



Appeal Decision

Site visit made on 11 July 2017

by J Ayres BA Hons, Solicitor

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

Decision date: 27th July 2017

Appeal Ref: APP/Z3825/W/17/3173401

1 Orchard Close, Small Dole, Henfield, West Sussex BN5 9YA

- 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 Stephen Fish against the decision of Horsham District Council.
 - The application Ref DC/16/2371, dated 17 October 2016, was refused by notice dated 2 February 2017.
 - The development proposed is to demolish the existing detached garage and redevelop site with small bungalow.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on (i) the character and appearance of the area and (ii) the living conditions of neighbouring occupiers.

Reasons

Character and appearance

3. The appeal site forms part of the garden of 1 Orchard Close. No 1 is a family sized bungalow set within a spacious plot with a detached garage in the rear garden. The surrounding area is residential and the general built form consists of bungalows of varying sizes set within relatively generous plots. There is no set pattern to the development, however most properties provide a degree of separation which, in association with the relatively low boundary treatments, enhances the sense of openness within the area.
4. The proposal would replace the garage with a detached pitched roof bungalow. Although of relatively modest proportions and substantially smaller than the host property, the new dwelling would be larger and significantly higher than the small single flat roof garage it would replace. It would also be situated in the tapered area of the host property's garden very close to the western boundary of the site in an overall plot that would be uncharacteristically small compared to the generally larger plot sizes in the area.
5. It is acknowledged that Nos 11 and 12 are relatively modest bungalows sitting directly adjacent to each other. However these are slightly further into the Close and due to the layout of the road they would have a limited relationship with the proposal. Against this background the appeal proposal would be out

of keeping with the surrounding pattern of development and it would be an unduly cramped and dominant addition to the street scene given its prominent roadside location and the lack of any significant boundary treatment.

6. As such, I find that the proposal would harm the character and appearance of the area in conflict with the design aims of Policies 32 and 33 of the Horsham District Planning Framework 2015 which seek to ensure that development conserves and enhances the natural and built environment.

Living conditions

7. The properties within the immediate vicinity of the appeal site are No 1 and Meadowsweet. With respect to the living conditions of the occupiers of No 1, the retained garden would finish just beyond the land currently laid as patio. Beyond this the proposed bungalow would dominate the outlook due to its height and it would take up a significant proportion of the width of the site at this point. Along with its closeness it would in my view have a significantly overbearing impact on the occupiers of No 1 when using their garden.
8. The proposal would sit adjacent to the rear garden of Meadowsweet. The hipped roof of the proposal would result in a ridgeline significantly higher than the flat roof of the existing garage. Due to its proximity to the boundary I consider that the proposal would have an overbearing effect on the occupiers of Meadowsweet when using their rear garden as well.
9. Although No 1 has amenity space to the side of the property, there are doors that lead out onto the rear patio. In my view the privacy of this area, particularly in the summer when the evenings are lighter and people tend to remain outside, could be unduly compromised due to the closeness of the bedroom window in the new bungalow. However, this could be addressed by a suitably high fence along the boundary.
10. The elevation of the proposal facing the boundary with Meadowsweet would include a kitchen window. I note the concerns regarding overlooking of the ground floor bedroom at Meadowsweet. However, there would be a suitable distance between these windows, and taking into account boundary treatments and the size of the rear garden of Meadowsweet, I consider that the location of this window would not result in an unacceptable loss of privacy to the occupiers of Meadowsweet.
11. I have considered the representation made in respect of the amenities of the occupiers at Meadowsweet in relation to overshadowing. The increase in ridge height may result in a partial loss of sunlight to a very small section of the rear garden of Meadowsweet. However, this would be minimal, and I do not consider it would result in a detrimental loss of light to the occupiers of Meadowsweet.
12. Notwithstanding my findings relating to privacy and overshadowing I find that the proposal conflicts with Policy 33 of the Horsham District Planning Framework 2015 with regards to its unacceptable harm to the living conditions of occupiers of neighbouring properties with particular regard to outlook.

Other Matters

13. I note the representations made in respect of outdoor amenity space for the proposal, and the provision of adequate parking. I also accept that there are a

range of sizes in respect of the surrounding properties. However these factors do not outweigh the harm I have identified above.

Conclusion

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

J Ayres

INSPECTOR