
Appeal Decision

Site visit made on 19 June 2017

by Tim Wood BA(Hons) BTP MRTPI

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

Decision date: 7th July 2017

Appeal Ref: APP/Z3825/W/17/3167540

Land between Shona and Camwood, Mill Lane, Ashington RH20 3BX

- 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 Reside Development Ltd against the decision of Horsham District Council.
 - The application Ref DC/16/2049, dated 19 June 2016, was refused by notice dated 22 November 2016.
 - The development proposed is the erection of a single dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a single dwelling at Land between Shona and Camwood, Mill Lane, Ashington RH20 3BX in accordance with the terms of the application, Ref DC/16/2049, dated 19 June 2016, subject to the conditions set out in Schedule 1 of this decision.

Application for costs

2. An application for costs was made by the appellant against the Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue in this appeal is the effects of the proposal on the character and appearance of the area.

Reasons

4. The appeal relates to this open plot of land which is located within a residential area and is bounded on all sides by other houses. The site is within the defined built-up area of Ashington.
5. The neighbouring property to the north, 'Shona', is a detached house on a larger plot and the property to the south, 'Camwood' is a more modest dwelling set on a more modest plot, of the same depth as the appeal site but wider than it. At my site visit I noted that the immediate surrounding area contains a variety of styles and sizes of houses, set on varying plot sizes, some contrasting sizes in close juxtaposition to each other.
6. There is no disagreement that the appeal site is small and that many plots in the area are larger than it. However, there are a number of other small plots with modest sized houses, including those on Mill Mead and Willow Way, just a

short distance from the appeal site. From my own observations and from the assessment submitted by the appellant, I consider that the appeal site would not appear unusually small within this residential area and would cause no harm to it in this respect.

7. The proposed dwelling would be modest in size with front and rear single storey elements and the first floor contained partly within the roof-space. The proposed distances between the neighbouring buildings would not result in a cramped feeling and, from what I saw, would not be uncharacteristic within this area. The distance to the side plot boundaries would be small but similar to other found in the area. In addition, whilst the rear garden area would be modest in size, it would not be so dissimilar to others in the area. Therefore, I find that the proposed dwelling would not give rise to an unacceptably cramped appearance in relation to its site and surroundings and I identify no conflict with either Policy 32 or 33 of the Horsham District Planning Framework.

Conditions

8. I have taken account of the advice in the national Planning Practice Guidance in relation to the use of conditions. So that the proposal has a satisfactory appearance within the area conditions relating to materials, tree protection and landscaping are necessary and reasonable. Future residents will need to be provided with parking and access, refuse/recycling stores and cycle parking and I have included conditions which require these in an approved form. I shall also include a condition which requires compliance with the approved drawings for the sake of certainty.
9. So that the proposal does not give rise to unreasonable overlooking, I have included a condition requiring the relevant windows to be of obscure glass and non-openable below a certain level. Due to the size of the plot and the proposed relationship of the dwelling with its boundaries, I agree that the removal of certain permitted development right is justified in this case. However, I do not agree with the full range suggested by the Council and I see little justification for removal of the right to undertake development in classes D, G and H of Part 1, Schedule 2 of the GPDO.

Conclusions

10. For the reasons given above, the appeal is allowed.

S T Wood

INSPECTOR

SCHEDULE 1, Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) No development shall take place until samples of all external facing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details.
- 3) The building hereby permitted shall not be occupied until the windows at first floor level in the northern and southern elevations have been fitted with obscured glazing, and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscured glazing shall be retained thereafter.
- 4) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.
- 5) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings 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 become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 6) The development hereby permitted shall be carried out in accordance with the following approved plans: P1368i 01; 6350 01; 6350 02B; 6350 03.
- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development within Part 1 Schedule 2 Classes A, B, C, E and F shall be undertaken.
- 8) The dwelling shall not be occupied until the access and space for cars to be parked has been laid out in accordance with plans that have been submitted to and approved in writing by the local planning authority. The parking spaces shall thereafter be kept available at all times for those purposes.
- 9) The dwelling shall not be occupied until space has been laid out within the site for bicycles to be parked in accordance with details that have been submitted to and approved in writing by the local planning authority. That space shall thereafter be kept available for the parking of bicycles.
- 10) No development shall commence, including demolition pursuant to the permission granted, ground clearance, or bringing equipment, machinery

or materials onto the site, until the following preliminaries have been completed in the sequence set out below:

- All trees on the site shown for retention on approved drawing, as well as those off-site whose root protection areas ingress into the site, shall be fully protected by tree protective fencing affixed to the ground in full accordance with section 6 of BS 5837 'Trees in Relation to Design, Demolition and Construction - Recommendations' (2012).
 - Once installed, the fencing shall be maintained during the course of the development works and until all machinery and surplus materials have been removed from the site.
 - Areas so fenced off shall be treated as zones of prohibited access, and shall not be used for the storage of materials, equipment or machinery in any circumstances. No mixing of cement, concrete, or use of other materials or substances shall take place within any tree protective zone, or close enough to such a zone that seepage or displacement of those materials and substances could cause them to enter a zone.
- 11) The dwelling shall not be occupied until details of refuse/recycling storage has been submitted to and approved in writing by the local planning authority, and the provision has been made on site in accordance with the approved details.