

Appeals Summary 2024

	Site	Proposal	Recommendation/ Decision/Appeal Decision	Inspector's Comments
1	BR/294/21/PL 2-10 Queensway, Bognor Regis, PO21 1QT	Three storey upward extension and redevelopment of the existing 1st and 2nd floor delivering 43 no flats.	R-R-D Costs – Allowed in full (claim made by ADC) £516 costs claimed and paid by the appellant 03/05/24	WR The main issue was whether the scheme is acceptable in not making provision for any affordable housing. The Inspector found the following issues with the viability appraisal: <ul style="list-style-type: none"> - By the time the report was submitted, the unilateral undertaking had been completed, so an appraisal exercise at that stage would have served no practical purpose in informing discussions between the appellant and the Council about the contents of the scheme. - The report does not contain any self-evaluation exercise, in which the robustness of its assumptions and inputs and the potential impact of different economic outlooks are critically examined. - The report's conclusions focus on the impact of the recent short term negative factors influencing the market, not adequately recognising the fact that markets can fluctuate quite quickly. - Whilst sales values have been derived from a number of comparators in the area, the exercise applies a relatively modest new build adjustment which may not reflect the full potential of this key site to regenerate the locality and uplift values. - There has been no consideration of ways in which the scheme might have been made more attractive to affordable housing providers, through different levels

				<p>and forms of affordable housing or a different mix.</p> <ul style="list-style-type: none"> - Nor has there been any opportunity for the Council and appellants to re-evaluate s106 priorities to see whether a different balance of commitments might have enabled some off-site affordable housing to be provided through contributions, because the s106 planning obligation has already been completed. <p>An award of costs was made by the Council on the basis that the appellant had only just agreed to a s106 on a resubmission application which included affordable housing and had promised to then withdraw the previous appeal. Instead, 2-3 months later, the appellant advised the appeal would proceed on grounds of affordable housing and viability.</p> <p>The Inspector agreed with the council's case and concluded that the appellant acted unreasonably by failing to engage with the Council at the appropriate time over viability and the proportion of affordable housing in the scheme.</p>
2	FG/147/22/PL Jasmine Court, Sea Lane Gardens, Ferring	Erection of an extension to provide attached single storey dwelling together with parking following demolition of existing garage.	R-R-D	<p>WR</p> <p>Main Issues: Character and appearance of the area and harm on the amenity of Flat 2 (overshadowing).</p> <p>It was concluded the building would appear contrived in the limited site. The flat yet tapered roof and position to the back of the site would be discordant. The size and scale of the development against No 2 would lead to substantial overshadowing. Unneighbourly</p>

				form of development. The Appellant even offer to reduce the height slightly, but harm was still identified. (The Inspector didn't mention 45-degree rule, but it fouled this) Appeal dismissed.
3	FP/155/22/PL Land to the rear of 107 Felpham Way	Construction of a detached 2 bed dwelling with electric mobility scooter/cycle and refuse facilities.	R-R-A	<p>WR</p> <p>The main issues were the effect of the dwelling on that character and appearance of the locality and whether the provision of garden space was adequate.</p> <p>The inspector contended that the bungalow was similar in form to the three existing bungalows in the row and that the distances to boundaries would be similar. The orientation of the bungalow being opposite to its neighbours was found to be unorthodox but not harmful.</p> <p>Although the proposed garden depth was not in compliance with Arun Design, the dwelling had more generous outdoor amenity space than neighbouring bungalows and therefore the effect on living conditions was not found to be harmful.</p> <p>The inspector concluded that the development sought to make best use of urban land and provide an additional dwelling in a sustainable location and allowed the appeal.</p> <p>The Inspector simplified recommended biodiversity enhancement condition and felt that the original condition was disproportionate to the small scheme.</p>
4	FP/219/22/TEL Leverton Avenue street works	Prior approval under Schedule 2, Part 16, Class A for proposed 5G telecoms	R-R-A	<p>WR</p> <p>The main issue was the effect that the siting and appearance of the proposed</p>

