

Appeal Decision

Site visit made on 21 November 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: 19th December 2016

Appeal Ref: APP/Z3825/W/16/3157088

4 Fir Cottages, Forest Road, Colgate RH12 4SZ

- 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 Matt Barber against the decision of Horsham District Council.
 - The application Ref DC/16/1215, dated 27 May 2016, was refused by notice dated 2 August 2016.
 - The development proposed is described as 'Demolition of existing single storey side extension to 4 Forest Road. Erection of part single and part two storey rear extension and alterations to fenestration to front elevation of 4 Forest Road. Erection of detached 2½ storey detached dwelling to the southwest of 4 Forest Road. Creation of additional vehicular access to Forest Road'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - i) Whether the proposal would result in an acceptable pattern of development, with particular regard to settlement strategy and accessibility to services;
 - ii) The effect of the proposed development on the character and appearance of the area, including the High Weald Area of Outstanding Natural Beauty;
 - iii) The effect on the living conditions of neighbouring occupants, with particular regard to outlook and light; and
 - iv) Highway safety on Forest Road.

Reasons

3. 4 Fir Cottages (No 4) is a two-storey, semi-detached house situated on Forest Road, in the settlement of Colgate, which does not have a defined built-up area boundary. The site lies within the High Weald Area of Outstanding Natural Beauty (AONB) and the locality is generally characterised by a low density mix of house types, sizes and ages. There is a predominantly rural feel with open countryside around the settlement, including directly behind No 4.
 4. It is proposed to erect a two-storey detached house with further accommodation in the roof, within the existing side garden area of No 4. It is also proposed to demolish an existing single storey side and rear extension to
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facilitate the plot for the new house. The existing access from Forest Road would serve the new house and an additional access would be created for No 4, roughly where there is an existing pedestrian access. A new part single-storey and part two-storey rear extension would also be added at the rear of No 4.

Pattern of Development

5. The parties agree that there is no defined built-up area (BUA) for Colgate, but the appellant considers the site to be clearly within the settlement area, having properties either side. Policies 2, 3 and 4 of the adopted Horsham District Planning Framework 2015 (HDPF) set out the overarching development hierarchy and strategy for settlement expansion in the plan area. The clear focus is on the main settlements and development is also accepted in principle within other designated BUAs, whereas areas outside BUAs are considered to be in the countryside, where these policies seek to ensure that development is more strictly controlled.
6. Policy 3 sets out that development will be permitted within towns and villages which have defined BUAs. Colgate is an 'unclassified settlement' for the purposes of Policy 3, defined as settlements with few or no facilities or social networks and limited accessibility, that are reliant on other villages and towns to meet the needs of residents. I note that Colgate has a church, village hall and primary school, as well as a bus service to Horsham, albeit this service may be infrequent. The appellant argues that Colgate should be classified in the 'smaller villages' category due to having access to higher order settlements. However it is not within the scope of this appeal to redefine the adopted development hierarchy and BUA boundaries of the district.
7. Policy 4 of the HDPF expressly relates to settlement expansion, including through site allocations. The proposed house would be situated between two houses, within an existing garden and as such no outward expansion of Colgate would result. Moreover, the site does not form part of a relevant allocation in the HDPF or a neighbourhood development plan. Accordingly, I consider Policy 3 to be more relevant to this case. The proposed new dwelling, being set outside a defined BUA, would not accord with the general principle of Policy 3, the underlying purpose of which is to ensure that development takes place in a manner that ensures that the settlement pattern and rural landscape character of the district is retained and enhanced. Furthermore, no significant evidence has been provided to demonstrate that the proposed house is essential to the countryside location, as would be required by Policy 26 of the HDPF, in the interests of protecting rural character outside the defined BUAs.
8. I therefore conclude that the proposal would not result in an acceptable pattern of development, with particular regard to settlement strategy and accessibility to services. It would therefore conflict with Policies 3, 4 and 26 of the HDPF, the requirements of which are noted above.
9. Reference is also made by the Council to HDPF Policies 1 and 2. I have had regard to them as they are, respectively, a general sustainable development policy and an overarching strategic development policy, but they are not as location-specific as Policies 3 and 4 and, as such, have not been determinative in my considerations.

10. The appellant's view that the appeal site is within the settlement area of Colgate carries little weight, given the basic conflict of the appeal proposal with the adopted plan's development strategy.

Character and appearance

11. The new house would be positioned very close to the side of No 4 on one side, abutting the common boundary with 2 Lancers Cottages (No 2) on the other. It would also project a little forward of the front elevation of No 4. It would significantly erode the spaciousness around No 4 and the openness of the gap between No 4 and No 2, which is a significant positive feature and allows for views between those houses to the open countryside behind. This would be exacerbated by its contrast with the relatively spacious and open character and layout of other houses in the vicinity, where good separation both from the side boundaries and between adjacent houses is the norm. While there is some variety in the general style and appearance of houses along this part of the road, including between the pairs of semi-detached houses, they nonetheless share this general sense of space between them. Overall, the siting, scale and bulk of the building would appear excessive and cramped in relation to the width of the proposed plot.
12. Furthermore, a large part of the side elevation of the new house would be visible from the road because the house would be set significantly forward of No 2. The elongated, flat-roofed, dormer-type roof form would therefore be clearly visible. It would appear as an excessive and contrived arrangement to accommodate additional living space on the second floor, which would be out of keeping with the roof profiles of other dwellings nearby.
13. The proposed extension to the rear of No 4 would be situated behind the existing house and, by itself, would have no significant effect on the character and appearance of the area.
14. Notwithstanding, the proposal would be significantly detrimental the established low-key, rural character of Colgate and the character and appearance of the streetscene of Forest Road and would, as a result, have an adverse impact on the AONB. Therefore, I conclude that the proposed development would harm the character and appearance of the area, including the High Weald Area of Outstanding Natural Beauty. Accordingly, it would conflict with Policies 32 and 33 of the HDPF, which together seek to ensure high quality development, including by complementing locally distinctive character and requiring that the scale, massing, design, appearance and layout of development relates sympathetically with, and respects the character of, the built surroundings and setting.

