

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: 13TH January, 2017

Appeal Ref: APP/Z3825/W/16/3156651

15 and 17 The Crescent, Horsham, West Sussex, RH12 1NA

- 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. Paul Baker of Craddockwood Homes Ltd. against the decision of Horsham District Council.
 - The application Ref DC/16/0681, dated 23 March, 2016, was refused by notice dated 23 June, 2016.
 - The development proposed is the erection of four dwellings with ancillary facilities.
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Decision

1. The appeal is dismissed.

Main Issues

2. 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 occupiers of nearby properties, with particular regard to noise and disturbance.

Reasons

3. The Crescent is an established residential street, located within the built up area of Horsham. It has a varied character, featuring mainly detached chalet bungalows and houses of differing designs and materials, albeit these are mostly quite traditional in nature. The properties are generally set back from the road, with established front gardens, driveways and spacious rear gardens. Nearby roads, including Riverside, Michell Close and Ingram Close are each characterised by a somewhat different style of housing than The Crescent, but the mature and spacious character with front gardens, driveways and good-sized rear gardens prevails. Hills Place is something of an exception, being a specific retirement/sheltered housing development of a rather different character, with generally smaller units and gardens than the prevailing character of the area.
 4. It is proposed to erect four bungalows on land to the rear of 15 and 17 The Crescent, which currently forms part of the generous rear gardens to those host properties. Access to the site would be taken from the existing driveway to No 15, with the existing porch and outbuildings being removed to facilitate this. Plots 1 and 2 would provide a pair of semi-detached bungalows, providing single-storey living accommodation. Plots 3 and 4 would provide detached chalet bungalows, each with living accommodation at ground and first floor levels. Off-street parking and turning provision would be made within the site, including for use by No 15, which would lose its existing parking and garaging facilities.
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5. The parties agree that the site lies within the built-up area of the district's main town of Horsham, where the principle of residential development is acceptable.

Character and appearance

6. I accept that the development would have a modest impact on the street scene of The Crescent, being generally set back from the road, where much of the site would be screened from public view by the existing dwellings at 13 and 15 The Crescent. However, in the view between nos. 13 and 15, the access road and some built form of the new dwellings would be visible, clearly indicating a different townscape pattern to the general character of openness and trees that is seen between most existing properties in the area.
7. Moreover, the dwellings, particularly at Plots 1, 2 and 3, would be sited close to the access drive, thereby having very limited front garden areas when compared to most others nearby. The rear gardens, while of more generous proportions than the front gardens, would nonetheless also be notably smaller than the prevailing gardens in the area, excepting Hills Place. The scale and footprints of the dwellings would be similar to many other properties in the area, and sizeable in relation to the proposed plot sizes. These factors would make the development at odds with the prevailing grain and character of the area.
8. Furthermore, the layout and the size of the bungalows, in particular with regard to Plots 1, 2 and 3, would result in the dwellings being particularly close to each other, without the benefit of generous gardens around them to reinforce the local character of spaciousness. In this respect they would appear cramped within their boundaries and the development would be an incongruous addition which would fail to reflect the established townscape pattern or relate sympathetically to its built surroundings.
9. In addition the development would represent a back land form of development in an area where I saw no significant evidence of any other similar forms of development contributing to the character of the locality. This would also be inconsistent with the prevailing townscape pattern and would have an adverse effect on the generally spacious, garden setting which is predominant in the area. Despite the traditional nature of the proposed materials and bungalow-style design of the scheme, the proposal would erode the spacious garden character and the sense of openness between The Crescent, Riverside, Hills Place, Ingrams Close and Michell Close.
10. While a detailed landscaping scheme might mitigate the effects of the development to some degree, particularly in relation to the street scene, this would not be sufficient to address my more fundamental concerns relating to the townscape pattern and the character of the built surroundings. Moreover, and while I note the intention to retain the existing trees, the proposed layout would provide limited scope for significant additional landscaping, not least due to the limited size of the proposed front garden areas.
11. I therefore conclude that the development would be significantly detrimental to the character and appearance of the area. It would therefore conflict with Policy 25 of the adopted Horsham District Planning Framework 2015 (HDPF), which amongst other things seeks to protect, conserve and enhance townscape character. It would also 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

12. The appeal site has a planning history which includes three previous appeals including in 2004, Ref APP/Z3825/A/03/1127587, for *the erection of 6 x 2, 3, 4, 5 bedroom dwellings with associated garages, parking and access*. In that case the Inspector found, amongst other things, that the development would result in unacceptable harm to the living conditions of neighbouring residents and residents of the proposed dwellings. While I recognise the need for consistency, each of those decisions is now some years old and since that time the local and national policy context has changed. I have therefore considered this appeal on its own merits.
13. The development would lead to additional activities normally associated with the occupation of the new dwellings, including in relation to vehicle movements, reversing, slamming doors and revving engines. As a result of the proposed layout, including the proximity of the drive, parking and turning areas to neighbouring properties and their private gardens, this would be likely to result in some increased perception of noise at nearby properties. However, I consider that this would not be at a level that would constitute unacceptable harm to living conditions, particularly when set against the overriding residential character of the existing built surroundings where such sounds will be commonplace.
14. This is borne out by the appellant's site assessment Acoustic Report, which has been carried out since the Council's determination of the application and submitted in support of the appeal. The Council does not dispute the findings, which show that even based on a 'worst case' scenario of vehicle movements, the development would only add to the overall sound environment at a level normally considered as having an insignificant impact.
15. I therefore conclude that the development would not significantly harm the living conditions of occupiers of nearby properties, with particular regard to noise and disturbance. Accordingly, I find no conflict with Policy 33 of the HDPF, which amongst other things seeks to ensure that new development would avoid unacceptable harm to the amenity of occupiers of nearby property, including through noise.
16. In coming to that view I accept that, notwithstanding the conclusions of the Acoustic Report, a 1.8m high acoustic grade boundary fence might provide a useful reduction in noise from passing cars in relation to No 13. This is a matter that could have been addressed by condition but does not alter my findings above.

Other Matters

17. Representations were made to the effect that the rights of nearby occupiers 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.
18. I note that the appeal site has been assessed as 'developable 11+ years' in the Council's Strategic Housing and Economic Land Availability Assessment 2016

(SHELAA). However, whilst the assessment is an important evidence source to inform plan making it does not in itself determine whether a site should be allocated for development. The SHELAA therefore carries minimal weight in favour of this appeal, which relates to the specific circumstances and merits of the scheme before me.

19. Finally, there is no dispute that the Council can currently demonstrate a five-year supply of deliverable sites for housing, as required by Paragraph 49 of the National Planning Policy Framework. This necessarily, in my judgment, reduces the weight to be afforded to the benefits arising from the provision of additional housing where that proposed development conflicts with up-to-date, adopted development plan policy. Therefore I find nothing to outweigh the harm I have found above.

Conclusion

20. While I have found no harm in relation to living conditions, I have identified harm in relation to the character and appearance of the area. I therefore conclude, having had regard to all matters raised, that the appeal should be dismissed.

Catherine Jack

INSPECTOR