		installation, H3G 15m street pole and additional equipment cabinets.		<p>development would have on the character and appearance of the surrounding area.</p> <p>The inspector felt that the masts siting and appearance would reflect the spacious character of the estate, and its colour would integrate with the greenery within its surroundings. It was also considered that due to the mast's distances from and relationships with the nearby dwellings, the mast would not be so overbearing or so oppressive that it would harm any of the nearby occupiers' outlook.</p> <p>The inspector disputed the council's argument that the appellant had not provided sufficient evidence that no other sites are available and was of the opinion that the proposal satisfied policies TEL DM1 and BT7. The proposal would be an acceptable change to the locality.</p> <p>The inspector concluded that the proposal would not harm the character and appearance of the surrounding area and allowed the appeal.</p>
5	WA/87/22/PL Brookview Nursery, Eastergate Lane	Removal of outdoor storage, including caravan and polytunnels and the erection of 7 No flexible E (g) flexible units comprising of offices and workshops, associated parking, drainage and turning spaces (resubmission following WA/98/21/PL). This site is in CIL Zone 3 (Zero Rated) as other development.	<p>R-R-Part Allowed/Part Dismissed</p> <p>Costs – Refused</p>	<p>WR</p> <p>The main issues were the effect of the proposed development on the character and appearance of the area, including trees, and the Singleton and Cocking Tunnels Special Area of Conservation and bats.</p> <p>The Inspector determined that due to existing development surrounding the site and the screening/distance to the southern viewpoint (Choller Farm footpath, Barnham Lane), there was no harm to character.</p>

				<p>However, the Inspector considered the attenuation pond would harm trees and as this was severable from the scheme (the technical information submitted showed that this pond is not required to ensure adequate drainage of the site), this element should not be allowed (hence the split decision).</p> <p>The loss of a TPO tree was sanctioned on the basis of the benefits arising from the scheme namely the visual improvements to the appearance of the site plus the economic and social benefits.</p> <p>The Inspector ruled no adverse impact on the SAC as Natural England had previously told ADC that the proposal would not have a likely significant effect*.</p> <p>In terms of the cost's application, the Inspector found fault with the Council due to the comments of Natural England see above*. However, as this was not the only refusal reason, this did not result in costs being allowed.</p> <p>In the main, the Inspector found that ADC had not behaved unreasonably as the PPG is clear that LPA's do not have to accept additional information received during the application. Also, that ADC's website is clear on how applications are to be dealt with and that ADC kept the applicant informed during the process.</p>
6	AL/58/23/PL Lidsey Farmhouse, Lidsey Road	Erection of 1no dwelling to replace historic caravan and detached garage. This application may affect the setting of a Listed Building, is a departure from the	R-R-D	<p>WR</p> <p>The main issue is whether the proposed development would preserve or enhance the</p>

		development plan, is in CIL Zone 3 and CIL Liable as new dwelling.		<p>setting of the Grade II listed Lidsey Farmhouse.</p> <p>The applicant had argued on the basis of the permitted fallback position that a large static caravan had been (and could again be) sited on the same site. However, this has not been established by an LDC and the Inspector therefore gave this minimal weight.</p> <p>The Inspector paid no regard to loss of the existing garage.</p> <p>The Inspector agreed with the council that the proposed dwelling would cause less than substantial harm to the setting of Lidsey Farmhouse. The Inspector found there were no benefits of sufficient weight to overcome the harm and so dismissed the appeal.</p>
7	BN/132/22/PL 51 Warren Way, Barnham	Construction of 1 No. end of terrace two storey dwelling with associated vehicular crossover.	R-R-D	<p>WR</p> <p>The main issues were if the development was acceptable in respect of fluvial flood risk, would have an acceptable effect on surface water drainage; and, would increase flood risk elsewhere, with particular regard to the effect on the adjacent watercourse.</p> <p>The Inspector found that the site-specific FRA submitted does not provide sufficient detail to confirm there is a workable surface water drainage solution for the development. They were not satisfied that the proposed mitigation was appropriate on a technical level and cannot conclude that it was suitable. The Framework's presumption in favour of sustainable development does not apply and the proposal was contrary to Policy W DM2 of the Local Plan as the site-specific</p>

				Flood Risk Assessment fails to demonstrate that the development would not increase flood risk elsewhere.
8	M/84/23/PL 117 Elmer Road, Middleton-on-Sea	CIL		<p>The appeal was made under regulation 118 based on the charging authority issuing a demand notice with an incorrect commencement date.</p> <p>The application was retrospective, and the application is treated as commencing on the day planning permission for that development is granted. The deemed commencement date matched that of the decision date therefore it was correct.</p> <p>In this case, as the permission was granted retrospectively, it was simply not possible for a CN to be submitted in advance of material operations commencing. The latter had already taken place. So, it was not possible for the appellant to prevent the subsequent surcharges being imposed. By commencing the relevant development and subsequently applying for planning permission retrospectively, the appellant effectively prevented the normal sequence of events from taking place.</p>
9	A/197/23/A Rustington Golf Centre, Golfers Lane	Installation of 1 No. non illuminated tri board sign.	R-R-ALC	<p>Fast Track Advert</p> <p>The main issue therefore is the effect of the proposal on the visual amenity of the area.</p> <p>The Inspector concluded that given the emerging residential development within the Golf Course to the North, and that advertisements were not prevalent nor alien, a modest, non-illuminated temporary sign associated with the residential development would not be out of place.</p>