Living conditions

15. The proposed rear extension would project approximately 6m from the rear elevation of No 4. The single-storey section, which would have a flat roof with a glazed lantern, would abut the boundary with the attached neighbouring property, 3 Fir Cottages (No 3). There is an existing brick wall along this section of the boundary but the single-storey extension would extend above the height of that wall to a significant degree. Taken together with the depth of built form, and the relative orientation to No 3, the extension would be over dominant and enclosing in relation to No 3. This would adversely affect the outlook from and levels of daylight and sunlight received at No 3 and its rear

garden, to the detriment of the living conditions of its occupiers. When combined with the backdrop of the two-storey element, the bulky and dominant nature of the extension, and the associated impacts on living conditions, would be exacerbated.

16. The proposed house would be sited in close proximity to the boundary with No 2. However, the separation between the two would be adequate to ensure that it would not be significantly overbearing in relation to No 2. As a result of this, and the relative orientation, the proposed house would not cause any significant detriment to the living conditions experienced at No 2, particularly in relation to outlook or light.
17. The appellant states that the proposals would not impinge upon a 45 degree line from the adjoining property. It is not clear, however, where such a benchmark is established by adopted policy.
18. It may be that no objections were received from the occupiers of neighbouring dwellings. However, the development would be permanent and I must also consider its impact upon any future occupiers.
19. I conclude that the proposed development would be harmful to the living conditions of neighbouring occupants at 3 Fir Cottages, with particular regard to outlook and light. It would therefore conflict with Policy 33 of the HDPF, which seeks to ensure that development avoids unacceptable harm to the amenity of occupiers of nearby property, among other things.

Highway safety

20. I note the concerns of the Council, supported by the representations of the local highway authority, that it has not been demonstrated that the proposed access, parking and turning arrangements would allow vehicles to enter, manoeuvre and exit the site in a forward gear. I have not been provided with a swept path analysis, such as requested by the local highway authority during consideration of the application, or any other significant evidence of that nature.
21. The layout details provided on the proposed site plan are also somewhat limited in this regard. However, the parking and turning areas proposed for No 4 appear adequate in terms of size and layout to allow an average sized car to enter, manoeuvre and exit in a forward gear, and for it to be reasonably practical and attractive for a driver to do so. However, the turning area proposed for the new house would be more cramped and so less attractive and convenient for a driver to negotiate. Furthermore, as the parking spaces for the new house would directly face the access, in close proximity to it, it may be more attractive and convenient for a driver, having entered in a forward gear, to reverse straight out, rather than use the apparently limited turning area. For these reasons, and in the absence of definitive evidence to the contrary, I consider that a precautionary approach is appropriate and that the proposed development would present a potential risk to highway safety from vehicles reversing onto Forest Road.
22. I note that the proposed point of access to Forest Road for the new house is the existing access to No 4. However, the associated parking and turning area would be altered, changing the nature of its operation. I also accept that there is currently no formally laid out parking and turning area provided for No 4.

Nonetheless, there is ample space beside and in front of the house for parking and turning, which is largely gravel-surfaced. The proposed arrangements therefore represent a significant alteration from the existing situation.

23. I therefore conclude that the proposed development would be detrimental to highway safety on Forest Road. Accordingly, it would conflict with Policy 33 of the HDPF, which among other things, seeks to ensure that development incorporates convenient, safe and visually attractive areas for the parking of vehicles.

Other Matters

24. I note that planning permission has been granted for a two-storey side extension to No 4, which the appellant considers to be substantial and of a similar scale to the proposed new house. However, I have not been provided with any significant details of the approved extension and accordingly I am unable to give this more than a little weight in favour of the appeal. Nonetheless, it is generally the case that extensions appear subordinate and functionally related to the host property, whereas an additional detached dwelling would generally read significantly differently in the streetscene. Moreover, I am required to consider the proposal before me on its own merits. My findings above in relation to the main issues are therefore not outweighed.
25. I have considered the appellant's opinion that the proposed house would be provided in a sustainable location and should add to the Council's required contribution to housing supply from windfall development. However, the Council advises that it is currently able to demonstrate five years' supply of deliverable sites for housing, as required by Paragraph 49 of the Framework, which is not disputed by the appellant. This necessarily, in my judgment, reduces the weight to be afforded to additional housing provision in an area that conflicts with up-to-date, adopted development plan policy.
26. I have considered the various other suggested benefits of the proposed development, including that it would maximise the use of a previously developed site, provide an additional unit of family-size accommodation, utilise local materials, provide some passive security to public areas, and improve the energy efficiency of the existing house. I have cumulatively afforded these a little weight in favour of the development. However, this is not sufficient to outweigh the significant harms that I have identified above.

Conclusion

27. For these reasons, and having regard to all matters raised, I conclude that the appeal should be dismissed.

Catherine Jack

INSPECTOR