The Planning Inspectorate

Appeal Decision

Site visit made on 5 April 2017

by Grahame Gould BA MPhil MRTPI

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

Decision date: 27th April 2017

Appeal Ref: APP/Z3825/W/16/3163756
7 Gorse Bank Close, Storrington RH20 3AQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
- The appeal is made by Mr Peach against Horsham District Council.
- The application Ref DC/16/1453, is dated 28 June 2016.
- The development proposed is erection of 'chalet style' four bedroom detached dwelling.

Decision

1. The appeal is dismissed and planning permission for a chalet style four bedroom detached dwelling is refused.

Procedural Matters

2. The Council has stated that had it been in the position to determine the application it would have refused permission because of concerns relating to the effect on: (1) the character and appearance Gorse Bank Close (the Close); and (2) the living conditions for the occupiers of the development, with regard to overlooking from the first floor of 7 Gorse Bank Close (No 7).

3. After the appeal's submission the appellant advised that an appeal[1] concerning part of the garden of 1 Gorse Bank Close (No 1) had been allowed. At the appellant's request I have accepted as late evidence the submission of copies of the appeal decision and application drawings for the development at No 1.

4. Elements of the appellant's case express dissatisfaction with the Council's handling of the application prior to the appeal being submitted. It is not for me to comment on such matters and any concerns that the appellant might have in that regard should be raised with the Council.

Main Issues

5. The main issues are the effect of the development on: the character and appearance of the Close; and the living conditions for the occupiers of the development, with particular regard to privacy.

[1] App/Z3825/W/16/3162481

Reasons

Character and Appearance

6. The development would involve the siting of a detached chalet bungalow in the front garden of No 7. No 7 is a chalet bungalow that occupies a substantial plot that backs onto Rock Road. The Close is a cul-de-sac that currently comprises nine detached properties, albeit a tenth dwelling to the side of No 4 is currently under construction. In addition to the dwelling that has been allowed on appeal to the side of No 1, a further dwelling has been granted permission and it would occupy part of the side/rear garden of No 7 (the extant permission).

7. The Close for the most part is characterised by chalet bungalows, occupying plots of varying sizes, which front directly onto the street, albeit Wild Thyme appears to be an infill dwelling between Nos 2 and 3. Wild Thyme, however, fronts the street. The development would involve the construction of a dwelling sited directly in front of No 7 and its siting would have the effect of making No 7 a backland property. The siting relationship shared by No 7 and the new dwelling would therefore be uncharacteristic of the frontage development that dominates the Close.

8. The new dwelling would also be sited significantly in advance of the bungalow at No 8. While the shrub and tree planting adjacent to what would be the front and western boundaries for the new dwelling would provide some screening, it would nevertheless in part still be capable of being viewed from the street. Those views could become more pronounced should the existing planting fail or be removed, while any additional screen planting would take a considerable period of time to become effective. I therefore consider that the siting of the new dwelling would not be in keeping with the Close's established pattern of development.

9. I consider that neither the dwelling currently under construction to the side of No 4 nor the one that has been granted permission at No 1 are comparable with the appeal development because the siting for those dwellings will not result in their hosts becoming backland properties. The siting for the new house that benefits from the extant permission, as shown on drawing 2385/03, suggests that this dwelling will front the Close and its siting would not leave No 7 as a backland property. I therefore consider that the dwelling subject to the extant permission is not comparable with the appeal scheme.

10. Nos 6 to 8 occupy generous plots in the Close, giving those properties a particular sense of spaciousness. The appeal development would not be respectful of the spaciousness of Nos 6 to 8 and would leave the front half of No 7's plot with a much more intensely built up appearance, especially if the extant permission was to be implemented.

11. Although I consider the design of the dwelling would be unobjectionable, that is a factor which does not address the concerns of siting and intensity that I have identified.

12. For the reasons given above I conclude that the development would cause unacceptable harm to the character and appearance of the Close. There would therefore be conflict with Policies 32 and 33 of the Horsham District Planning Framework (excluding South Downs National Park) of 2015 (the

HDPF), because the development would have a layout that would not be in sympathy with its surroundings. Given the harm that I have identified I consider that paragraphs 17 (the third core planning principle – securing high quality design), 59 and 60 of the National Planning Policy Framework (the Framework) do not provide support for this development.

Living Conditions

13. The Council is concerned that the siting relationship between the new dwelling and No 7 would mean that the occupiers of the former would experience a loss of privacy because of downward views from No 7's front dormer windows. No 7's dormer windows serve a landing and a bathroom[2] and when the siting and nature of the fenestration intended for the new dwelling's southern elevation are taken into account, I consider that the occupiers of the development would experience no loss of privacy. I also consider that there would be no adverse effect on any other aspects of the living conditions for the occupiers of the development or on those conditions for the occupiers of No 7 or any of the other neighbouring dwellings.

14. I therefore conclude that there would be no adverse effect on the living conditions for the occupiers of the development. The development would therefore accord with the third core planning principle listed in paragraph 17 of the Framework because a good standard of amenity (living conditions) for all existing and future occupants of land and buildings would be secured. While the second criterion of Policy 33 of the HDPF addresses the protection of living conditions, because it only refers to the safeguarding of the living conditions of the occupiers of nearby properties it is not relevant to the concern highlighted by the Council.

Conclusions

15. While the development would not be detrimental to the living conditions for the occupiers of No 7, I have found that it would be harmful to the character and appearance of the Close. I consider the harm that I have identified could not be overcome by the imposition of reasonable planning conditions and that the development would be unsustainable given the conflict with the HDPF. I therefore conclude that the appeal should be dismissed.

Grahame Gould

INSPECTOR

[2] Paragraph 3.05 of the appellant's final comments