
Appeal Decisions

Site visit made on 26 July 2017

by Grahame Gould BA MPhil MRTPI

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

Decision date: 15th August 2017

Appeal A Ref: APP/Z3825/D/17/3169769

Chestnut Cottage, Water Lane, Storrington RH20 3LY

- 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 and Mrs Julian Aviss against the decision of Horsham District Council.
 - The application Ref DC/16/1905, dated 18 August 2016, was refused by notice dated 30 November 2016.
 - The development proposed is described as 'double carport for Chestnut Cottage'.
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Appeal B Ref: APP/Z3825/W/17/3171901

Chestnut Cottage, Water Lane, Storrington RH20 3LY

- 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 Jaye Ford against the decision of Horsham District Council.
 - The application Ref DC/16/1904, dated 18 August 2016, was refused by notice dated 21 December 2016.
 - The development proposed is described as 'replacement dwelling, improved access and with one new dwelling on site adjacent to Chestnut Cottage'.
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Decision

1. Appeals A and B are dismissed.

Procedural Matter

2. Appeal A would involve the siting of a double carport to the rear of Chestnut Cottage (the cottage) and would also include the use of a new engineered drive that would provide access to the carport. Appeal B would involve the demolition of the dwelling contained in the converted garage (the lodge), sited to the side of the cottage, and its replacement with two detached houses. The new houses would also use the new drive.
3. While the appeals involve different developments, they concern the same host property and are clearly related to one another. I have therefore considered the appeals concurrently.

Main Issues

4. The main issues are:
 - the effect of the development on the character and appearance of the area and the setting of the cottage as a grade II listed building – appeals A and B;

- whether the site would be a suitable location for an additional dwelling – appeal B;
- the effect of the carport and drive on the living conditions of the occupiers of School Cottage, with particular regard to noise – appeal A; and
- the effect of the new houses on the habitat for protected species – appeal B.

Reasons

Character and Appearance and listed building setting – appeals A and B

5. The cottage is one half of a pair of semi-detached houses, the other half being School Cottage. The cottages date from the eighteenth century and were originally built as the village school. The cottage is set in a wide plot and the lodge, which is a building dating from the 1970s, occupies part of that plot. The cottage and the lodge share a drive and parking area, served by a single vehicular access point.
6. While there is some residential ribbon development along Water Lane at this point and an active quarry directly opposite, the lane has a verdant appearance, with it being lined by hedges and trees. While the infill development at 1 to 4 Angell Sands (Nos 1 to 4) has a more urban appearance, I found it to relate more closely with the continuous ribbon of dwellings fronting Washington Road on its approach to the centre of Storrington. As Angell Sands have replaced 'several light industrial units' that development is not directly comparable with the proposals subject to appeals A and B. The residential development on Water Lane, beyond Nos 1 to 4, is of a less intense and looser form than that on Washington Road and is consistent with its rural location.
7. The house that would replace the lodge and the extra house would both be significantly larger than the lodge and their provision would involve the cottage's grounds being formally sub-divided into three plots. The lodge is modestly scaled and I found there to be nothing particularly objectionable about its appearance, such as to warrant it being replaced by two much larger houses. I consider that the development would result in the cottage's grounds having a much harder and more urban and regimented appearance, which would be incompatible with the low density, rural character of Water Lane. The trees and evergreen hedge along the site's frontage would provide some screening for the house replacing the lodge. However, the extra house, because of the sloping nature of Water Lane and its proximity to the vehicular access would not benefit to the same degree from the presence of the roadside trees and hedging.
8. The formation of the new drive would contribute to the hardening in the area's appearance, with it being beyond the cottage's garden in an area that has not been fully restored following the closure of a former quarry. Although the drive would occupy an area of scrub I nevertheless consider it would be at odds with the area's rural character. I also consider that the formation of the drive would not be directly comparable with the existing drive and parking area, which I found to have an appearance that is compatible with the scale of the cottage and the lodge.

9. I am therefore of the opinion that the developments in their totality would be harmful to the rural character and appearance of the area, harm that could not be overcome by the imposition of reasonable planning conditions. Although the site constitutes previously developed land, I consider that the benefit arising from the reuse of such land is outweighed by the harm that I have identified.
10. The setting of the cottage, as a listed building, is characterised by the openness of its garden grounds. The extent of those essentially open grounds is to be expected of a house in a rural location such as this and it is the openness of the cottage's grounds that is of significance to this listed building's setting. While the lodge is an independent dwelling, given its siting, modest scale and design, it has the appearance of being clearly subservient to the cottage. The replacement house would be much larger than the lodge and it, together with the extra house and the new drive, would collectively significantly reduce the openness of the cottage's grounds. The developments would change the character of this cottage's grounds from garden land to a much more intense residential development. I consider that the scale of the developments would dominate the cottage rather than being subservient to it.
11. I therefore find that there would be significant harm to the listed building's setting and that the listed building's setting would not be preserved.
12. For the reasons given above I conclude that the development subject to appeals A and B would be harmful to the character and appearance of the area and would fail to preserve the setting of a listed building. The developments would therefore be in conflict with Policies 2, 25, 26, 32 and 33 of the Horsham District Planning Framework (excluding South Downs National Park) of 2015 (the HDPF). That is because the developments would: not conserve or enhance the rural character of the area; fail to complement the heritage value of the site and the sense of space around it; and be unsympathetic of its surroundings. There would also be conflict with Policy 34 of the HDPF because the developments would fail to retain or improve the setting of a heritage asset.
13. With regard to the provisions of paragraphs 132 to 134 of the National Planning Policy Framework (the Framework), I consider that while there would be significant harm to the setting of the cottage, the overall harm to the listed building would be less than substantial, given that neither development would alter the listed building's physical fabric. That being said I consider that there would be no public benefits, including the improvement to the visibility for drivers emerging onto Water Lane, weighing significantly in favour of the developments. The absence of substantial harm to the listed building, in the Framework's terms, however, does not usurp the statutory duty to pay special regard to the desirability of preserving its setting.

