
Appeal Decision

Site visit made on 2 February 2017

by AJ Steen BA (Hons) DipTP MRTPI

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

Decision date: 6 March 2017

Appeal Ref: APP/Z3825/W/16/3161124

Land to the rear of 76-78 Rusper Road, Horsham, West Sussex RH12 4BN

- 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 Anjali Karpal against the decision of Horsham District Council.
 - The application Ref DC/16/0827, dated 6 April 2016, was refused by notice dated 1 July 2016.
 - The development proposed is erection of 2 no. 3 bed semi-detached houses to the rear of 76-78 Rusper Road utilising existing vehicular access onto Rusper Road.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposed semi-detached dwellings on the character and appearance of the existing site and surrounding area; and
 - the effect of the proposed dwellings on the living conditions of neighbouring occupiers at 80 Rusper Road and 90 & 92 Littlehaven Lane with particular regard to privacy, outlook and light.

Reasons

Character and appearance

3. 76-78 Rusper Road comprises a convenience store with accommodation above on the junction with Littlehaven Lane, with access to both sides of the building. The surrounding area comprises an irregular pattern of development, including a variety of styles and sizes of mainly semi-detached and terraced dwellings. The site has a substantial frontage to the junction, with the site narrowing through the building and immediately to the rear before extending some distance back from the road. Much of the rear area is laid to grass but with a concrete yard and double garage directly to the rear of the shop.
 4. It is proposed to demolish the existing garage and erect a pair of semi-detached houses on the grass area to the rear that would fill almost the whole width of the plot. The properties would be three bed houses over three floors, with the top floor within the roof-space. Although the width would reflect that of surrounding dwellings, the considerable depth of the building with a steep
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pitch to the roof would result in a tall and thin building with the roof dominating its appearance. This appearance would be exacerbated by the location isolated behind other buildings.

5. I note that the pitch of the roof would be similar to other buildings in the locality, the proposed dwellings would have deep gardens and other elements of the proposed design, such as the proposed materials, seek to reflect surrounding development. However, the width of the resulting building in comparison to that of the plot, combined with the height, would result in the proposed building appearing prominent, incongruous and cramped on the site, particularly in views from surrounding dwellings.
6. Developments to the opposite side of the road provide a number of dwellings to the rear of frontage development and there are a pair of older cottages that I understand are listed and set back behind other houses directly opposite the site. However, this form of back land development is unusual on this side of the road, so the proximity to other back land development would not overcome the harm that I have found.
7. For these reasons, I conclude that the proposed development would harm the character and appearance of the existing site and surrounding area. As such, it would be contrary to Policies 32 and 33 of the Horsham District Planning Framework (HDPF) that seek to provide high quality and inclusive design that relates sympathetically to the built surroundings.

Living conditions

8. The proposed dwellings would be located in close proximity to the rear of neighbouring properties at 80 Rusper Road and 90-92 Littlehaven Lane. The height of the proposed building, especially given the height of the roof and proximity to the side boundaries of the site, would dominate and be overbearing on the rear windows and garden areas of those neighbouring dwellings, such that they would harm the living conditions of occupiers of those properties.
9. The four first floor windows at the front of the two properties would serve bedrooms. These would face toward the rear of the existing shop building as well as the rear elevation of 90-92 Littlehaven Lane and would be in close proximity such that the proposed layout would result in overlooking of those properties. As such, the proposed development would result in a loss of privacy to occupiers of the neighbouring properties at 90-92 Littlehaven Lane, harming their living conditions.
10. The Council suggest that the proposed development would lead to a loss of light to the gardens of neighbouring properties. The orientation of the proposed dwellings in relation to 90-92 Littlehaven Lane would lead to a limited reduction in the amount of sunlight to the gardens of those properties but would not affect the amount of daylight, such that there would be no material effect on the living conditions of occupiers of those dwellings from loss of light. However, 80 Rusper Road is located to the other side of the proposed development and there would be significant shadowing of the garden of that property throughout the day. Whilst this would have a limited effect on the area closest to the house that is most likely to be used by occupiers of that dwelling, and would not have a significant effect on the amount of daylight, it would nevertheless have a

harmful effect on the amount of sunlight to that garden such that it would harm the living conditions of occupiers of that dwelling.

11. For these reasons, I conclude that the proposed semi-detached dwellings would harm the living conditions of occupiers of neighbouring dwellings at 80 Rusper Road and 90-92 Littlehaven Lane by reason of loss of light, privacy and outlook. As such, it would be contrary to Policy 33 of the HDPF that seeks to avoid unacceptable harm to the living conditions of occupiers of nearby property and land.

Other matters

12. I note that the Council have not objected to the proposed access and parking and I see no reason to disagree with their conclusions in this regard. Most of the surrounding trees would be retained along with boundary walls at the junction with 92 Littlehaven Lane. The proposals would contribute to the supply of dwellings in an accessible location within the urban area and energy could be provided through solar panels on the roofs of the proposed dwellings. However, none of these matters would outweigh the harm I have found arising from the effect of the development on the character and appearance of the area and on the living conditions of neighbouring occupiers.

Conclusion

13. For the above reasons and taking into account all other matters raised, I conclude that the appeal should be dismissed.

AJ Steen

INSPECTOR