				<p>The Inspector concluded that whilst we had raised concerns for over proliferation of advertisements within the area, that asides from the flag adjacent, there would be a significant distance between the proposed and any others. Primarily noting it is 200m from recently approved hoarding.</p> <p>No harm to visual amenity of area and given a condition to limit approval to a 5-year consent.</p>
10	Y/41/23/PL The Old Coal Yard	Erection of 4 No dwellings with associated landscaping, access and parking.	R-R-ALC	<p>WR</p> <p>The main issue was the effect of the development upon the character & appearance of the area.</p> <p>The Inspector determined no harm to character and indeed that the development was likely to result in a visual betterment.</p> <p>The Inspector noted the countryside location and thus conflict with the policy but found no harm arising from this designation, and that the proposal was sustainable development. The Inspector concluded by saying:</p> <p><i>In this case there would be conflict with the wording of policies LP Policy C SP1 and by extension YNDP Policy BB1 but not the objectives supporting them. Accordingly, I give reduced weight to these conflicts. When read as a whole, I find the preponderance of development plan policy to be in support of the appeal scheme. It would therefore be sustainable development benefitting from the 'presumption in favour' contained in LP Policy SD SP1. Given I have not applied or relied on the tilted balance in paragraph 11d) of the</i></p>

				<i>Framework1, paragraph 14 of the same has little relevance to my decision. I therefore conclude that the proposal should be allowed, subject to the imposition of a number of conditions set out below.</i>
11	P/80/23/PL Lagnersh House	Use of land for the stationing of 4no mobile homes for occupation by people unable to afford rented housing.	AC/R/D	<p>WR</p> <p>The main issue was the effect that the development has on the character of the surrounding area.</p> <p>The Inspector determined the proposal was contrary to the ALP. The Inspector agreed that the existing dwellings are in keeping with the tight-knit traditional farmstead groups that are sparsely scattered within the largely flat and mainly open countryside – and that the area has a rural character.</p> <p>The Inspector determined the proposal was very urban in appearance and would encroach into the countryside. The homes were visible from the road and the PRoW. The existing landscaping could not be relied on for screening in the long term.</p> <p>The Inspector gave no weight to the appellants quoted appeal decision, to the adjacent HELAA designation or to other caravan/mobile home sites in the area.</p> <p>The Inspector determined the HLS shortfall was relatively small and that the harm outweighed the benefits.</p>
12	BR/114/23/PL 7 Durban Road, Business Park	Change of use from B2 (General Industrial) and B8 (Storage and Distribution) to Class E (Commercial, Business and Service).	R-R-D	<p>WR</p> <p>The main issue was the change on the supply of employment sites and premises.</p>

				<p>No substantive details have been provided setting out how long the unit has been marketed and the level of interest it attracted, even if no offers had been forthcoming. In the absence of a viability appraisal, it is also not clear if alternative employment uses within Class B2 and B8 had been fully explored.</p> <p>Without an assessment of the site's suitability for its proposed retail use, the impact it may have on other employment uses nearby remains uncertain, even if the proposed shop would employ more people than a previous tenant.</p> <p>The proposed change of use conflicts with the development plan.</p>
13	BN/119/22/OUT Land adjacent to Highfield House	Outline application with all matters reserved, except access, for 19 No dwellings for persons over 55 with associated car parking, landscaping, drainage and open space. This application may affect the setting of listed buildings and is a Departure from the Development Plan.	R-R-D	<p>WR</p> <p>The main issues were whether the site would be in a suitable location with regard to local planning policies and the effect on the character and appearance of the area.</p> <p>The Inspector acknowledged the sites value as an open field which contributed to the areas transitional character. Landscape harm from the PROW was moderate adverse and subject to mature planting being successful. The introduction of hedgerows and trees to soften the built form would reduce the open character of the site. The built form would result in permanent loss of the open character of the site to the detriment of the transitional character from settlement to open countryside, and would be contrary to policies D SP1, D DM1 of the ALP and ES5 of the BENP 2.</p>

