



Appeal Decision

Site visit made on 22 October 2019

by J E Jolly BA (Hons) MA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 November 2019

Appeal Ref: APP/Z3825/W/19/3233570

18 Rosemary Avenue, Steyning BN44 3YS

- 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 Andrew Gates against the decision of Horsham District Council.
 - The application Ref DC/18/2178, dated 13 October 2018, was refused by notice dated 25 January 2019.
 - The development proposed is the conversion of existing detached garage/workshop to a dwelling house.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of future occupants of the proposed dwelling and neighbouring occupants of No 18 Rosemary Avenue with particular regard to the outdoor amenity space.

Reasons

3. The appeal site is located in a residential cul-de-sac of predominantly single-storey brick and tile dwellings most of which appear to have front and rear gardens. 18 Rosemary Avenue is a corner-plot, semi-detached bungalow protected by a low brick wall with a matching detached garage and hardstanding to one side that is accessed via a crossover on the bend of the highway. The front garden is separated from the rear garden by fencing and hedging which screens the remaining garden area of the bungalow.
4. The proposal would convert the garage to a one-bedroom dwelling with a rear patio area accessed via side access path. The property would be accessed from the highway facing elevation and have windows facing the front and rear gardens of No 18 behind a fenced boundary treatment to provide separation from the existing dwelling. The fencing would run from the rear boundary of No 18 to the road frontage.
5. The division of the plot would leave a modest garden for the host dwelling of a comparable size to some other dwellings in the vicinity. However, the remaining garden area associated with the proposal would be cramped to both the side and rear for the purposes of a residential dwelling due to the close proximity with the host property; thereby providing insufficient amenity space for the purposes of, but not limited to, washing lines, garden furniture, refuse and recycling, and other paraphernalia and activities associated with a dwelling of this size. Accordingly, the users of the garden space would experience an enclosed environment, lacking in quality as usable, private outdoor space.

6. Moreover, whilst the existing structure is suitable for garage use, the normal activity associated with a residential dwelling would harm the amenity of neighbouring occupants by virtue of its' proximity and related activity on this relatively small plot.
7. I note the earlier withdrawn application for the same site put forward by the main parties, and that the appellant has sought to address concerns contained within it. However, following assessment of the proposal before me, and for the reasons described above, I find that the appeal scheme would not overcome those concerns.
8. Therefore, the proposal is contrary to Policy 33 of the Horsham District Planning Framework 2015 which states, amongst other things, that development should avoid unacceptable harm to the amenity of occupiers of nearby property, should consider the scale, massing and orientation between buildings and should have regard to the sensitivities of surrounding development. For similar reasons the proposal is contrary to aims set out in Paragraph 127(f) of the National Planning Policy Framework which indicates that planning decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Other Matters

9. I acknowledge the appellant's desire for the use of the proposal for the accommodation of relatives. However, occupation of this type, even if it could be secured, does not justify the harm that would be caused to the amenity of future and neighbouring occupiers by the creation of a new dwelling in this location.

Conclusion

10. For the reasons given above I conclude that the appeal should be dismissed.

JE JOLLY

INSPECTOR