



Appeal Decision

Site visit made on 27 August 2019

by N Holdsworth MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 September 2019

Appeal Ref: APP/D3830/W/19/3228932

31 North End, London Road, East Grinstead, RH19 1QJ

- 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 Prash Jaitley against the decision of Mid Sussex District Council.
 - The application Ref DM/18/5012, dated 13 December 2018, was refused by notice dated 21 March 2019
 - The development proposed is described as "proposed change of use ground floor A1 to C3 to form addition of single storey rear extension with two storey side projection".
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Decision

1. The appeal is dismissed.

Main Issues

2. The effect on
 - The character and appearance of the host building and surrounding area;
 - The living conditions of future residents, with particular regard to the standard of living accommodation being provided; and
 - The provision of retail uses within the District.

Reasons

Character and appearance

3. The site comprises one half of a semi-detached pair of properties facing the London Road. Whilst it exhibits a shopfront and recessed single storey side extension, this pair otherwise has a similar overall form, scale and visual appearance above ground floor level to other dwellings to the east of the site, which together form a visually coherent and relatively uniform row of buildings. These appear broadly symmetrical in form, with chimney stacks rising above the centre of the pitched roof of each building. The fenestration facing the road is noticeably characterised by single window openings in the centre of each property at ground and first floor level.
4. The proposal would extend the building to the west. In consequence, the chimney stack would no longer denote the centre of the building, as it does at present. The extra set of window openings on the reconstructed front of the building would depart from the prevailing pattern of fenestration. Together,

these alterations would unbalance the appearance of this building, and this would be particularly apparent at first floor and roof level.

5. In consequence, the extended building would detract from the appearance of the group within which it sits, and to a greater extent than it does at present. The retention of a small gap between the new building and the property to the west would not overcome the harm identified.
6. To the rear of the property, the pitched roof of the host property and those in the group to its east currently appear largely unaltered. Whilst the proposed roof extension would take up a limited proportion of the total roof-slope, it would have a boxy appearance with a large and noticeable area of render surrounding a small window. In consequence, it would not appear as a traditional dormer addition, typically associated with a building of this age. The design approach conflicts with guidance set out in the Mid Sussex District Council: Dormer Window and Rooflight Design Guidance (2018) which, amongst other things, seeks to discourage the use of large, box like flat roof dormers. In consequence, this part of the development would also have an incongruous appearance.
7. Reference is made to No 32-33 London Road, which was granted planning permission by the Council in 2014. However, this building appears as a more comprehensive form of development. Whilst it was found to be acceptable by the Council it is of little relevance to the proposal before me, which involves a series of extensions to a semi-detached property. Whilst I noted that other properties in the vicinity of the site appear to have been historically extended along similar principles to those envisaged here, these serve to illustrate the harm that would arise, and are not examples that should inevitably be followed.
8. Overall, the alterations to the front and the rear of the building would lead to unacceptable harm to the character and appearance of the host building and the surrounding area. The proposal therefore conflicts with policy DP26 of the Mid Sussex District Plan 2014-2031 (2018) ("District Plan") and policy EG3 of the East Grinstead Neighbourhood Plan (2016). These policies require that, amongst other things, new development is well designed.

Living conditions

9. Policy DP27 of the District Plan enacts the Nationally Described Space Standard (2015) ("NDSS") where new residential development is proposed. In this case 3 units would be provided. The measurements for each unit are shown below, in addition to the relevant NDSS.

Unit	Appellant	Council	Relevant NDSS
1	46.5 sqm	39.2 sqm	37 sqm
2	58.4 sqm	44.1 sqm	58 sqm
3	72.1 sqm	65 sqm	70 sqm

10. On the basis that the scale bar from the upper floor proposed plans are used, the measurements relating to floor area provided by the appellant appear to be

more accurate than those provided by the Council. On this basis, in terms of floor area, units 2 and 3 would marginally comply with the relevant NDSS. However, the NDSS requires that any area of headroom of less than 1.5 m is not counted within the Gross Internal Area, unless solely used for storage. In this case, two of the relevant bedrooms fall under sloping roofs. It appears likely from the elevation drawings and my site inspection that significant parts of these habitable living areas at first and second floor level would fall below 1.5 m in height.

11. In consequence, it appears probable on the evidence before me that units 2 and 3 would fail to meet the NDSS. Accordingly, the living conditions provided by the proposed development would not be satisfactory and the proposal conflicts with policy DP27 of the District Plan, which enacts the NDSS and seeks to provide housing that meets the needs of all sectors of the community.

Retail

12. Policy DP2 of the District Plan requires that change of use to residential use at ground floor level will be permitted where it can be shown that an A1-A5 use is no longer viable. However, on my reading of the policy this test only applies in Secondary Shopping Frontages. The evidence before me does not demonstrate the proposal falls within such an area. This is an isolated retail unit, currently vacant and largely surrounded by housing. As such, the policy cited by the Council does not prohibit its conversion to residential use.
13. The site is located within reasonable walking distance to the centre of East Grinstead, which has a good range of shops and services, with further outlets close to the site. Consequently, there would be no harm to the overall provision of retail uses within the District. There is no conflict with policy DP2 of the District Plan which seeks, amongst other things, to protect the vitality and viability of the District's shopping areas.

Other Matters

14. The appellant maintains that the Council cannot demonstrate a 5-year housing land supply, and that the presumption in favour of sustainable development, as set out in the National Planning Policy Framework ("the Framework") therefore applies. In this context, the proposal would provide 2 additional residential units in a sustainable location, located close to a town centre and public transport links. In these respects, the proposal would make efficient use of land, and there is an intention that the proposed residential accommodation will have a high environmental performance. The construction works would provide some employment and the proposal could lead to a new homes bonus, which is a local finance consideration. These are benefits of the proposal, that weigh in its favour.
15. However, the proposal would result in harm to the character and appearance of the host building and surrounding area and the standard of living accommodation provided would appear to fail to meet the NDSS. As such, the proposal would fail to achieve a well-designed place, which is another objective of the Framework and I attach substantial weight to the harm that would arise, in consequence. These deficiencies cannot be resolved through the use of planning conditions. As such, even if I were to conclude there is a shortfall in the five-year housing land supply on the scale suggested by the appellant, the adverse impacts of granting permission would significantly and demonstrably

outweigh the benefits. This would be the case even if I were to find that the effect on nearby habitats sites does not provide a clear reason for refusing the development and that the circumstances set out in paragraph 177 of the Framework do not obtain.

16. The Council's second reason for refusal refers to a possible adverse impact on the Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC). It argues that mitigation is required in relation to the SPA, which is reflected in the Habitats Regulations Screening Report carried out by the Council. No such mitigation is before me for consideration. However, as I am not intending to grant planning permission there is no need to undertake an appropriate assessment, or to consider this matter further.
17. Concerns are raised about the conduct of the Council in dealing with the planning application that led to this appeal. However, my decision must be taken on the planning merits of the case.

Conclusion

18. Whilst there would be no harm to the provision of retail uses within the District, there would be harm to the character and appearance of the host building and surrounding area and to the living conditions of future residents, with particular regard to the standard of living accommodation being provided. In conclusion, the proposal conflicts with the development plan when considered as a whole and there are no other considerations that outweigh this conflict. The appeal should be dismissed.

Neil Holdsworth

INSPECTOR