				<p>The significance of Listed Buildings would be preserved nearby. Given the HLS, the Inspector attributed modest weight to social benefits; moderate weight to the provision of affordable housing; and limited weight to economic and environmental benefits given scale and limited detail.</p> <p>The Neighbourhood Plan addressed its housing need in the parish and this site was not required for that. Whilst the NP would not automatically outweigh the benefits, the adverse impacts did so in this case.</p>
14	BE/71/23/PL Regal House, Shripney Road	9 No. residential dwellings and associated works including a new access.	R-R-D	<p>WR</p> <p>The main issues are the effect that the development would have on:</p> <ul style="list-style-type: none"> • the character and appearance of the surrounding area, regarding trees, • the living conditions of the occupiers of the dwellings on Plots 5, 6 and 7, regarding sunlight and daylight, and • whether the proposed surface water drainage strategy would be acceptable. <p>The Inspector determined that due to the form, scale, height and siting of the trees, and their relationships with the dwellings on Plots 5, 6 and 7, the trees would dominate the outlook from those dwellings and their back gardens. The more intense residential activity in those back gardens would also be likely to cause soil compaction above the trees' root systems, which would be likely to diminish the trees' future health. The occupiers could find the inconvenience of dealing with the fallen leaves, twigs and other detritus associated with the trees in much of their back gardens tiresome.</p>

				<p>The Inspector determined there would be some overshadowing to the back gardens of the plots but overall it would not harm the living conditions.</p> <p>The appellant's evidence shows that a reasonably deliverable sustainable surface water drainage strategy, which is reliant entirely on infiltration, could be achieved within the site without the need for drainage infrastructure to be built within the RPAs of the Trees.</p> <p>Due to the harm identified to the trees the harm identified would significantly and demonstrably outweigh the benefits.</p>
15	BR/41/23 41-43 High Street	Variation of conditions 3 and 4 following the grant of BR/73/16/PL relating to opening hours and hours of use of outside seating area.	R-R-D Costs Refused	<p>WR</p> <p>The main issue is whether conditions 3 and 4 are necessary and reasonable to protect the living conditions of residential occupiers of 39 High Street, regarding noise and disturbance.</p> <p>The Inspector found the increased opening hours would reduce the periods where nearby occupiers could reasonably expect relatively undisturbed sleep, and as the timings (especially of deliveries and despatches) would vary, the living conditions would not be acceptable. They agreed that the NIA did not deal with all sources of noise, and so it has not been sufficiently shown that the sound levels would be acceptable. They disputed the appellants argument that the proposal would resolve the disparity between the licence and planning permission opening hours, and noted the applicant was seeking longer hours than the licence permitted. It was highlighted that licencing has different</p>

				<p>legislation and so the hours do not necessarily need to be the same. They found the proposed hours would be unacceptably harmful to residential amenity contrary to D DM1 and QE SP1 of the ALP.</p> <p>The Inspector found it would not be reasonable for the adjoining flat of the outdoor seating area to have to keep their windows shut, and so the additional noise and disturbance from the outdoor seating area would be harmful to their living conditions. Condition 4 was found to be reasonable and necessary to protect living conditions.</p> <p>Costs were sought by the appellant; The Inspector found the Council's reason for refusal was complete, precise, specific and relevant and concluded that unreasonable behaviour/wasted expense has not occurred, and so an award of costs was not warranted.</p>
16	AB/117/23/PD 2 Fitzalan Road	Notification for prior approval under Schedule 2 Part 1 Class AA for the erection of one and two additional storeys on existing dwelling house	D-O-D Costs Refused	<p>WR</p> <p>Refusal of a Prior Approval following original grant of Prior Approval in 2021.</p> <p>The reason for the refusal was that the additional storeys were not limited to the 'principal part' of the main dwelling as defined within the GPDO. The proposal included an additional storey to be applied to a large extension of the dwelling to the southwest that was of a lower height, and not considered the principal part of the building.</p> <p>The Inspector agreed with this conclusion. They added that the existing front facing bay window and lean-to (minor, single-storey components to the front) would have</p>

				additional storeys applied too. Concluding these minor features would contradict the same criteria of the GPDO as they would not form part of the 'principal part' of the main dwelling.
17	BR/168/23/PL Rose Cottage, Shripney Road, Bognor Regis	Change of use of the existing dwelling and annexe to HMO.	DC Comm AC/R/ALC	<p>WR</p> <p>The main issues were the effect on the character of the area; and the effect of the proposal on the availability of on-street parking.</p> <p>The Inspector found that the proposal would result in less than 5% of properties within 250m of the site would be HMOs, and whilst there would be a concentration of 7.41% within 50m, they were not of the opinion this concentration of HMOs would have a detrimental impact on the character of the area. They were satisfied the development would not erode the balance between housing types and complied with H SP4(a). The Inspector found there was adequate provision for four off-street parking spaces in the locality, and there was no demonstrable evidence that the HMO would contribute to the generation of excessive parking demands.</p>
18	ENF/336/21	Installation of a uPVC window	Subject to necessary corrections in the Enforcement Notice the appeal was dismissed	<p>WR</p> <p>The notice was issued as it was alleged a uPVC window on the south facing top floor had been installed without Listed Building consent.</p> <p>The notice required: 1. Remove the window constructed from uPVC from the eastern dormer opening in the roof of the building, 2 install a timber, sliding sash window in a traditional design of 2 over 2 with integral glazing bars & single glazing fixed into the</p>

