection 9 No. residential dwellings.		both appeals were considered as one and determined on the same basis.
39	Y/139/22/PL Bilsham Manor, Bilsham Lane, Bilsham, Yapton	1 No dwelling including the reuse of part of the existing outbuilding, existing leylandii boundary hedge will be removed and replaced with a 1.8m close boarded fence, planted with native hedgerow and garden redesign.	R-R-D	<p>WR</p> <p>The main issues were:</p> <ul style="list-style-type: none"> - the impact on the setting of the listed building. - whether the proposal would be safe from flooding. <p>The Inspector concluded the proposals would make the garden and the historic setting of Bilsham Manor smaller and the Manor's historic relationship with the rife would be lost. Ability to appreciate the significance of the listed building from the back garden and the lane would be diminished. The dwelling aims to reflect a converted ancillary building, which would be incongruous in Bilsham Manor's private garden. The scale, bulk and materials were out of keeping, together with the dwelling's generous glazing. The driveway and tall fences added to this effect. The development fails to respect the historic development pattern, including the relationship between the Manor and Chapel when viewed from Bilsham Manor.</p> <p>In light of the fact that the proposal identified no flood risk, and an FRA was not provided, the Inspector concluded there was insufficient evidence that the requirements of policy W DM2 would be met. The access in particular was considered likely to flood.</p>
40	Y/127/22/PL Lintels, Bilsham Road, Yapton	Change of use of existing garage to 1 No 3-bed dwelling, separate to the main dwelling, including side extension.	AC-AC-ALC	<p>WR</p> <p>The appeal concerned condition 3 which stated that: <i>"All windows above ground floor level on the north-western (rear) elevation of the building shall be glazed with obscured glass and non-opening below 1.7m from finished floor level. The windows shall remain non-opening and obscure glazed in perpetuity."</i></p> <p>The Inspector allowed the appeal and amended the condition to state: <i>"Notwithstanding the details given on the approved plans, the dwelling hereby permitted shall not be occupied until all parts of the first floor rear (north west) facing windows that are less than 1.7 metres above the finished floor level of the rooms in which they are installed have been fitted with obscured glazing, and no part of those windows that is less than 1.7 metres above the finished floor level of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and</i></p>

				<p><i>approved in writing by the local planning authority before the windows are installed and once installed the obscured glazing shall be retained as approved thereafter."</i></p> <p>The Inspector agreed with the need for the condition due to privacy concerns but determined its current wording was too onerous as it would require all the glazing in the rear facing windows to be obscured.</p>
41	FP/216/22/HH 29 Andrew Avenue, Felpham	Retrospective proposal for the relocation of side fence and hedging to within ownership boundary	R-R-ALC	<p>WR</p> <p>Main Issues:</p> <ul style="list-style-type: none"> - Loss of open character <p>The Inspector concurred that the appearance of the fence was acceptable. Although, did not feel that the relocated fence detracted from the open character of the estate. He also found that some other corner plots within the estate demonstrated fencing/hedging in similar arrangements that did not detract from the openness of the estate and that the area incorporated within the relocated fence was modest.</p> <p>Inspector interpreted Section H of the ADG appears to relate to new development and that it does not appear directly relevant to the loss of open character from alterations to existing plots such as this.</p> <p>Allowed with conditions:</p> <ul style="list-style-type: none"> - Included condition to retain Laurel hedge that had been planted to side of fence and reinstate it if it dies within 5 years.
42	WA/101/22/PL Brookfield Farm, Eastergate Lane,	2 x detached 4-bedroom dwellings	R-R-ALC	<p>WR</p> <p>Main Issues:</p> <ul style="list-style-type: none"> - Availability of the best and most versatile agricultural land (BMVAL). - Character and appearance of the area. <p>The inspector concluded that there was no evidence whether the land was 3 a or 3 b, using precautionary approach deemed it to be 3a. Land under 1 hect however policy does not stipulate size requirements. Although no report required, it did not met the criteria of policy.</p> <p>The style, size and form of development commensurate to the other properties along lane. Spacious development no loss/impact to open</p>

