



## Appeal Decision

Site visit made on 5 December 2016

by **C Jack BSc(Hons) MA MA(TP) MRTPI**

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

Decision date: 19<sup>th</sup> December 2016

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**Appeal Ref: APP/L3815/W/16/3158257**

**Plot 30, Pynham Manor, Hambrook, West Sussex PO18 8YA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Leigh Edwards against the decision of Chichester District Council.
  - The application Ref CH/16/0271/FUL, dated 17 June 2016, was refused by notice dated 12 August 2016.
  - The development proposed is a revised house type on Plot 30 with attached single garage and drive and access to Broad Road.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. I am advised by the Council that Plot 30 was formerly identified as Plot 1 as part of planning application 13//03376/OUT for 30 new dwellings on a greenfield site formerly known as Wakeford's Field and currently being constructed and marketed as Pynham Manor. That application was the subject of appeal Ref APP/L3815/A/14/2216805, which was allowed subject to various conditions, including the following, Condition 30:

*Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), no extension or enlargement shall be made to the dwelling on plot 1 of drawing No 13/0164-11 that shall take any part of it closer to the northern boundary with No. 1 Kings Meadow or, if the extension or enlargement is to be more than 1 storey, any further to the west of the existing footprint of the dwelling.*

3. I saw during my site visit that construction of the house at Plot 30, together with the rest of the Pynham Manor development, is advanced. However, no significant works have been undertaken in respect of the proposed garage, drive and access. I note that the original field access has not been formally closed off and that the retention of the access point is currently indicated by a gravelled standing area and an opening in the post and rail fencing along the front of the wider development site.

### Main Issue

4. The main issue is the effect of the proposed development on the living conditions of the occupiers of 1 Kings Meadow, with particular regard to outlook, noise and disturbance.
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## Reasons

5. Plot 30 occupies a corner position fronting onto Broad Road and adjacent to 1 Kings Meadow (No 1). Broad Road, which is a main route through the village of Hambrook, is almost straight and subject to a 30mph speed restriction in the vicinity of the appeal site.
6. It is proposed to revise the house type on Plot 30 such that the scale, design and siting on the site of the house itself would remain the same as previously approved, but a single attached garage would be included on one side and a drive with parking and turning would be provided, with direct access onto Broad Road via the former field access. The number of houses provided at the Pynham Manor development would be unchanged as a result.
7. The garage would be positioned closer to the northern boundary with No 1 than the approved house. It would also be set significantly back from the front elevation, such that the rearmost part of the garage would project further to the west of the existing footprint of the dwelling, albeit it would be a single-storey addition and so would not be 'caught' by that part of Condition 30. The garage would measure approximately 3.2m by 6.5m and would have a pitched roof reaching almost to the eaves height of the main house at its ridge, with a blank gable wall facing No 1.
8. The garage would lie approximately 2m from the common boundary with No 1 and would bring the built form of Plot 30 notably closer to the neighbouring property. From No 1, part of the garage would be viewed against the backdrop of the substantially larger gabled flank wall of the main house. The rearmost part of the garage would protrude beyond the rear elevation of the house and would therefore be particularly noticeable in the outlook from No 1 as an additional element of the new property.
9. I note that the position of the two-storey part of the house would not change in relation to No 1, and that the garage would not be a particularly large structure in itself, compared to the main house. Nonetheless, it would add to the overall scale and, significantly, the northern proximity of built form relative to No 1. The rearward projection would also further erode the outlook from No 1 as that part of the garage would not be seen against the backdrop of the main house. I note the appellant's position that the garage would soften the appearance of the flank wall of the house. However I consider that the increased proximity to No 1 and the associated reduction in outlook would outweigh any limited benefit arising from the garage structure 'breaking up' the appearance of the main flank wall.
10. No 1 has various principal windows facing directly towards the house at Plot 30, including two main living room windows and a bedroom window at ground floor level. There is a close boarded fence on the common boundary, together with a number of deciduous trees situated within the garden of No 1. The fence would partly screen the garage from view, but the pitched roof and top section of the wall would be visible above it. While the trees, which are in the control of No 1, would soften the impact to a degree, particularly when in full leaf during the summer months, they would not mitigate the additional proximity of built form to the principal south-facing elevation of No 1, or the further erosion of outlook from the rearward projection.
11. I note that Plot 30 is already apparent in most vantage points from No 1, but this does not provide justification for further built form on the site that, as a

cumulative addition to the main house, would result in a significant adverse impact on the living conditions of the neighbouring occupiers. For the forgoing reasons, the proposed garage would therefore be an unduly prominent feature in the outlook from No 1.