Suitability of the location for an additional house – Appeal B

14. As the development subject to appeal B would involve a net increase of one dwelling, I consider it is the extra dwelling, as opposed to the replacement house, which falls to be considered under this issue.
15. The extra house would be located a little beyond Storrington's built-up area boundary (BUAB). Storrington is a small town/larger village for the purposes of the HDPF's settlement strategy. The extra house would therefore be in a

location where new development is discouraged by Policies 2, 3, 4 and 26 of the HDPF, with the growth strategy across the Council's area seeking to focus new development in the main settlements rather than the countryside. Policy 26 indicates that the rural character and undeveloped nature of the countryside will be protected against inappropriate development. Policy 26 goes on to state that any development must be essential to its countryside location and should: support the needs for agriculture and forestry; enable the extraction of minerals or the disposal of waste; provide for quiet informal recreational use; and enable the sustainable development of rural areas.

16. The extra house would not meet the first three of the above mentioned exceptions referred to in Policy 26 of the HDPF and, as I have concluded above, this development would also cause unacceptable harm to the character and appearance of the area. There would therefore be conflict with Policy 26 of the HDPF. I am mindful of the fact that there has been a recent substantial development at Millford Grange¹ to the east of Water Lane and that Nos 1 to 4 are of fairly recent construction. However, both of those developments were granted planning permission prior to the HDPF's adoption and it is necessary to determine appeal B having regard to the extant development plan policies. While the extra house would be closer to the centre of Storrington than the houses at Millford Grange, I consider that factor to be of little consequence. That is because not only is there no rural needs justification for the extra house, but its construction would also be harmful to the appearance of the area, as well as the setting of a listed building.
17. I therefore conclude that this would be an unsuitable location for an extra house, with there being conflict with Policies 2, 3, 4, and 26 of the HDPF.

Living conditions for the occupiers of School Cottage – Appeal A

18. When regard is paid to the likely frequency of the drive's use and the degree of physical separation there would be between it and School Cottage and its garden, I consider that the use of the drive would not give rise to levels of noise that would be disturbing for the occupiers of School Cottage.
19. On this issue I conclude that the development subject to appeal A would not be harmful to the living conditions of the occupiers of School Cottage. There would therefore be no conflict with Policy 33 of the HDPF because the noise associated with the use of the carport and the new drive would not cause harm to the living conditions (amenity) of the occupiers of School Cottage.

Protected species – appeal B

20. The ecological evidence submitted by the appellant with appeal B includes species specific reports for bats, dormice and reptiles. The bat report identifies the lodge as having high bat roosting potential, on an occasional basis, by a small bat population. Some mitigation for bats would therefore be required. Details of a bat mitigation strategy are contained in the fifth appendix to the bat report and there is no suggestion from the appellant's ecologist that it would not be possible to provide an appropriate level of mitigation for roosting bats. During the course of the dormice survey no dormice were found to be present, although further surveying has been recommended by the appellant's ecologist.

¹ Subject to planning application DC/11/1457 and allowed on appeal (APP/Z3825/A/12/2176793)

21. The survey for reptiles identified the presence of slow-worms, grass snakes and common lizards, respectively at medium, low and medium populations. Details of the outline of a reptile mitigation strategy are included in the reptile report and there is nothing within this report that suggests that appropriate mitigation could not be provided.
22. The Council has submitted no evidence of its own demonstrating that appropriate mitigation could not be provided commensurate with the populations of bats, dormice and reptiles frequenting the site. On the available evidence I therefore conclude that the development subject to appeal B would not cause unacceptable harm to the habitat for protected species. I therefore find that the development subject to appeal B would not conflict with Policies 2 and 31 of the HDPF because there would be no unacceptable harm to the area's biodiversity.

Other Matters

23. I recognise that the development subject to appeal B would not be harmful to the living conditions of the occupiers of any neighbouring dwellings and that there would be no adverse effect on highway safety. Those are matters weighing in favour of the development, however, I find them to be outweighed by the harm that I have identified.

Conclusions

24. I have found that there would be no unacceptable harm to the habitat for protected species (appeal B) and that the noise associated with the use of the new drive, as an access to the carport, would not harm the living conditions of the occupiers of School Cottage (appeal A). However, I have found that both developments would cause unacceptable harm to the character and appearance of the area and would fail to preserve the setting of the cottage as a listed building. I have also found that this would be an unsuitable location for an extra house. I therefore consider that the developments would be unsustainable, when the HDPF is read in the round.
25. I therefore conclude that appeals A and B should both be dismissed.

Grahame Gould

INSPECTOR