
Appeal Decision

Site visit made on 27 August 2019

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th September 2019

Appeal Ref: APP/Z3825/W/19/3230762

21 Spencers Road, Horsham RH12 2JQ

- 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 K Malhotra against the decision of Horsham District Council.
 - The application Ref DC/19/0231, dated 28 January 2019, was refused by notice dated 10 April 2019.
 - The development proposed is the demolition of existing dwelling and erection of three 3no. bed dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. While the first sentence of the second reason for refusal on the Council's decision notice refers to the relationship of the development with 22 Shelley Road, the second sentence suggests that there would be harm to the occupiers of 21 Shelley Road. It is clear from the Council's officer report and appeal statement that the concern relates to 22 Shelley Road. The appellant's statement assumes that the Council intended to refer only to 22 Shelley Road, and I have also considered the appeal on this basis.

Main Issues

3. The main issues are:
 - i) the effect of the proposed development on the character and appearance of the area;
 - ii) the effect of the proposed development on the living conditions of the occupiers of 22 Shelley Road with particular regard to outlook and privacy; and
 - iii) whether or not parking provision would be adequate to serve future occupiers.

Reasons

Character and Appearance

4. The appeal site is located at the junction of Spencers Road and Shelley Road within the defined built-up area of Horsham. Both are residential streets which are characterised by semi-detached dwellings set back from the street on consistent building lines with fairly shallow frontages and narrow accesses running between dwellings to rear gardens. Ground floor bay window features

are common, and in the main, roof forms are pitched with the ridges running parallel to the road. Despite some dwellings which do not wholly conform to this general pattern, overall this provides for an attractive rhythm and sense of unity to the street scene.

5. As a detached property with large ground floor windows, the dwelling currently on the appeal site is of different character to the prevailing pattern in the area. This is heightened by the provision of a double garage to the side of the dwelling and the lack of a rear garden with built form covering the majority of the site area. However, while the dwelling is set significantly forward of the immediate neighbour to the rear at 22 Shelley Road, it broadly follows the building line of Spencers Road and dwellings further to the south east on Shelley Road. The height of the roof also appears comparable to neighbours, and No. 21 does not therefore significantly interfere with the prevailing pattern and uniformity of the street scene which is characteristic of the area.
6. The proposed development would replace the existing dwelling and garage with a terrace of three dwellings. The resulting building would be set further from the boundaries with the neighbours at 19a Spencers Road and 22 Shelley Road than the existing dwelling. However, it would be positioned significantly forward of both of these neighbouring dwellings. This reflects the existing relationship with 22 Shelley Road and I acknowledge that there are examples of development of different appearance in the vicinity of the site. However, the projection of development beyond the building line of dwellings on Spencers Road and the very close proximity of the building to the footway of this street would relate poorly to the surrounding context and would interrupt the characteristic pattern of development. This would result in the development appearing unduly prominent and intrusive in the street scene and would be detrimental to the character and appearance of the area.
7. This harm would be exacerbated by the increase in height of the development over that of the existing and neighbouring dwellings across the full width of the building further, disrupting the rhythm in the area. Together with the disproportionate height of the roof in contrast to their ground and first floor levels giving the proposed dwellings a top-heavy appearance, this would be at odds with the surroundings.
8. I therefore conclude that the proposed development would be an incongruous and prominent feature in the street scene and there would be unacceptable harm to the character and appearance of the area. It would therefore be of poor design and would be contrary to Policies 25, 32 and 33 of the Horsham District Planning Framework 2015 (HDPF). These policies require amongst other things that development protects, conserves and enhances townscape character; and that it provides for a scale, massing and appearance which is of a high standard and which relates sympathetically to its surroundings.

Living Conditions

9. Given the significant set forward of the proposed development from the front elevation of 22 Shelley Road, there would be views of the development from windows to the front elevation of this neighbouring property. However, this reflects the existing situation and while I acknowledge that there would be a slight increase to the height of the building, any impact of this would be offset by the increased set in of the development from the common boundary. Considering the existing circumstances, there would not therefore be any

significant overbearing effect or harm to the living conditions of the occupiers of No. 22 through impact on outlook to the front of the dwelling.

