



Appeal Decision

Site visit made on 11 September 2019

by L Crouch BA (Hons) MSc IHBC

an Inspector appointed by the Secretary of State

Decision date: 18 October 2019

Appeal Ref: APP/Z3825/W/19/3232007

89 & 91 Corsletts Avenue, Broadbridge Heath RH12 3NY

- 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 Innes, Distin and Vaughan against the decision of Horsham District Council.
 - The application Ref DC/18/2002, dated 29 August 2018, was refused by notice dated 1 May 2019.
 - The development proposed was originally described as 'planning application for 1 x 4 bedroom dwelling and 1 x 3 bedroom dwelling with on site parking and associated landscaping on Land at 89 and 91 Corsletts Avenue, Broadbridge Heath, RH12 3NY'.
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Decision

1. The appeal is allowed, and planning permission is granted for the erection of 2 x 3 bedroom dwellings with on-site parking and associated landscaping at 89 & 91 Corsletts Avenue, Broadbridge Heath, RH12 3NY in accordance with the terms of the application, Ref DC/18/2002, dated 29 August 2018, and the plans submitted with it, subject to the conditions set out in the attached schedule.

Procedural Matters

2. Whilst the appeal site address used in the banner heading differs from the application form entry, I have used the address from the planning appeal form as it more accurately describes the location of the site.
3. I have also used the description of development contained on the appeal form for this decision, which matches the Council's decision notice. This differs from the application form description used in the heading of this decision as during the course of the application the number of bedrooms for one of the units was reduced.
4. The Council have confirmed that an incorrect plan PL145/16 REV B was listed on the Decision Notice. The correct plan number is PL145/16, which I have had regard to in my decision.

Main Issues

5. The main issues are the effect of the proposal on the character and appearance of the area and the effect on the living conditions of the occupiers of neighbouring properties, in particular No 91 Corsletts Avenue, by way of visual impact.

Reasons

Character and Appearance

6. The appeal site comprises a corner plot and forms part of the gardens of No 89 and No 91 Corsletts Avenue. A public bridleway runs along the rear of the site. The gardens of No 89 and No 91 are of a good size and generally larger in scale to those found within the immediate area due to the corner location. The area has a largely consistent architectural style of mainly two storey dwellings, pitched roofs with some gables and hipped roof forms. There is a generally regular arrangement of windows and doors to the front elevations, and use of predominantly traditional building materials. These dwellings form terraces, semi-detached and detached dwellings. The dwellings mostly front onto the road, whilst some appear end on, and there are also some cul-de-sacs within the immediate area. This creates a varied and interesting street scene.
7. The proposed dwellings would be positioned in-between No 89, No 91 and No 136 Shelley Drive. This positioning appears broadly in-line with the building line established by No 89 and those dwellings situated north east on Corsletts Avenue and the dwellings located south on Shelley Drive. These dwellings have a generally well-established linear, regular building line and as a result would largely adhere to, and complement, the prevailing linear and regular pattern of surrounding development.
8. Although the proposed dwellings would be located on Corsletts Avenue there would also be a visual relationship with Shelley Drive, with the dwellings being seen in relation to No 136. This relationship, where neighbouring dwellings from different roads are seen in context together, even if not directly next to each other on the same road, is not uncommon and I saw from my site visit that there were other examples in the immediate area. Additionally, the proposed ridge heights are comparable with those of No 89 and No 91, and along with the proposed use of brickwork and tile hanging, would also help to ensure that the proposed dwellings, when seen in relation to the surrounding dwellings, would appear in-keeping with the character and appearance of the area, including from the bridleway.
9. It has been brought to my attention that plot 1 will be at least 1 metre higher than the ridge height of No 136. However, due to the separation between each dwelling, the proposed dwelling would not have a dominating impact upon character, despite this increase in height. I also saw on my site visit a variation in ridge heights in the area, and therefore this arrangement would not look out of keeping.
10. The proposed dwellings, along with No 89 and No 91, would create a form of cul-de-sac, forming a dead-end. As cul-de-sacs are found within the immediate area, the marginal increase in housing density would not be out of place, especially as the proposed dwellings would be set back into a corner.
11. The proposed dwellings, due to their two storey height, proportionate scale and compact form, would be well positioned within their plots and would not appear cramped. This is evidenced by the ample space to the front of the dwellings, which would allow for an appropriate buffer to No 91 to ensure an appreciable visual separation. This would enable an area for parking and planting within the

frontage. This arrangement of parking and planting to the frontages, in the form of small front gardens and/or borders, is a common feature of the immediate area and would therefore appear in-keeping with this characteristic.