				<p>frame using putty. The glazing bars shall be no greater than 26mm and shall match the dimensions of the adjoining window. Timber should be painted white. The notice was appealed on ground (e) listed building consent should be granted.</p> <p>The Inspector noted that even subtle difference has a harmful effect on the integrity & special interest of a listed building. The uPVC window has a clearly modern appearance contrasting sharply & inappropriately with the traditional & historic fabric & character of the listed building, ad failed to preserve the special architectural and historic interest of the listed building. Whilst the inspector accepted the high-level position of the window is not as visible from the public domain, it fails to preserve or enhance the character or appearance of the Littlehampton Seafront Conservation area. The Inspector noted the appellants references to eco-thermal advantages, whilst these provide private benefits, they do not provide a level of public benefit which can outweigh identified harm. The works conflicted with s16(2) and s72(1) of the Act and with provisions of the NPPF which directs at para 205 that great weight should be given to the assets conservation, irrespective of whether any potential harm amounts to substantial harm, total loss of less than substantial harm to its significance.</p>
19	BR/180/21/T	Fell 1 No. Sycamore Tree	Invalid TPO	
20	A/254/22/DOC Land S/O Littlehampton Road	Approval of details reserved by condition imposed under ref APP/C3810/W/22/3295115	Withdrawn	

		(A/168/21/PL) relating to Condition No 19		
21	WA/12/24/PIP Land at Toddhurst Farmhouse, Lake Lane	Permission in principle for construction of up to 3 self-build dwellings.	R-R-D	<p>WR</p> <p>The main issue was whether the site is suitable for residential development, having regard to its location, the amount of development and the proposed land use on the character and appearance of the area.</p> <p>The Inspector found the location to be suitable due to proximity to services and transport connections. The inspector also found the number of houses to acceptable.</p> <p>The Inspector gave no weight to the self-build nature of the proposal as the council could demonstrate it had met the existing demand through strategic site allocations.</p> <p>In terms of character, the Inspector stated <i>“while there would only be limited glimpses of the development from the footway to the east, the proposed development would appear as incongruous built form within the relatively open garden space of Todhurst Farmhouse”</i> and <i>“I conclude therefore, that the proposal would differ to the established line of development along Lake Road that runs towards Barnham, and while the amount of development would be in a suitable location, the use of the land to the rear of the host dwelling would be an alien addition and harm the character and appearance of the area.”</i></p> <p>Given only three dwellings the very limited social, economic and environmental benefits would not override the harm.</p>

22	Y/68/23/PL Land West of Drove Lane	The development proposed is erection of 20 dwellings (including 6 affordable units) with new access, open space, landscaping, sustainable drainage, biodiversity mitigation and associated works.	R-R-D Costs dismissed.	<p>Hearing The main issues were:</p> <ol style="list-style-type: none"> 1. Whether the appeal site would be suitable for housing, with particular regard to local policies for the location of housing. 2. The effect of the loss of Best and Most Versatile agricultural land (BMV). 3. Whether the YNDP contains policies and allocations to meet its identified housing requirement. <p>The Inspector agreed that the site is in conflict with countryside policy in both the ALP and YNDP. Regarding agricultural land, he noted the constraints to farming the land but found it could still be used for grazing or environmental schemes and in any case remains grade 2 agricultural land therefore in conflict with the policies.</p> <p>The Inspector found that the YNDP does contain policies and allocations to meet its identified housing demand and therefore gave considerable weight to the conflict with countryside and agricultural land policy.</p> <p>HLS was debated with the appellant claiming 3.5 and the LPA, 4.17. The Inspector did not rule on this instead stating the figures are not so dissimilar that the difference has any determinative bearing. He added that both figures show a significant shortfall.</p> <p>The Inspector determined the adverse impacts would significantly and demonstrably outweigh benefits therefore the presumption does not apply.</p>
----	------------------------------------	---	-------------------------------	---

