

Appeal Decision

Site visit made on 20 September 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: 27TH September, 2016

Appeal Ref: APP/Z3825/W/16/3150677

13 Queen Street, Horsham, West Sussex, RH13 5AA

- 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. & Mrs. Daryoush Kashanizadeh against the decision of Horsham District Council.
 - The application Ref DC/15/2624, dated 18 November 2015, was refused by notice dated 15 March 2016.
 - The development proposed is extension and alterations to existing shops/flats to form 4 additional flats.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. While the site address given on the application form is 13 Queen Street, it is apparent from the plans and my site visit that the proposed development relates to both 13 and 15 Queen Street.

Main Issues

3. The main issues are the effect of the proposed development on i) the character and appearance of the area and ii) the living conditions of future occupiers, with particular regard to light and outlook.

Reasons

4. The appeal site consists of a vacant retail unit at ground floor level with a maisonette above. It forms a central part of a small terrace, which hosts various existing uses including an advice centre and a dental practice. Queen Street is a busy main route through Horsham town centre, where there is a mix of residential and commercial uses in buildings of assorted age and appearance, most of which have two storeys. The appeal premises are in a state of some disrepair internally and externally.
 5. The proposed development is to extend the premises with a new gable at the front, which would provide additional floor space at first and second floor levels, and replace the existing single-storey rear projection with a three-storey flat roofed extension. The existing retail unit would be divided into two retail units and the existing residential accommodation remodelled, resulting in a total of 5 flats (4 net additional dwellings). The flats would be accessed via an existing pedestrian access at the rear of the site, from Park Terrace East. The property behind the site on Park Terrace East is used as a mosque.
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6. The site lies within the built-up area of Horsham, where the parties agree that the principle of the proposed development is acceptable having regard to Policy 3 of the Horsham District Planning Framework 2015 (HDPF).

Character and appearance

7. The front elevation of the existing terrace features two Dutch style gables at No 15 and No 19, which are a key element of its character when viewed from Queen Street. The proposal would result in the loss of one of these gables and its replacement with a larger, plain fronted pitched gable that would protrude forward of the front wall of the host property. The new gable would also be significantly wider than the existing gable, covering almost the full width of No 13 and No 15, making it significantly more prominent in the street scene. Furthermore, it would have a lower eaves level than the adjacent properties, which rather than unifying the front elevation would result in an awkward juxtaposition with the rest of the terrace.
8. I note that the front gable at No 11 already projects somewhat forward of the rest of the terrace and is not of Dutch style. However, No 11 turns the corner with Park Terrace East and so is perceived differently in the street scene, with its elevation fronting Park Terrace East being larger than that fronting Queen Street. Accordingly, I am not persuaded that the existing form of No 11 either supports or justifies the front extension as proposed, or that the scale and design of the proposed front extension adequately responds to the character of building and the local surroundings.
9. The three-storey rear extension would not be visible from Queen Street. However, it would be partly visible from Park Terrace East, particularly in views from a short distance along the road in the opposite direction from Queen Street. From here, the top of the rectangular, flat-roofed extension would be visible above the adjacent part of No 11, which has two-storeys under a pitched roof. The rear elevation of the extension would also be visible through the gap between the mosque and the rear elevation of No 11. In this view the proposal would be seen against the backdrop of the existing rear elevation of the terrace. The scale, bulk, mass and design of the proposed extension would appear excessively large and dominant in this context and thereby significantly out of character with the existing modest rear elevation of the terrace. This would include in relation to the other rear projections on the terrace, which are subservient to the host properties but would be essentially blocked from view from Park Terrace East as a result of the scale of the proposed rear extension.
10. For these reasons, the proposed development would be detrimental to the character and appearance of the existing terrace and the wider street scene. Accordingly, it would conflict with Policy 33 of the HDPF, which sets out development principles, including that the scale; massing and appearance of the development should be of a high standard of design and layout and relate sensitively to the built surroundings.

