
Appeal Decision

Site visit made on 8 November 2016

by Jonathon Parsons MSc BSc (Hons) DipTP Cert(Urb) MRTPI

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

Decision date: 05 December 2016

Appeal Ref: APP/Y9507/W/16/3153931

23 Brookview, Coldwaltham, Pulborough, West Sussex RH20 1LU

- 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 Andy Lane against the decision of South Downs National Park Authority.
 - The application Ref SDNP/16/00960/FUL, dated 24 February 2016, was refused by notice dated 20 May 2016.
 - The development proposed is new dwelling with new vehicular access.
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Decision

1. The appeal is allowed and planning permission is granted for a new dwelling with new vehicular access at 23 Brookview, Coldwaltham, Pulborough, West Sussex RH20 1LU in accordance with the terms of the application, SDNP/16/00960/FUL, dated 24 February 2016, subject to the conditions attached on Schedule A

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

3. The appeal site comprises the side garden of a semi-detached dwelling at 23 Brookview. The surrounding area comprises mainly semi-detached and terraced dwellings sited around a loop road off Brook Lane. Some of the dwellings have two storey extensions up to their side boundaries and extensive hard-surfaced areas for frontage car parking. The neighbouring semi-detached dwelling at No 24 has a two storey side extension with car parking areas to the front. In contrast, other dwellings have more space about them. By reason of the differing forms of development, the area has a mixed character and appearance.
 4. The proposal would involve an extension comprising a self-contained two bedroom dwelling attached to No 23 which would result in the loss of a garden area. However, the garden loss would not adversely affect the character and appearance of the area because it is mixed in nature, with no prevailing pattern of sizeable side gardens. Within the street scene, there would be space down the side of the extension which would not be dissimilar to gaps alongside other dwellings along the loop road. Moreover, the extended building at Nos 23 and
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- 24 would also not be much greater in frontage width compared to that of the pairs of semi-detached dwellings on the opposite side of the road.
5. The two storey extension would balance the pair of semi-detached dwellings at Nos 23 and 24, by reason of the latter having a similar extension. The Authority has indicated that two storey extensions of the type proposed should be subservient. However, the existing extension to No 24 has not been constructed in this manner and forms part of the immediate built context and therefore there is merit in the appellant's approach in this case.
 6. The frontage of the appeal site is already extensively gravelled so there would be no need for further hard-surfacing. There would be likely to be more vehicles parked within the frontage with the addition of a new dwelling and a need to provide frontage boundary treatments to demarcate the two properties and domestic paraphernalia, such as bins, sheds etc. However, there is a mixed character and appearance to the area as indicated, with some other properties of similar or narrower plot width and properties with extensive car parking areas to the frontage within the loop road. In terms of the rear of the appeal plot, the gardens associated with both the new and existing dwelling on the appeal site would still be moderately deep and wide.
 7. Although the appeal site is located within a National Park, it is within the built-up area of Coldwaltham and for this reason, it would not harm its landscape and scenic beauty. I have considered the argument that the grant of planning permission would set a precedent for other similar developments. However, no directly comparable sites to which this might apply were put forward. In any case each application and appeal must be determined on its individual merits and a generalised concern of this nature does not justify withholding permission in this case.
 8. In conclusion, the development would not harm the character and appearance of the area by reason of overdevelopment. Accordingly, the proposal would comply with Policy CP3 of the Horsham District Local Development Framework Core Strategy 2007 and Policy DC9 of the Horsham District Council Local Development Framework: General Development Control Policies 2007, which collectively and amongst other matters, requires high quality and inclusive design for all new development, development to be sympathetic to its built surroundings and locally distinctive, and character to be respected.
 9. The proposal would provide car parking for both the proposed and existing dwellings on site. There would be no loss of on-street vehicle parking in front of the appeal site because the road outside is too narrow to permit it. From what I saw on my site visit, there would be no issues with access visibility and the Highway Authority has raised no objections to the proposal. There would be no significant loss of privacy from neighbouring properties because of the distances between first floor bedroom windows of the extension and those of neighbouring dwellings. In the case of the first floor flank windows, they would face the side of the neighbouring dwelling with only oblique views of the neighbour's garden so preventing any significant overlooking. Therefore, these considerations individually and cumulatively would not outweigh my positive findings on this appeal.
 10. Turning to conditions, I have amended some of the wording of the suggested conditions taking into account Planning Practice Guidance. I have imposed a condition specifying the relevant plans as this provides certainty. To ensure

adequate car parking, a condition has been imposed. In the interests of the character and appearance of the area, conditions requiring the implementation of satisfactory refuse and recycling storage and landscaping are necessary. To safeguard the living conditions of residents, a condition restricting construction hours has been imposed. During construction, some details of how the site is to be managed are necessary in the interests of highway safety.

11. A requirement for turning facilities is not necessary given Brookview is a minor resident estate road. Withdrawal of permitted development rights can only be taken away in exceptional circumstances. No justification has been put forward and as the proposal would not result in a cramped plot, I am not persuaded of any exceptional circumstances. The materials of the extension would match that of the existing dwelling as detailed on the planning application form and thus, there is no need for samples to be submitted. Given the lack of a need to clear vegetation and the small scale nature of demolition works, there is no necessity for a condition prohibiting the burning of materials on the site.

Conclusion

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

Jonathon Parsons

INSPECTOR

Schedule A

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following plans: 2115.SP01; 2115.SP02; 2115-PL01.
3. No development shall take place until details of the storage provision for refuse and recycling 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.
4. No works or development shall take place until full details of soft landscaping works have been approved in writing by the local planning authority. These details shall include planting plans, schedules of plants noting species, plant supply sizes and proposed numbers/densities. All planting, seeding or turfing in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the dwelling hereby permitted or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or became seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
5. The dwelling hereby permitted shall not be occupied until space has been laid out in accordance with drawing no. 2115-PL01 for two cars to be parked and that space shall hereafter be kept available at all times for the parking of vehicles.
6. Demolition or construction works shall take place only between 0800 to 1800 hours Monday to Friday and 0800 to 1300 hours on Saturdays, and shall not take place at any time on Sundays or on Bank or Public Holidays.
7. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The statement shall provide details for all temporary contractors buildings, plant and stacks of materials, provision for the temporary parking of contractor's vehicles and the loading and unloading of vehicles associated with the development. The agreed Construction Method Statement shall be adhered to throughout the construction period for the development.