				<p>The separate costs decision was entirely in respect of WSCC's request for a secondary school transport contribution.</p> <p>It was dismissed on the basis that it was not unreasonable for the Council to require the school transport contribution. The detail of this (amount/time period) was part of the detailed evidence and there was no time wasted in respect of this.</p>
23	Y/31/23/PL Little Meadow, Bilsham Road, Yapton, BN18 0JY	Construction of 6 No new dwellings with new access from Bilsham Road, sustainable drainage and landscaping.	AC-R-D No costs claim.	<p>Hearing The main issues were:</p> <ol style="list-style-type: none"> 1. whether the appeal site would be suitable for housing. 2. whether satisfactory living conditions would be provided for future occupiers, with particular regard to noise and disturbance. 3. the effect of the proposed development on the character and appearance of the area; and 4. whether the proposed development would preserve the setting of nearby listed buildings and non-designated heritage assets. <p>The Inspector found that the site is in the countryside and so there is conflict with the ALP and YNDP.</p> <p>The Inspector found that the noise assessment mitigation would require future homeowners to have their windows closed which would not be acceptable. The noise survey was likely carried out when the site was not operating to full capacity. HGVs would pass by the fronts of the dwellings and cause disturbance.</p>

				<p>The Inspector found no issues with design or character and determined no harm to the nearby heritage assets.</p> <p>The appellant had argued that despite the recent Drove Lane appeal decision, para 14 of the NPPF did not apply to the YNDP and had provided a legal opinion relating to a site in nearby Chichester. However, the Inspector gave this opinion no weight and agreed with the position set out in the recent appeal.</p> <p>The Inspector assessed the benefits as limited due predominantly to the proposal being only 6 dwellings. The conflict with the YNDP was significant due to the Para 14 policy and therefore the appeal was dismissed.</p>
24	BR/71/23/RES 30 Devonshire Road, Bognor Regis, West Sussex PO21 2SY	Approval of reserved matters following BR/283/19/OUT for layout, scale, appearance, access, and landscaping and other details	R-R-ALC	<p>WR</p> <p>The main issue was the effect of the proposal on the living conditions of the occupiers of 30 Devonshire Road.</p> <p>The Inspector agreed that the flank wall would breach the 45 Degree Rule but would only affect the light in the rear window. As the rooms of No.30 and 30A are dual aspect, the level of light and outlook maintained to the front meant that the harm to the rear was acceptable and not unduly harmful.</p> <p>The Inspector found that the gardens were north facing and already dark and would still benefit from open aspects to the north and east. Therefore, the proposal would not be harmful to their enjoyment. The Inspector concluded no harm to outlook or lighting, and the impact would be acceptable.</p>

25	BR/40/23/PL The Rock Bar and Restaurant, 41-43 High Street, Bognor Regis PO21 1RX	Creation of a roof terrace & covered bar & canopy with timber decked seating areas and raised deck area, new doors into first floor of building, internal timber screening to plant, increase in height of side walls to 2.5m / 3.35m & water feature 500mm above existing roof.	R-R-ALC	<p>WR</p> <p>The main issue was the effect of the proposal on the living conditions of neighbouring residents, particularly to noise and disturbance.</p> <p>The Inspector found that the early closure of the terrace at 9pm could be secured by condition along with the condition exclusion of the use of monitors, screens, televisions, microphones and amplified music on the terrace, the opening and shutting of the terrace access door is likely to merge with other background noise and activity in this town centre location. It was found these conditions were sufficient to ensure neighbouring occupiers retain the benefit of quieter, late nights, and the proposal would not harm their living conditions.</p>
26	BR/4/24/HH Pebbles, 60 Highcroft Crescent, Bognor Regis, West Sussex PO22 8DU	Installation of a front wooden shed.	R-R-D	<p>WR</p> <p>The main issue is the effect on the character and appearance of the area.</p> <p>The Inspector noted that most of the plot was open to public view being at a corner. The shed would project well forward of the bungalow, which would be entirely untypical of the street scene, in which outbuildings are generally set further back. The design was appreciated, however being over 4m long, the shed would have significant visual presence. It would be in a conspicuous location, on the outside bend in the road. There is no established pattern of outbuilding in front gardens, and the proposal would look incongruous and would harmfully erode the open character of the street scene. This was unacceptably harmful to the character and</p>

				appearance of the area, in conflict with D DM1, D SP1 and the Arun Design Guide.
27	BE/18/24/PL Garage Compound, Holland Close, Bersted, West Sussex PO21 5TW	Use of land for storage and the erection of 2 No. storage containers.	R-R-D	<p>WR</p> <p>The main issues are the effect on the character and appearance of the surrounding area, and ease of movement of users of the PRow.</p> <p>The Inspector found that due to their engineered appearance, utilitarian character and prominent siting, the containers would be unacceptably discordant with features in the SGD street scene and their suburban surroundings. The vegetation in the court could not be relied upon to screen the containers in the long term, and so the proposal would be discordant in views from and across the sports field. They found it would be incongruous.</p> <p>There was little evidence that a prefab domestic garage would be less secure and/or would cost more than a container. The proposal would be at odds with the locality, and it would not make efficient use of the land, and it would not amount to sustainable development. The development would harm to character and appearance of the surrounding area.</p> <p>The proposal was found to unacceptably impede on the ease of movement of users and enjoyment of the PRow, as the proposal would intrude into and diminish its width.</p>
28	LU/305/23/PL Antonia Court, Terminus Road, Littlehampton	Erection of an upward extension to the existing three storey residential building to provide two additional floors comprising 8 No flats along with	DC Comm-AC-R-D	<p>WR</p> <p>The main issue is the effect on the Littlehampton River Road Conservation Area.</p>

