The Planning Inspectorate

# Appeal Decision

Site visit made on 22 November 2016

**by David Smith BA (Hons) DMS MRTPI**

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

**Decision date: 2 December 2016**

**Appeal Ref: APP/Y9507/W/16/3156067**
**Watersfield Chapel, London Road, Watersfield, West Sussex, RH20 1NQ**

- 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 Mrs C E Bamber against the decision of South Downs National Park Authority.
- The application Ref SDNP/15/03171/FUL, dated 25 June 2015, was refused by notice dated 7 January 2016.
- The development proposed is change of use of redundant chapel to 2 bed dwelling; erection of first floor extension; demolition of rear extension; erection of 2 storey rear extension and provision of 2 off street parking spaces.

## Decision

1. The appeal is allowed and planning permission is granted for change of use of redundant chapel to 2 bed dwelling; erection of first floor extension; demolition of rear extension; erection of 2 storey rear extension and provision of 2 off street parking spaces at Watersfield Chapel, London Road, Watersfield, West Sussex, RH20 1NQ in accordance with the terms of the application, Ref SDNP/15/03171/FUL, dated 25 June 2015 and subject to the conditions in the attached schedule.

## Preliminary Matters

2. The appellant submitted revised drawings as part of the appeal. These reduce the proposed increase in the main ridge height from about 1.1m to 0.6m and include other minor changes to the elevations. The Authority has been given an opportunity to comment. Advice on whether a scheme can be amended is contained in Annexe M of The Planning Inspectorate's Procedural Guide.

3. Having regard to the nature of the amendments which would decrease the overall size of the proposed building and the relationship with neighbouring properties I am satisfied that no one would be prejudiced by considering them as part of the appeal. Consequently I shall base my assessment on drawing nos 16230/P100 and P101 and not those originally submitted.

## Background and Main Issues

4. A proposal to convert the chapel to a one bedroom dwelling was dismissed at appeal in 2014 (Ref: APP/Y9507/A/13/2209866). The Inspector concluded that the development would give rise to unduly poor living conditions due to the absence of private amenity space and pose an unacceptable risk to the attractive yew trees. The proposed scheme differs from the previous one in that it would remove an existing rear addition in order to create a garden area

and consequently the resulting building would be further from the protected trees. As a consequence this objection has been overcome.

5. The main issues are therefore the effect of the proposal on the architectural character of the chapel and whether it would result in a satisfactory living environment for future occupiers with particular reference to amenity space.

## Reasons

6. One of the core planning principles of the National Planning Policy Framework is to encourage the reuse of existing resources including conversion of existing buildings. Policy DC24 of the Horsham General Development Control Policies (GDCP) indicates that the conversion of rural buildings outside the defined built-up area to residential uses will generally be permitted so long as a number of provisos are met. In this case there is no objection in relation to criteria a. or c. Furthermore, there is no suggestion that conversion to business or commercial use should be favoured. Planning permission has been given for an office use in the past but the appellant comments that it was marketed for some considerable time without success.

*Architectural character*

7. The appeal building is a disused chapel dating from the early 1800s surrounded by a small graveyard containing marked graves with headstones and 3 memorial stones with cremation ashes. There is pedestrian access from both London Road and Chapel Close to the rear. The last Inspector aptly described it as "a building of distinctly modest scale with some attractive detailing that makes a positive contribution to the architectural quality of the locality." However, there is internal water penetration and other signs of physical deterioration owing to its lengthy period of vacancy.

8. The raising of the main roof would increase the bulk of the building but only by a limited degree. The rear addition would be subservient in form and location to the main body of the chapel and the removal of the unsightly timber clad flat roof projection would be beneficial. New openings would reflect the existing arched windows and matching materials of brick and tile hanging would be utilised together with a new slate roof. The inclusion of an upper floor would be apparent but by closely following the main existing features the proposal would not lead to an overly domestic appearance. Indeed, the ecclesiastical character and diminutive charm of the chapel would be retained and its origins and history would be recognisable and appreciated. As such, the proposed use would maintain the architectural character of the building. The graveyard would remain and so the character of its setting would not be lost.

9. Other criteria of Policy DC24 refer to buildings being of a suitable scale for the level of activity proposed and that uses should be accommodated in the existing building. However, the works to the chapel are not extensive and its overall volume would be slightly less than the current building due to the removal of the rear addition. There is nothing in the policy to stipulate that no alterations shall be made to rural buildings or further explanation about the extent of conversion envisaged. Given the finding above, the proposed works would be complementary to the existing building and the use would not be excessive in terms of extent, scale or level of activity.

