The Planning Inspectorate

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: 31st July 2017

Appeal Ref: APP/Z3825/W/17/3173470
Land rear of Oakley Flats, High Street, Partridge Green RH13 8HX

- 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 Gordon Fraser against the decision of Horsham District Council.
- The application Ref DC/16/2414, dated 25 October 2016, was refused by notice dated 15 February 2017.
- The development proposed is the change of use of a domestic store to B1 offices including external alterations.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of the residential occupiers of Flats 1 and Flat 5 Oakley Flats, with regard to privacy and disturbance.

Reasons

3. The appeal building sits directly behind Oakley Flats which are in residential use. Access to the building is via a relatively narrow track to the side of Oakley Flats which also provides access to the rear entrance of No 5 Oakley Flats, approximately two metres from the appeal building. The track and the space to the front of the proposed office are also next to a number of ground floor flat windows.

4. I note the findings of a previous Inspector that the appeal building has a lawful planning use for ancillary residential purposes. In my view such incidental domestic uses rarely cause any harm to the living conditions of neighbours. There is no evidence that the established use has caused an amenity problem in this case. In contrast the proposal would introduce an unrelated business use which would increase comings and goings by staff and probably visitors. Access to the office would be via the track. The toing and froing so close to ground floor windows would in my view cause an undue level of disturbance. Moreover, those accessing the proposal would be able to look into the ground floor windows to flat Nos 1 and 5 causing an unacceptable loss of privacy.

5. I note that the glazing in the new office could be obscured to prevent views out of the building. However, given how close the windows to the office and flat

No 5 would be, the residential neighbours would still have an acute awareness of office staff behind the obscure glass that it would create an uncomfortable perception of being overlooked.

6. The footprint of the building would not increase. A small bathroom window would be inserted, and the double garage doors currently in situ would be replaced with full height glazing and a single entrance door. However, despite the external changes being minimal, these do not sway me from my findings of harm to the living conditions of the residential occupiers of Flats 1 and 5 Oakley Flats with particular regard to privacy and disturbance.

7. The appellant has asserted that the proposal represents sustainable development. The three roles of sustainable development are mutually dependent. Paragraphs 6-9 of the National Planning Policy Framework indicate that 'sustainability' should not be interpreted narrowly. Elements of sustainable development cannot be undertaken in isolation but should be sought jointly and simultaneously. Sustainable development also includes 'seeking positive improvements in the quality of the built, natural and historic environment as well as in people's quality of life'. For the reasons given, I conclude that the harm identified to the living conditions of the occupiers of the neighbouring properties conflicts with the social role of sustainable development. Therefore notwithstanding the benefits of the proposal in respect of its location, transport links and possible contribution to the local economy, it does not constitute sustainable development taken as a whole.

8. Consequently I find that the proposal would conflict with Policy 33 of the Horsham District Planning Framework 2015 in so far as it seeks to avoid harm to the amenity of occupiers of nearby properties.

Conclusion

9. For the reasons above and taking account of all other matters raised, I conclude that the appeal should not succeed.

J Ayres

INSPECTOR