		associated external alterations to the existing building.		<p>The Inspector found that the distance from the appeal site would be sufficient to minimise the visual change to the host dwelling from these vantage points. Moreover, the presence of multi-storey buildings in this location would mean the proposal would not dominate the skyline or appear as an alien addition. The proposal would cause less than substantial harm, albeit at the lower end, to the setting of the CA and its significance as a designated asset.</p> <p>The proposal would provide 8 homes on an existing site, thereby contributing to the council's HLS shortfall. The dwellings are likely to be delivered in a relatively short period of time to nationally prescribed space standards. As such, substantial weight given to the social and economic benefits of the provision of the dwellings and the short-term economic benefits associated with their construction. Also situated in a sustainable location with biodiversity gains.</p>
29	AB/130/22/T Riverside House, 2 Fitzalan Road, Arundel	Fell 1 No. Horse Chestnut (T1) to ground level.	R-R-D	<p>WR</p> <p>The main issues are the effect of the felling of the tree on the character/appearance of the area; and whether sufficient justification has been demonstrated for its proposed felling.</p> <p>The Inspector found the felling would erode the verdant and mature landscape of the locality and give rise to considerable harm to the character and appearance of the area.</p> <p>During site visit the Inspector observed stress growth around the base of the tree to be minimal and the tree appeared to be in</p>

				<p>reasonable health and to display good vitality for its age and species.</p> <p>It was noted the tree is unlikely to cast an excessive amount of shade over the house or the garden. As the site visit was undertaken in late morning, the tree was casting no shade over the house and very little over the garden and was concluded that the tree does not detrimentally affect levels of sunlight to Riverside House or its garden.</p> <p>The felling would result in considerable harm to the character and appearance of the area and insufficient justification has been demonstrated for its felling.</p>
30	LU/181/23/PL 1a Bayford Road, Littlehampton	Change of use from dwelling to 4 bed HMO.	R-R-D	<p>WR</p> <p>The main issues were the effect on the character of the area and flood risk.</p> <p>The Inspector noted that the addition of one HMO, to the relatively small number of multiple occupied dwellings in this very specific location on Bayford Road, would not erode the housing type balance of River Ward and accordingly, that the character of the area would be preserved.</p> <p>The flood risk is intensified due to ground floor sleeping arrangements, and an unacceptable risk to life.</p> <p>There was favour for the first main issue, but it does not justify the harm identified in the second main issues.</p>
31	AL/154/23/PL Land to rear of Karenza, Hook Lane, Aldingbourne	Construction of 5 no. dwellings, landscaping and associated works (Resubmission of AL/103/23/PL)	R-R-ALC	WR

				<p>The appeal was allowed, and planning permission was granted for 5 dwellings, landscaping and associated works</p> <p>As the LPA had reached an agreement with the appellants over the issues raised in all of the reasons for which the LPA refused planning permission, the Inspector has mainly considered issues relating to the effects of the protected tree and site drainage under Other Matters.</p> <p>The Inspector decided that on balance, based on the evidence, including the planning history and its timescales, and the characteristics of the site, the appeal site in its entirety should not be considered an additional phase of a single development. It was concluded the development does not attract a requirement for affordable housing.</p> <p>With regards to trees on site, the beech at the south of plot 1 would not cause harm to living conditions to future occupants. Given the location of tree there would be pressure from future occupants to prune the tree and a degree of pruning overtime would not cause damage to the tree.</p> <p>The Inspector found that the proposal would result in the removal of several young tree to the northern side of the site and there is no strong reason why these trees could not be replaced elsewhere as they are young. In the absence of detailed information relating to the scale of former trees on site, the Inspector finds these acceptable for this context</p>
--	--	--	--	---