12. Like the main flank elevation, the garage would have no windows or openings in the side and it would be positioned largely to the north of the main house. Therefore, taking into account the separation and screening, I agree with the Council that no significant effect on privacy or the level of light experienced at No 1 would result.
13. Sounds arising from the normal daily use of a single domestic garage at Plot 30 might be perceptible from No 1 but are unlikely to give rise to any significant noise disturbance in relation to the living conditions experienced there. This is because such sounds would be experienced in the context of a house surrounded by other residential properties with associated domestic activity arising at each and contributing to the local sound environment, together with the sound of the main road adjacent to the site. As a result, I consider that the living conditions of the occupiers of No 1 would not be significantly affected by noise or disturbance from the normal domestic use of the proposed single garage.
14. The drive and turning area would be situated adjacent to the common boundary. However, the main house at No 1 would be reasonably separated from it by the depth of its rear garden and the close boarded fence. As a result the living conditions of the occupiers of No 1 would be unlikely to be significantly affected by noise or disturbance arising from the level of vehicle movements and associated activity likely to occur on a drive associated with one house of this size and type. There may be some perception of reduced privacy arising from the position and presence of the drive and turning area, for example arising from activity or conversation being heard across the fence. However, this must be considered in the context of the permitted residential use of Plot 30, albeit without a direct vehicular access. In this context, any additional perceived loss of privacy arising from the development now proposed would not amount to any significant harm to the living conditions experienced at No 1. Furthermore, the fence would provide a barrier to prevent disturbance such as glare from headlights.
15. I have considered the conclusions of the Inspector in allowing the outline planning permission, appeal Ref APP/L3815/A/14/2216805. In his Decision, he specifically considered the relationship of Plot 30 to No 1, with particular regard to the living conditions of the occupiers of No 1. He noted that there would be clear views of Plot 30 from No 1, where all of the principal windows face south towards Plot 30, and he found the approved separation of approximately 16.5m between No 1 and the side elevation of the house at Plot 30 to be adequate for a principal elevation to a side elevation, such that there would be no over-dominance.
16. Notwithstanding, the Inspector was sufficiently concerned about the potential impact of further development to the north and west of the house at Plot 30 to impose Condition 30, which I am advised was agreed at the hearing, to remove certain permitted development rights from Plot 30. The proposed development, by virtue of taking a part of the dwelling closer to the northern boundary with No 1, is 'caught' by the condition in that there is no benefit of permitted development rights for such an extension. Nonetheless, a condition of this nature does not necessarily preclude all 'trigger' development, rather it requires any such

proposals to be considered on their own merits though the planning application process.

17. I note the appellant's view that the proposed development does not constitute a 'tipping point' between a high standard of amenity and something less than that. However, it seems to me that the previous Inspector was concerned that a 'tipping point' was close in imposing Condition 30, in order to ensure that any such future additions would require detailed consideration on their merits. I have considered the proposed development before me on its own merits and, while I have found no significant harm arising in relation to noise and disturbance, I have identified harm in relation to the proximity of the garage to No 1 and the erosion of the outlook therefrom. As a result, I consider on balance that the proposed development would fall the wrong side of the 'tipping point' in this regard. Therefore, it would fail to secure a good standard of amenity for the neighbouring occupiers, for the reasons I have set out above.
18. I therefore conclude that the proposed development would be harmful to the living conditions of the occupiers of 1 Kings Meadow, with particular regard to outlook. Accordingly, it would conflict with Policy 33 of the adopted Chichester Local Plan: Key Policies 2014-2029 (CLP), which amongst other things seeks to ensure that new residential development respects neighbouring amenity. It would also conflict with Paragraph 17 of the National Planning Policy Framework, which sets out core planning principles including seeking to secure a good standard of amenity for all existing and future occupants of land and buildings.

### **Other Matters**

19. Representations were made to the effect that the rights of Mr and Mrs Elliott under Article 1 of the Human Rights Act 1998 would be violated if the appeal were to be allowed. However, as I have decided to dismiss the appeal, my decision would not lead to any violation.
20. I acknowledge that the rearward projection of the proposed garage would provide a barrier between the rear patio area of Plot 30 and No 1, and that this would have some associated benefits in terms of sound reduction and privacy. However, these benefits would be modest and would not outweigh the harm arising in relation to living conditions that I have identified above.
21. I also acknowledge that the two-storey to two-storey separation distances permitted between Plots 29 and 30 at Pynham Manor are somewhat less than that between Plot 30 and No 1. However, I have not been provided with any significant details of Plot 29, such as floor plans or elevations, and therefore I cannot consider that particular relationship in any significant detail and accordingly I can only attribute a little weight to this matter, which is not sufficient to outweigh my findings above in relation to the main issue.

### **Conclusion**

22. For the reasons given above, and having regard to all matters raised, I conclude that the appeal should be dismissed.

*Catherine Jack*

INSPECTOR