



Appeal Decision

Site visit made on 13 March 2019

by Martin S. Lee, MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th October 2019

Appeal Ref: APP/Z3825/W/18/3207313

Land to Rear of Old Telephone Exchange, Orchard Villa and Lynwood, High Street, Partridge Green, Horsham, RH13 8HR

- 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 Jason Vince, Earlswood Homes, against the decision of Horsham District Council.
 - The application Ref DC/18/0650, dated 26 March 2018, was refused by notice dated 30 May 2018.
 - The development proposed is the construction of five dwellings with associated access road, parking and landscaping.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

Site address

2. I have amended the site address to that given on the Appellant's original Design & Access Statement as it more accurately reflects both the location and extent of the appeal site, as evidenced by the notices served under Certificate B of the application and appeal forms. I do not consider any party is likely to be prejudiced by this amendment.

On-site affordable housing provision

3. The Local Planning Authority has confirmed in their Statement that they are not defending this reason for refusal. This on the basis that the threshold in the Horsham District Planning Framework 2015 (HPF) for provision of affordable housing on sites has been superseded by that contained in the current National Planning Policy Framework (the Framework), which was published after the appeal application was refused. Accordingly, I have not considered this issue as part of the appeal.

Main Issues

4. The main issues are the effects of the proposal on the:
 - a) character and appearance of the area; and
 - b) living conditions of neighbouring occupiers, with particular regard to overlooking and loss of privacy.

Reasons

Character and appearance

5. The residential character of High Street is of frontage development, with detached and semi-detached houses some with drive widths between them and with no regimented or consistent building line. The main body of the appeal site is the rearmost parts of the long rear gardens of The Old Telephone Exchange, Orchard View and Lynwood. The residential character of Oakwood, the rear property boundaries of which abut the back of the appeal site, is typified by a higher density of development with either semi-detached or terraced blocks of housing.
6. The three properties whose gardens are included in the application site comprise semi-detached dwellings within substantial curtilages. Properties whose rear gardens abut to either side comprise detached (Hydon House) and semi-detached (Rocheath and Tumblers) houses. The Council accepts the principle of the residential redevelopment in the land to the rear of existing residential frontage development. An example of similar tandem development is evident in the layout and relationship of development within Old Yard Close and off Short Row further to the east. Therefore, the issue is the amount and density of built development proposed and the consequent impacts on the character of the area.
7. The attractive aspect of the current pattern of development is the degree of open spacing it provides between the rear elevations of neighbouring dwellings facing High Street and Oakwood. This allows for more mature garden vegetation further softening the suburban grain. Existing dwellings have high levels of private amenity space as a consequence. Whilst the proposed dwellings would be sited away from the western boundary to minimise the effect on protected trees on adjacent land this means they would be very close together at the other end of the site. The appellant draws attention to the potential for new landscaping to mitigate the visual impact of the proposal. However, due to the proposed layout and the extent of hard surfaced parking and access areas this would be very limited in extent even taking into account the retention of the protected trees and other boundary planting. The combination of hard surfacing; the width and height of the proposed buildings with very little gap between them or to the eastern boundary; and limited opportunity for soft landscaping would result in an over-intensified and cramped form of development within the rear garden areas of the three existing properties which make up the appeal site and front on to High Street.
8. I conclude that the proposal would result in a very cramped layout, which would be out of keeping with the character of the area, where the evidence indicates that existing 'backland' development is of lower in density with more spacious plots.
9. For these reasons the proposal would be out of keeping with the character of the surrounding development. The scheme would therefore conflict with policies 25, 32 and 33 of the HPF. Amongst other matters these policies seek to secure exemplary design standards, ensure high standards of amenity for future occupants and protect townscape quality and character. The proposal would therefore also be at odds with the similar design aims set out in the Framework.

Visual outlook

10. The height, scale, massing and position of the proposed dwellings means that they would appear prominent when viewed from within the rear gardens of surrounding properties. With two storey blank gables to each end of the row of proposed dwellings, even with hipped roofs, that closest to the side boundary with Hydon House would dominate views from within and create overshadowing of the adjoining rearmost area of its garden at different times of the day. This visual impact would be exacerbated by the loss of existing boundary planting evident in the proposal and would not be ameliorated to sufficient degree by close board boundary fencing. In addition, there is insufficient space provided within the proposal to permit effective landscaping to adequately mitigate or ameliorate the impact. Even taking into account the hipped roofs and the length of the adjoining side gardens the consequent degree of visual dominance would detract from the garden outlook in a manner which single storey garden outbuildings would not. Although there would be a loss of the current open and verdant nature of the existing rear gardens, existing trees and shrubs could be cleared at any time.

Visual Privacy

11. The appellant draws attention to the separation distances between existing and proposed dwellings as preserving privacy for future occupants. I consider the distances proposed (at over 10 metres) would be sufficient to protect privacy between dwellinghouse windows. However, a number of neighbouring and retained rear gardens would be likely to experience a substantial degree of reduced privacy as a consequence of overlooking from first floor windows to both rear and front elevations of the proposed dwellings. The orientation and proximity of the proposed dwellings to those reduced portions of rear garden retained by Old Telephone Exchange, Orchard Villa and Lynwood and neighbouring rear private gardens of Hydon House and those dwellings abutting the site which front Oakwood would introduce substantial overlooking (direct and tangential) of the most private areas of existing external amenity space. Although levels differences were evident within the site at the time of my visit (from raised/tiered areas of garden) no proposed finished floor levels or sections have been submitted which might demonstrate that existing/proposed boundary landscaping would have a substantial mitigating effect.
12. Accordingly, the proposal would not preserve the existing level of privacy within the rear garden areas of adjoining properties, with regards to outlook and privacy. The proposal would therefore be contrary to Policy 33 of the HDF. In failing to do so it would also be at odds with the design aims of paragraphs 127 & 130 of the Framework.

Other Matters

13. I have taken into account the appellants arguments in relation to best use of land, comparison with other permissions granted by the Council, landscaping and use of building design but do not consider these sufficient to outweigh the harm identified above.

Conclusion

14. The proposal would result in the benefit of five additional dwellings in a location with reasonable access to services and facilities without undue reliance on the

private vehicle and would make more effective use of land. However, these benefits would be greatly outweighed by the harm I have identified. In failing to comply with Policies 25, 32 or 33 of the HDF the proposal cannot comply with the development plan taken as a whole. For the reasons given above I conclude that the appeal should be dismissed.

Martin S. Lee

INSPECTOR