12. The rear gardens of each proposed dwelling, by virtue of their width and length, would be directly comparable in size to other rear gardens in the immediate area. These would provide a good sized space for the use of future occupiers and would not be cramped.
13. This spaciousness is accentuated by the proposed side accesses to each proposed dwelling, which would allow for a visual gap between the houses. These gaps would enable glimpses through to the gardens beyond and allow for an important physical separation. They would correspond closely with other gaps between dwellings in the area. This would ensure that, rather than appearing cramped or over-crowded, the proposed dwellings would sit proportionately within the plots, with appropriate distance between neighbouring properties.
14. The design of the proposed dwellings, which include pitched roofs and gables and the use of traditional materials, would also be in-keeping.
15. For the reasons given above, the proposed development would not harm the character or appearance of the area. Therefore, it would comply with policies 32 and 33 of the Horsham District Planning Framework 2015 (LP). Cumulatively these policies seek to achieve a high quality, inclusive design of an appropriate scale, massing and appearance, with high standards of building materials. They also require development to enhance and protect the locally distinctive character, integrate with the surroundings, and ensure that local, social and environmental characteristics are considered.

Living Conditions

16. The proposed resultant garden of No 91 would extend to the rear and would be adjacent to the appeal site, set at right angles. The proposed dwellings would be orientated towards the garden of No 91 and its side elevation.
17. Given the distances involved, the pitched and gable roof design would ensure that the built form would be broken up, and there would be a visual gap between properties, as such the proposed development would not have an overly dominating impact. Therefore, I consider that the proposal would not have a significant overbearing impact or be harmful to the living condition of the occupiers of No 91.
18. Due to the positioning of the proposed dwellings within their plots, which allows for sufficient separation, and the obscurely glazed first floor windows on the north west elevation, there would not be any harmful overlooking into the garden of No 89 or No 91.
19. I was able to see from my site visit that this sort of relationship between dwellings, where there are oblique, angled views, is well-established in the immediate area as part of the spatial pattern of development in the locality.
20. The occupiers of No 136 have raised concerns about the close proximity of the proposed development to its boundary and the uninterrupted views into their garden. However, due to the distance between the development, the boundary treatment and orientation, the proposal would not have a substantial

overlooking or overbearing impact on the living conditions of these occupiers and as such there would not be an unacceptable loss to private or visual amenity.

21. In having regard to the greater distances to No 97 and No 105 Shelley Drive, the effects of the proposed development on the occupiers of these dwellings would be reduced even further.
22. For the reasons given above, the proposal would not unacceptably harm the living conditions of the occupiers of neighbouring properties, in particular No 91 Corsletts Avenue, by way of visual impact. It would therefore comply with Policy 33 of the LP, which requires development to be designed to avoid unacceptable harm to the amenity of occupiers and users of nearby property, through overlooking or noise.