Living conditions

11. The proposed flats in the rear extension would have very restricted outlook, particularly in the direction of No 11 where the outlook would be almost immediately onto a two-storey wall. This would be a particular concern in relation to the proposed ground floor and first floor flats at the rear, but the third floor flat would be less enclosed due to its height relative to No 11. As a

result of this relationship and the small size of the proposed windows, natural light to these two proposed residential units would also be significantly restricted. This would primarily affect the proposed bedrooms, especially the bedroom of the ground floor unit, where light would be significantly restricted by the proximity of No 11.

12. I note the appellants' suggestion that the primary purpose of a bedroom is for sleeping and so the windows are required mainly for ventilation. Nonetheless I consider that a reasonable degree of outlook and light to bedrooms is necessary for a good standard of residential accommodation and would be necessary and expected by future occupants in the interests of the quality of life experienced there.
13. The living rooms in the rear extension would each have a set of glazed doors in the rear elevation giving access to a small balcony/terrace. The outlook from these would be onto the side elevation of the mosque a short distance away. While this outlook would not be as restricted as from the windows adjacent to No 11, it would nonetheless be a limited outlook, even for an urban environment. It would therefore not serve to overcome the extremely limited outlook and restricted light from other windows. The north east facing direction of the rear elevation would also mean that these doors would not receive direct sunlight and this would further contribute to the generally poor levels of natural light that would be experienced in the flats proposed in the rear extension.
14. For these reasons, the living conditions of future occupants of the proposed development would be unsatisfactory in terms of light and outlook to a significant degree such that it would be harmful to the quality of life experienced there. It is therefore inconsistent with the core planning principles in Paragraph 17 of the National Planning Policy Framework (the Framework), specifically the requirement for high quality design and a good standard of amenity for all existing and future occupants of land and buildings. The degree of harm caused in this respect would outweigh the benefits of the proposed development in this instance, including that it would result in the provision of four net additional dwellings.
15. Policy 33 of the HDPF sets out general development principles, including the avoidance of unacceptable harm to occupiers of nearby property. However, Policy 33 is silent with regard to the living conditions of future occupiers of proposed development. Nonetheless, as set out above, the Framework is explicit that development should provide a good standard of amenity for future occupants.
16. I therefore conclude on this main issue that the proposed development would harm the living conditions of future occupiers, with particular regard to light and outlook. This would significantly and demonstrably outweigh the social, economic and environmental benefits of the development, which is therefore contrary to the Framework, taken as a whole.

Other Matters

17. The Council's first reason for refusal also referred to an 'adverse impact on the private amenity of the occupiers of neighbouring properties by reason of its overbearing impact'. However, the Council's submissions provide no details or significant evidence of the nature of this specified impact or which neighbouring

occupiers it relates to. Nonetheless, nothing in terms of the relationship with neighbouring properties or occupiers would change my reasoning and conclusions above in relation to the main issues. Accordingly, there is no necessity for me to consider this matter further.

18. I acknowledge the Council's second reason for refusal in relation to an existing air conditioning unit at No 11 and the lack of any noise report upon which the Council could consider the relationship between the proposed residential units and noise emitted from the unit. The appellants have not provided a noise report in the appeal and the Council has also not provided any significant evidence in this regard. Nonetheless, nothing in terms of the effect of the air conditioning unit on the living conditions of occupiers of the proposed residential units would change my reasoning and conclusions above in relation to the main issues. Accordingly, there is also no necessity for me to consider this matter further.
19. I note the proposed use of Sussex vernacular materials and planting with species such as honeysuckle and wisteria to create a 'cottage' style appearance to the proposed development. However, such factors would not overcome the harm in respect of the main issues that I have identified above, which principally relates to the proposed scale, bulk, massing and design.
20. I have considered the various benefits that the development might bring, including the provision of four net additional dwellings, the investment in and renovation of the premises, making more efficient use of the site, and the associated benefits to the local economy. However, these also do not outweigh the significant harms that I have identified above.

Conclusion

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

Catherine Jack

INSPECTOR