				views. No harm the overall quality of the character and appearance of the area. Permanent loss of BMVAL given significant weight in planning balance over provision of 2 homes.
43	WA/80/21/OUT Land to the east of Yapton Lane	Outline application with all matters reserved (except access) for up to 75 No. dwellings.	R-R-D Costs - Dismissed	WR The main issues were: <ul style="list-style-type: none"> - Whether the site is a suitable location for housing. - Effects on character and appearance (including Walberton Conservation area and listed buildings). - Loss of best and most versatile agricultural land. - Lack of S106 securing affordable housing and A27 mitigation. The Inspector found the location was contrary to policy and that Yapton Lane formed a boundary beyond which housing would not be appropriate, as the rural character persists for a great distance to the east. The Inspector agreed there would be substantial harm to the area's rural character and appearance and identified limited harm to heritage assets. Conflict with policy SO DM1 was identified but this was not given great weight, particular as the local plan policy was seen as significantly more restrictive than the NPPF in this respect. S106 issues were largely resolved by the time of the appeal, with affordable housing secured. Although they identified significant conflict with Local Plan policies and significant harm, the Inspector gave limited weight to individual adverse impacts, given Arun's housing land supply shortfall. Even so, the cumulative effect of these outweighed the benefits of the development.
44	AL/126/22/OUT, The Paddock, Littleheath Road	Outline application (with some matters reserved) for 9 new dwellings (houses and bungalow) with wildlife corridors following demolition of existing 4-bedroom chalet bungalow and assorted outbuildings.	R-R-D	WR The main issues were: <ul style="list-style-type: none"> - Effects on the character and appearance of the area, and accordance with related policies that guide the location of housing development. - Whether the proposal would create acceptable living conditions for future occupants when regard is paid to noise. - Whether the proposal would create acceptable living conditions for future occupants when regard is paid to air quality.

				<p>The Inspector found harm to the future living conditions of the residential occupiers due to the need to keep windows closed to mitigate noise from the A27. The Inspector stated:</p> <p>“Being able to open windows (and patio doors) in a dwelling is an essential part of everyday life, and something which most people take for granted. Forcing future residents to make a choice between opening windows and tolerating road noise at the levels identified in the Appellant’s noise evidence would create an oppressive living environment, inconsistent with the principles of good design.”</p> <p>The Inspector gave moderate weight to the harm to character, limited weight to the countryside location, limited weight to the site’s accessibility but substantial weight to the harm arising from noise pollution. Weighed against this were benefits to HLS (significant weight) and economic benefits (moderate weight).</p> <p>The Inspector concluded the proposal would not meet the definition of sustainable development at a very high level because it would fail to provide acceptable living conditions when regard is paid to noise. This was the key determining factor and outweighed the benefits.</p>
45	AL/69/23/HH Reed Cottage, Westergate Street	Erection of detached garage with room above and 1 x dormer following the demolition of existing detached garage.	R-R-ALC	<p>WR</p> <p>The main issues were the effect of the proposed development on:</p> <ul style="list-style-type: none"> (a) The character and appearance of the host property and surrounding area; (b) The living conditions of the neighbouring occupiers at 23 Belle Meade Close. <p>The Inspector found that the surrounding area has no uniform character, with properties varying in siting, layout, form, scale, age and materiality. They also noted that the neither the garage nor the host property form part of the established street scene.</p> <p>The Inspector did not agree that the scale and height of the proposed building would appear as an unduly dominant structure that would be out of character with the development of the site. They argued that the proposed would represent a high quality of design that would be in keeping with the design of the host and a significant improvement on the existing unsightly garage and adjoining temporary structure.</p>

				<p>The Inspector was satisfied that this proposal has addressed the majority of the previous inspectors concerns. They concluded that it would not appear as an unduly dominant structure and would not be out of character. It would instead represent a sympathetic, appropriate, and high quality outbuilding and would accord with D DM1 of the Arun Local Plan.</p> <p>The Inspector also found that the height, length and siting of the garage would not have any significant overbearing or overshadowing impact on the garden or rear windows of No.23 nor any other neighbours.</p> <p>They were satisfied that the proposed garage would not conflict with the aims and objectives of the SPD Guide, and that the level of impact on the outlook and light to No.23 would be modest. They concluded that the appeal proposal would not result in any significant harm to the living conditions of the occupiers of No.23 or any immediate neighbours, and would comply with policy D DM1 of the Arun Local Plan.</p>
46	AL/178/22/OUT Land to the rear of Meadow Way, Westergate	Outline planning application with all matters reserved, other than principal means of access and demolition of 24 Meadow Way, for the construction of up to 89 residential dwellings, with access taken from Meadow Way, together with the provision of open space, landscaping, and associated infrastructure.	R-R-ALC Costs part allowed	<p>Hearing</p> <p>The main issues were:</p> <ul style="list-style-type: none"> • Whether the site would be suitable for housing, with particular regard to the development plan's spatial strategy for the location of housing. • The effect of on best and most versatile agricultural land (BMVAL); and • The effect on living conditions of occupants of nearby residential properties, with particular regard to noise and disturbance. <p>The Inspector determined the location would not accord with the spatial strategy for housing in the district but due to the location and HLS shortfall, this attracted moderate weight.</p> <p>Moderate weight was attached to the loss of agricultural land because of the need to build in such land to overcome the HLS shortfall.</p> <p>The Inspector determined there would be changes to the levels of noise and disturbance experienced in the rear gardens and houses of</p>

				<p>the residential properties at 23 Meadow Way and 1 to 9 Lamorna Gardens. The evidence demonstrated these changes would be noticeable, but not harmful.</p> <p>The benefits attracted significant weight so the planning balance found in favour of allowing the appeal.</p> <p>Costs were awarded in part relating to residential amenity issue as the council had not supplied technical evidence in response to the appellants noise report.</p>
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Arun District Council