10. According to the Framework great weight should be given to conserving landscape and scenic beauty in National Parks which have the highest status of protection. However, the building is on the edge of the settlement of Watersfield and viewed in that context. Consequently the proposal would have a very minimal effect on the wider qualities of the Park and there would be no conflict with Policy DC2 regarding landscape character.

11. The proposal would maintain the architectural character of the chapel and would accord with Policy DC24. It would also adhere to the other policies cited which generally seek a high quality of design.

*Living environment*

12. The Framework establishes that a good standard of amenity should be secured for future occupants. Nevertheless neither Policy CP3 of the Core Strategy or Policies DC1 or DC9 of the GDCP contain any specific provisions relating to garden space and size or to the proximity of graveyards.

13. It is intended to have an external space to the rear of the chapel partly on the site of the removed extension. A new picket fence is also shown on the site layout plan. The parties disagree about the extent of the area but the basis for both figures given is unclear and so neither are of great assistance.

14. The dwelling would be an unusual one in terms of its location and so future occupiers would not necessarily expect a conventional outdoor environment. However, a small but discrete and secluded area would be available to give scope for sitting out and the drying of clothes if required. Whilst partially below the overhanging branches of the yews sunlight would be received in the early part of the day. There is also open land immediately to the east and south so that overall there would be a useable and pleasant area. Not everyone might wish to live close to gravestones but that is a matter of personal choice rather than an inherent planning objection. None of these would be within the proposed garden area.

15. The exact position and type of any fencing would need to be agreed in order to provide a suitable and practical demarcation. Subject to this the living environment for future occupiers would be satisfactory and there would be no conflict with relevant development plan policies.

**Other Matters**

16. The appellant makes various complaints about the handling of the application including the time taken to determine it and the insistence on a bat report. However, these matters are not for me to resolve and have had no bearing on my assessment of the main planning issues above.

17. Concern is expressed about possible unmarked graves and on-going access for any relatives of the diseased. The appellant observes that the site is rarely visited and refers to the Disused Burial Grounds (Amendment) Act of 1981. The implementation of any planning permission would need to take account of any relevant legislation in this respect including any notifications required. However, this is a separate matter.

## Conditions

18. Having regard to the conditions put forward by the Authority details of external materials should be provided in the interests of the appearance of the area. The plans contain adequate information about the construction of the gravel path and further soft landscaping is not necessary to make the development acceptable but fencing details are required. Given the historic interest and small stature of the chapel there are exceptional circumstances that warrant the removal of permitted development rights for most categories within the curtilage of a dwellinghouse. Class B rights for roof additions or alterations are not permitted on Article 2(3) land. As this includes National Parks it is not necessary to refer to this class in the condition.

19. There is already a hard surfaced area for car parking in Chapel Close but this should be secured for residents in line with criterion e. of Policy DC24. In order that the residence functions properly details of the arrangements for the storage of refuse and recycling facilities should be agreed. There are dwellings directly to the north but the works involved are not so extensive that conditions regarding working hours, burning of materials and site set up are required in order to safeguard living conditions. This is particularly because other legislation governs some of these facets of the construction process.

20. A condition specifying the approved plans is required for certainty. Where necessary I have adjusted the suggested wording in the interests of clarity and details of external materials and fencing are of such fundamental importance that these should be approved prior to commencement.

## Conclusions

21. The proposal would maintain the architectural character of the chapel and the living environment for future occupiers would be satisfactory. It would accord with the development plan. Therefore, for the reasons given, the appeal should succeed.

*David Smith*

INSPECTOR

## SCHEDULE OF CONDITIONS

1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

2) The development hereby permitted shall be carried out in accordance with drawing nos 826/08/P/20, 16230/P100 and P101.

3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development within Classes A, C, D, E, F, G and H of Part 1 of Schedule 2 shall be erected or installed.

4) No development shall take place until samples of all external facing materials and details of external finishes and colours have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved samples and details.

5) The parking spaces shown on drawing no 826/08/P/20 shall be kept available at all times for the parking of motor vehicles by the occupants of the dwelling hereby permitted and their visitors and for no other purpose.

6) Notwithstanding condition 2) no development shall take place until details of the position, design and materials of any garden fencing have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details prior to the first occupation of the dwelling hereby permitted.

7) Prior to the first occupation of the dwelling hereby permitted details of storage provision for refuse and recycling shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details prior to the first occupation of the dwelling hereby permitted.