Other Matters

23. It has been brought to my attention that there are local concerns with regard to the impact the development will have on additional cars parking in the vicinity/street, access arrangements, the increase in traffic and vehicle movements, noise and on highway safety. Although not including any visitor parking or garages, the proposal includes the provision for 2 car parking spaces to each dwelling on site and the Highway Authority have not raised any objection to the proposal. Also, given the predominantly residential nature of the area, with many houses, the addition of two more units would not give rise to undue additional harmful effects.
24. I am aware that the National Planning Policy Framework 2019 (the Framework) paragraph 109 says that 'development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'. Given the scale of the development, of only two units, the associated movements and traffic would not have a severe impact on the network. With the predominantly residential nature of the area, existing parking on the road and dedicated parking spaces on the proposed plots, I consider that the proposal would not directly result in an unacceptable impact on highway safety.
25. It has also been brought to my attention that there is a mains foul water sewer in the vicinity of the proposed dwellings. However, this matter lies outside of what I can consider, and Southern Water has advised that a formal application for a connection to the foul sewer would be required.
26. Whilst the construction process, with associated noise, smells and disturbance, has potential to be disruptive, it would be short term and is not a reason to withhold permission in this case.
27. Concern has been raised by interested parties as to the increase in the number of houses in Broadbridge Heath, which they consider has led to an over development of the area, that there is no local need for a further two houses, and it would also set an unwelcome precedent in the area. However, whilst I recognise there is a large development within the area, housing supply is also supplemented by appropriate new development within the existing built-up area boundaries, which I consider the proposal to represent, with each case based on its merits and circumstances.

28. The loss of an oak tree which existed within the garden of No 91 has been brought to my attention by an interested party. I understand that there is a dispute over whether this tree had a Tree Preservation Order (TPO). The Council has confirmed that there are no TPOs on the site and I do not have any substantive evidence to demonstrate otherwise. As such, this does not change my decision.
29. The use of the area for wildlife, such as bats and hedgehogs has been raised. Interested parties have suggested that the area falls within a 'Bat Sustenance zone', although details of this have not been provided. It is currently an open garden, with the development proposed retaining many of the open features, and will retain a garden to each property. Whilst the built area will increase, there is no demonstrable evidence that this will have an impact on protected species, or on non-statutorily protected wildlife, or that wildlife would be significantly affected adversely by the proposed development.
30. My attention has been brought to concerns from interested parties that the application contained inaccuracies. However, the application was validated by the Council and similarly is considered a valid appeal. I have made my decision based on the information provided and as such this does not alter my decision.
31. I note that there has been an objection by an interested party to the number of conditions put forward by the Council, suggesting that it is an indication that the development is harmful. However, whatever the number of conditions necessary to make the development acceptable in planning terms in light of paragraph 55 of the Framework, these secure an acceptable development.

Conditions

32. In addition to the standard time limit condition, a condition is required to ensure that development is carried out in accordance with the approved plans in the interests of certainty.
33. There is also a requirement for a drainage strategy to be approved and implemented in order to protect the living conditions of future and neighbouring occupiers. I recognise that the Council suggested that this be conditioned prior to commencement of development. However, it can be carried out before development of the dwellings and it does not prevent the developer addressing this matter earlier to ensure the site is properly drained.
34. A condition has been included on water usage. This is necessary to limit usage in line with Policy 37 of the LP which recognises that water is a key resource and has a fundamental part to play in contributing to the economy, ecosystems and overall health of the district's population.
35. Additionally, there is a condition for further details to be submitted which concern materials, finishes and colours of external windows, walls and roofs, and landscaping details which will ensure the visual quality of development and protect the character and appearance of the area.
36. A condition requiring specific first floor windows to be obscurely glazed is required to ensure the living conditions of neighbouring occupiers by way of privacy is protected.
37. A condition to ensure the provision for the storage of refuse and recycling to the dwellings, is also required in order to provide adequate recycling facilities.

38. A condition has been included to ensure that visibility splays have been provided at the site vehicle access, and maintained, which is necessary to ensure road safety. In addition, it is necessary to have a condition to ensure that the car parking spaces to serve the development have been constructed and made available before occupation. This will ensure that the car parking on site is available for occupants of the development.
39. A condition has also been included which ensures that details are provided to the Council of the cycle parking facilities and require that they are constructed and made available for use to ensure that there is adequate provision of parking of cycles on the site to support non car modes of transport.
40. A condition was suggested by the Council to remove Permitted Development Rights under Classes A and B of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015. Given the relationship with neighbouring properties and the roof form proposed, I consider this is necessary in this case to protect the living conditions of neighbouring occupiers.
41. The Council has suggested the inclusion of a construction management plan condition. However, given the scale of development it is likely to have a short-term construction period and disruption will be limited. Therefore, I do not find it necessary to make the development acceptable in this case.
42. Additionally, the Council suggested a condition for the inclusion of high-speed broadband. I note that the Council have referred to LP Policy 37. However, whether or not a condition is to be applied is dependent on the application of the tests that are set out in the Framework and, in this case, they do not favour the imposition of the condition as I am not convinced that in this case there is the evidence to suggest that it is reasonable or necessary to make the development acceptable in planning terms.