10. However, there is a large clear glazed window to the flank elevation of No. 22 at first floor level. This is the sole window serving the kitchen, and currently has an outlook across the flat roof garage on the appeal site. The proposed development would result in an outlook from this window onto a two-storey building with roof level accommodation. While there would be greater separation than currently provided to the existing garage, this is a single storey structure. The proposed development would still be positioned very close to this neighbour, and the substantial increase in height of the building at such close proximity would have a significant enclosing effect on the outlook from this window, dominating views.
11. Furthermore, there would be glazing at ground, first floor and roof levels of the proposed development facing No. 22. This would include first floor windows serving bedrooms with direct views onto the neighbouring flank window causing a loss of privacy, or at the very least a perception of this. While not direct, there would also be views towards the rear garden of No. 22. A degree of mutual overlooking may be expected in a suburban area such as this and I note that there are already views to the garden from the rear of 19A Spencers Road. However, the additional glazing as part of the development, particularly at first and roof level would further increase the sense of overlooking and loss of privacy for occupiers using the garden.
12. I acknowledge that the existing relationship between the appeal site and No. 22 is unusual. However, the proposed development would cause unacceptable harm to the living conditions of the occupiers of 22 Shelley Road with particular regard to outlook and privacy. I therefore conclude that the development would conflict with Policy 33 of the HDPF which includes a requirement that development avoids unacceptable harm to the amenity of occupiers/users of nearby property and land.

Parking Provision

13. Policy 41 of the HDPF requires that adequate parking is provided as part of development to meet the needs of anticipated users. This policy does not specify levels of parking which should be provided, although the Council have referred to a demand, according to the size and location of the development, for six parking spaces based on West Sussex County Council (WSCC) as the highway authority's 'Car Parking Demand Calculator'.
14. The submitted plans illustrate three parking spaces to serve the dwellings, one accessed from Spencers Road and two from Shelley Road. However, the space shown parallel to Shelley Road would be set very close to the junction with Spencers Road, and in their comments on the application WSCC stated that the proximity to this junction means that a licence would not be granted for a crossover to serve this space. Therefore, and notwithstanding the layout illustrated on the plans, in reality there would only be two spaces available to serve the development.
15. I saw on my site visit that the roads surrounding the site are relatively narrow and that many properties do not benefit from off-street parking. Parking restrictions are in place in some locations, and at the time of my site visit there were a large number of vehicles parked on-street in unrestricted areas. In

many cases vehicles were parked partially on the footway resulting in varying degrees of obstruction to pedestrians. While there were some spaces available, my visit was in the middle of the working day at a time when it would be reasonable to expect comparatively low levels of parking assuming residents may be out at work or engaged in other daytime activities away from home. From the evidence before me including comments from local residents I have no doubt that the surrounding streets are often subject to parking pressure, exacerbated by the two schools nearby.

16. The main parties have both referred to the availability of bus services, shops, services and schools within walking distance of the site. I agree that this is a relatively accessible location and there would be opportunities for travel by walking, cycling or public transport. However, it is not a central location and the proposed dwellings would be large three-bedroom properties likely to be occupied by families. Given this context, I consider it probable that there would be demand from future occupiers for private vehicles and associated requirements for parking, which would not be fully met by the two proposed spaces which could be delivered.
17. Given that one dwelling would not benefit from any off-street parking and the indicative total shortfall of four spaces, the under-provision would add to existing parking pressures in the area. The Council do not allege that this would be detrimental to highway safety. However, I find that the development would cause additional frustration and inconvenience to residents seeking an available space to park and would be likely to add to potential for congestion and conflict between vehicles where parking reduces the width of the road and possible passing places, and pedestrians are required to navigate parked vehicles, particularly at school pick-up and drop-off times.
18. While the harm would be limited by the small scale of the development, I nevertheless conclude that there would not be adequate parking provision to serve future occupiers of the development and this would be detrimental to the living conditions of these occupiers and other residents and users of the surrounding streets. The development would therefore be contrary to HDPF Policy 41, and to the requirement of Policy 33 that development avoids unacceptable harm to the amenity of occupiers/users of nearby property and land.

Other Matters

19. The appellant has commented that a previous application for development on the site was recommended for approval by officers but was refused by Committee in 2006. I have not been provided with full details of this proposal to be able to draw any comparison with the current appeal, and note that the policy context has changed since this time at both national and local levels. In any event, I have considered the current appeal on its own merits.
20. I acknowledge the appellant's comments that the existing building has been extended to such a degree that it is not fit for purpose, particularly given the lack of a garden which would be expected for a family dwelling, and that the proposal is seeking to make efficient use of the site. However, these are not factors which outweigh the harm that I have identified to the character and appearance of the area, the living conditions of the occupiers of 22 Shelley Road and as a consequence of the inadequate provision for parking.

21. I have had regard to the comments of interested parties, including concerns raised over harm to the capacity of local drainage and water supply infrastructure and living conditions. However, none of these alter my findings on the main issues.

Conclusion

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

J Bowyer

INSPECTOR