				<p>The Inspector notes that the LPA are of the view that a solution could reasonably be achieved, albeit with details to be provided by a condition. Subject to a condition, the proposal would comply with policy WDM3 of the ALP, as well as policy EH5 of the ANP which require appropriate sustainable urban drainage systems. There would not be conflict with WDM2 of the ALP, which relates to flood risk.</p> <p>The Inspector found the appellant provided ecological reports which consider the effects on protected species, some of which have been observed in the area by local residents. There is no strong reason to doubt the findings of those reports and the recommendations of the council's Ecologist, who recommended conditions including mitigation and ecological enhancements.</p>
32	A/39/24/PL Land R/O 1 The Heathers	Change of use of existing storage building (to include an extension) to a 1 No. bedroom holiday cottage.	DC Comm R/R/D	<p>WR</p> <p>The main issue is the effect on the character and appearance of the surrounding area.</p> <p>The Inspector found that height of the store's front gables roof would be increased, filling the space between backs of the garages, its bulk dominating views. The proposal would be out of keeping with the nearby garage blocks and the low-key outbuildings by the far ends of back gardens, and its single storey form would contrast starkly with the taller and wider 2 storey terraced and semidetached dwellings nearby. Due to its height and bulk, the proposal would harmfully intrude into the important openness beyond the backs of the dwellings in Arundel Road.</p>

				Overall, the development would harm the character and appearance of the surrounding area. It would be contrary to Policies D SP1 and D DM1 of the Arun Local Plan 2011-2031 which aim for proposals to reflect or improve upon the character of the site and local area, and Policy HD5 of the ANP 2014-2029 which aims for development to reflect the local character of its setting and local surroundings.
33	Y/1/24/PL Land Adjoining Stakers Farm	4 No. dwellings comprising 2 x 3-bed semi-detached houses and 1 x 4-bed and 1 x 5-bed detached house with associated car ports, cycle and bin storage, parking, landscaping and internal access road (resubmission following Y/7/23/PL)	DC Comm-AC-R-D	<p>WR</p> <p>The main issue was if the development would preserve or enhance the character or appearance of the Conservation Area, having regard to whether the proposal would preserve the setting of the listed building.</p> <p>The Inspector found that the farmhouse, farmyard and paddock (and its wall) form the historic farmstead group, which can be seen from the street scene. The openness in the paddock allowed the listed building and farmstead group to be seen from the road, and enabled the significance of the listed building to be understood; alongside the conservation area, by enabling the villages historic setting.</p> <p>The proposal would diminish the important openness of the paddock, and would be incongruous and intrude on the important views to the listed building and farmstead group. This would in turn harm the significance of the Conservation Area.</p> <p>It was agreed that the proposal would have less than substantial harm to the significance of the listed building and conservation area. The Inspector found the optimum use of the</p>

				<p>heritage assets were not an appropriate consideration, and therefore the site attracts little weight in its use. All public benefits would not outweigh the harm. It was stated there was insufficient clear and convincing justification to explain why the proposal would be necessary to conserve or enhance the significance of the heritage assets.</p> <p>The Inspector considered the development would fail to preserve or enhance the character or appearance of the Conservation Area and listed building. This was in conflict with HER SP1, HER DM1 and HER DM3 of the ALP, and E8 of the YNDP.</p>
34	FG/77/24/DOC 4 Florida Close, Ferring	Approval of details reserved by condition imposed under reference FG/179/21/HH	R-R-D	<p>WR</p> <p>The main issue is the effect of the proposed privacy screens upon the living conditions at 5 Florida Close (overlooking).</p> <p>Given the number of first floor windows facing into the application site, the Inspector note he could gain direct site of the neighbour's bedroom. The condition as set out meets the relevant tests. The applicant's proposal was not found acceptable, however the authority's suggestion of 3 panels being 1.8 and obscured does. The appeal was dismissed as there would be unacceptable harm through overlooking of the neighbour's private habitable space.</p>
35	ENF/258/22 Ridgeway Park Road	Without planning permission, insertion of two flat roof dormer windows in the principal elevation of the dwellinghouse and provision of external staircase to the side of the dwellinghouse.	Enforcement Notice / Served / Dismissed	<p>The appeal dismissed and the Notice upheld (new compliance date of 7 June 2025). Main issues being effect of development on:</p> <p>i) living conditions of neighbouring properties and ii) character and appearance of area.</p>

				<p>The Inspector decided the development unacceptably harmed living conditions of neighbours (D DM1, D DM4) due to loss of privacy an adverse overlooking.</p> <p>The Inspector decided it was unacceptably harmful to the character and appearance of the area (D SP1, D DM1, D DM4) as development should reflect the characteristics of the site, have a high standard of architectural principles and sympathetically relate with the building.</p>
--	--	--	--	---

	Total dismissed (%)	In accordance with officer recommendation (%)	In accordance with decision made by DC Committee (%)
All appeals	100%	84 % (24/28)	60% (3/5)