Conclusion

43. Accordingly, the appeal is allowed subject to conditions.

L Crouch

INSPECTOR

SCHEDULE OF CONDITIONS

1. The development hereby permitted shall begin before the expiration of three years from the date of this planning permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: PL145/10 REV B, PL145/14 REV C, PL145/16, PL145/15 REV C, PL145/13 REV D, PL145/12 REV B, PL145/11 REV J.
3. No development of the proposed dwellings hereby permitted shall take place until a drainage strategy detailing the proposed means of foul and surface water disposal has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme and thereafter retained.
4. No development above ground floor slab level of any part of the development hereby permitted shall take place until confirmation has been submitted, in writing, to the Local Planning Authority that the relevant Building Control body will be requiring the optional standard for water usage across the development. The dwellings hereby permitted shall meet the optional requirement of building regulation G2 to limit the water usage of each dwelling to 110 litres per person per day. The subsequently approved water limiting measures shall thereafter be retained.
5. No development above ground floor slab level of any part of the development hereby permitted shall take place until a schedule of materials and finishes and colours to be used for external walls, windows and roofs of the approved buildings has been submitted to and approved by the Local Planning Authority in writing and all materials used in the construction of the development hereby permitted shall conform to those approved.
6. The dwellings hereby permitted shall not be occupied until the windows at first floor level to the north-west (front) and south-west (side) elevations, as shown on drawing nos. PL145/13 Rev D and PL145/15 Rev C, have been fitted with obscured glazing. No part of those windows that are less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Once installed the obscured glazing and non-openable parts of those windows shall be retained permanently thereafter.
7. Prior to the first occupation of any part of the development hereby permitted, full details of all hard and soft landscaping works shall have been submitted to and approved in writing by the Local Planning Authority. The details shall include plans and measures addressing the following:
 - (i) Details of all existing trees and planting to be retained;
 - (ii) Details of all proposed trees and planting, including schedules specifying species, planting size, densities and plant numbers and tree pit details;
 - (iii) Details of all hard surfacing materials and finishes; and
 - (iv) Details of all boundary treatments.

The approved landscaping scheme shall be fully implemented in accordance with the approved details within the first planting season following the first occupation of any part of the development. Unless otherwise agreed as part of the approved landscaping, no trees or hedges on the site shall be wilfully

- damaged or uprooted, felled/removed, topped or lopped without the previous written consent of the Local Planning Authority until 5 years after completion of the development. Any proposed planting, which within a period of 5 years, dies, is removed, or becomes seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.
8. No dwelling hereby permitted shall be first occupied unless and until provision for the storage of refuse and recycling has been made for that dwelling in accordance with approved drawing number PL145/11 Rev J. These facilities shall thereafter be retained for use at all times.
 9. No dwelling hereby permitted shall be occupied until the car parking spaces necessary to serve it have been constructed and made available for use in accordance with approved drawing number PL145/11 Rev J. The car parking spaces permitted shall thereafter be retained as such for their designated use.
 10. No dwelling hereby permitted shall be occupied until cycle parking facilities have been implemented in accordance with details that have been previously submitted to and agreed in writing with the Local Planning Authority. The cycle parking facilities shall thereafter be retained.
 11. No part of the development shall be first occupied until visibility splays of 2.4 metres by 43 metres have been provided at the proposed site vehicular access onto Corsletts Avenue in accordance with approved drawing number PL145/10 REV B. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level.
 12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (and/or any Order revoking and/or re-enacting that Order) no development falling within Classes A or B of Part 1 of Schedule 2 of the order shall be erected, constructed or placed within the curtilage(s) of the development hereby permitted without express planning consent from the Local Planning Authority first being obtained.

END OF SCHEDULE