
Appeal Decision

Site visit made on 17 September 2019

by S J Papworth DipArch(Glos) RIBA

an Inspector appointed by the Secretary of State

Decision date: 8 October 2019

Appeal Ref: APP/Z3825/D/19/3232266

3 Chalice Walk, Rusper, West Sussex RH12 4FA

- 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 & Mrs Maynard against the decision of Horsham District Council.
 - The application Ref DC/18/1742, dated 12 August 2018, was refused by the Council by notice dated 1 May 2019.
 - The development proposed is single storey extension.
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Decision

1. I dismiss the appeal.

Main Issues

2. These are;
 - The effect of the proposal on the character and appearance of the Rusper Conservation Area and the setting of the Grade I listed church.
 - The effect of the proposal on the living conditions of neighbouring residential occupiers with particular regard to daylight and sunlight.

Reasons

Designated Heritage Assets

3. Policy 32 of the Horsham District Planning Framework is a strategic policy on the quality of new development and requires among other things that development should contribute a sense of place both in the buildings and spaces themselves and in the way they integrate with their surroundings and the historic landscape in which they sit; and to optimise the potential of the site to accommodate development and contribute to the support for suitable complementary facilities and uses. Development principles are set out in Policy 33, including making efficient use of land and requiring that the scale, massing and appearance is of a high standard. Policy 34 concerns cultural and heritage assets, detailing requirements for development effecting such assets.
4. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72(1) of the same Act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

5. Paragraph 124 of the 2019 National Planning Policy Framework states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. The church is Grade I and represents a very small percentage of all listed buildings. The 'Barnwell Manor' Court of Appeal case determined that considerable importance and weight should be given to harm to the setting of a listed building.
6. Attention has been drawn to the emerging Neighbourhood Plan Policy RUS4 which identifies Church Cottages as local heritage assets. The supporting text states *'that it is critical to the nature of the street views that there should be no extension to the front of these buildings, or along the building line on the church side. This last point would include the newly built cottages in Chalice Walk behind them, as they currently maintain the building line along the church side'*. This Plan is at an early stage and can be afforded limited weight, but the matters set out would be informed by considerations under sections 66(1) and 72(1) in any event.
7. It has also been pointed out that permitted development rights, including for the enlargement of a dwelling house, were removed by Condition 10) of the original grant of permission in 2014 (Ref: DC/13/0657). The Reason given was *'in the interest of visual amenity and in accordance with Policy DC9'*. However, such removal should not be seen as an embargo on any future development, but it does allow due consideration to be given to proposals, and that is the process now being undertaken.
8. The original grant of permission resulted in numbers 2 and 3 being a symmetrical semi-detached pair, each with a lean-to single-storey side projection. Number 1 is a detached property of a singular design whereas number 4 is also detached but shares characteristics with numbers 2 and 3, including a lean-to projection to the east only. The appeal proposal is to add to the projection by extending the plan form outward and re-roofing as a front-and-back pitched roof with an outer gable end. The limited degree of set back at the junction with the main house would remain as originally. Whilst the elevation and plan drawing 3760/01B is clear as to the extent of the addition, the 1:500 Block Plan notes only the part extra to the present lean-to as being 'proposed extension' whereas the higher roof pitch extends over the full width of original lean-to and proposed addition.
9. That roof pitch has been the subject of an amendment during the application stage and as resolved by Committee meeting on 4 December 2018. The revised proposal put to a subsequent Committee for approval and which is now the appeal scheme is for a pitch-angle lower than that of the main house, said to be lowered by approximately 1m from the original proposal. It is the case that the pitch-angle of the lean-to addition is presently lower than that of the main house.
10. The Parish Council refer to building lines and indicate by a blue dashed line on a satellite view the extension of the north gable end to Church Cottages, and how the existing footprint of number 3 already projects past that line. This new building line is shown as a solid yellow line that runs parallel with the

churchyard boundary from the north-east corner of the cottages. However, the emerging Neighbourhood Plan Policy RUS4 acknowledges the effect of the new development at Chalice Walk, and it appears that the aim is to have a zone of open space between built form and the churchyard.

11. The removal of the permitted development rights in Classes A and H for enlargement and buildings within the curtilage would maintain that zone, subject as previously stated, to the consideration of any application for express permission. It is the case that the side wall of the projection to number 3 lines with the rear wall of number 4, notwithstanding that the former is single storey and the latter has a high chalet-style eaves line. The conclusion drawn from these considerations is that care was taken at the time of the original grant of permission to maintain a zone between built form and the churchyard.
12. Attention has also been drawn to the nature of the boundary treatment, and it is the case that burials have historically taken place close to what is now a boundary fence to the north of number 3, which appears to limit the degree of natural vegetation able to be continued along this line. The boundary to the west is open too, so that the development of Chalice Walk is prominent in views back from the Churchyard and which encompass the tower and west end of the Grade I church.
13. The setting of the church extends over the churchyard as a functional and cultural link between the two, and the extent of the churchyard around 2 sides of the new development extends that area of its setting similarly. The architectural and historic significance of the church is high and the setting is an important contributing element of that significance. Whilst the fence line is a hard, unnatural boundary, the lack of prominent built form in the zone previously described should be maintained to avoid undue crowding of the setting, and to maintain the character and appearance of the conservation area as experienced in the churchyard, where the designated area extending over the main churchyard to the north and west of the appeal site is readily accessible to the public. Notwithstanding the lowering of the ridgeline, the proposed extension would be prominent in the zone besides the church yard and would cause harm by eroding the value of the setting to the church.
14. The decision to lower the pitch of the roof to the proposed extension results in an unattractive mis-match at the gable ends. Whilst that is presently true of the pitch to the lean-to, the relationship differs from that now proposed, which would display an unattractive lack of parallel eaves lines. That failing in the design of the addition would be plainly visible from the churchyard, further eroding the value of the setting of the church and harming the character and appearance of the conservation area.
15. The level of harm would be 'less than substantial', a differentiation required between paragraphs 195 and 196 of the Framework. In this case the latter applies and this states that this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
16. There can be no risk of the recently constructed dwelling falling out of its viable residential use for want of the extension proposed, and whilst the proposal would make better use of land within the village, and the loss of symmetry would be acceptable, these considerations do not outweigh the harm identified.

17. To conclude, the replacement of the lean-to roof addition with one that extends further away from the house as a front-to-back roof with slopes that fail to match that of the main roof above, would harm the character and appearance of the Rusper Conservation Area and the setting of the Grade I church, contrary to the Development Plan policies, national guidance and the statutory tests in the Planning (Listed Buildings and Conservation Areas) Act previously detailed.

Living Conditions

18. Policy 33 includes a requirement to ensure that development avoids unacceptable harm to the amenity of the occupiers of nearby properties through, as examples, overlooking or noise although daylight and sunlight would usually be a consideration also.
19. The concern is over the effect of the proposed addition on the sunlight and daylight reaching the rear elevation and garden to the adjoining number 4. The proposed extension would not be any closer to the boundary with the adjoining dwelling, the gap remaining at about 8m, and there is already a fence along that boundary. The roof however would be raised to a new ridge line along the full length of the extension, a total of 6m from the existing main house gable end, as opposed to the existing mono-pitched roof which lowers from a high point against the gable to the eaves 3m out.
20. The rear garden to number 4 is to the north of the dwelling but has parts to either side including furthest from the mutual boundary, and that is a feature of how the Chalice Walk development was designed. The proposed additional width and height of extension at number 3 would be likely to have some effect on the late-day sun reaching the neighbouring garden, depending on the time of year, but that effect would be moderated by the boundary fence and the distance involved. Taking account of these considerations, the proposal would not have a materially adverse effect in planning terms and the effect on daylight would not be such as to reduce it below acceptable levels. The extension would accord with Policy 33 as the proposal would not cause unacceptable harm.

Conclusions

21. Whilst the removal of symmetry with number 2 is not a concern, and the effect on the neighbouring residential occupiers would not reach the level of real planning harm, the projection of the side extension a further 3m towards the churchyard and the use of a non-matching roof pitch would be over prominent, causing harm to the setting of the church and to the character and appearance of the conservation area, contrary to policy and statute. For the reasons given above it is concluded that the appeal should be dismissed.

S J Papworth

INSPECTOR