
Appeal Decision

Site visit made on 22 October 2019

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 December 2019

Appeal Ref: APP/Z3825/W/19/3235146

Land Adjacent Elm Cottages, Worthing Road, Southwater RH13 9DT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr R Piper against Horsham District Council.
 - The application Ref DC/18/2614, is dated 7 December 2018.
 - The development proposed is construction of 2 no. semi detached houses.
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This decision is issued in accordance with Section 56(2) of the Planning and Compulsory Purchase Act 2004 (as amended) and supersedes the decision issued on 5 November 2019.

Decision

1. The appeal is allowed and planning permission is granted for construction of 2 no. semi detached houses at land adjacent Elm Cottages, Worthing Road, Southwater RH13 9DT in accordance with the terms of the application, Ref DC/18/2614, dated 7 December 2018, subject to the conditions set out in the attached schedule.

Procedural Matters

2. The description of development in the banner heading above is taken from the appeal form and reflects the description given on the Council's letter dated 11 June 2019 seeking an extension of time to determine the application. From the evidence before me, the development originally proposed was revised to 2 semi-detached houses. Consultation with interested parties took place on amended plans and an updated development description, and I have therefore determined the appeal on the basis of these revised plans and development description which is within the banner heading.
3. The Council failed to determine the application within the prescribed period. However, following submission of the appeal, the Council have prepared an appeal statement. This advises that had the Council determined the application, planning permission would have been refused. A putative reason for refusal is given and identifies that the principal concern relates to the effect of the proposal on the character and appearance of the area.

Main Issue

4. The main issue in this appeal is the effect of the proposed development on the character and appearance of the area.

Reasons

5. Elm Cottages are a pair of semi-detached dwellings to the west side of Worthing Road, although part of 2 Elm Cottages is in commercial use. To the rear of 1 Elm Cottages is an area of parking. Beyond this is a garden enclosed by fencing which is of lesser depth than the adjacent garden to No. 2. The appeal site is located to the rear of 1 and 2 Elm Cottages and includes a strip of land to the side of No. 1 which connects the site to Worthing Road. The site currently comprises the deeper section of the garden of No 2 and part of the garden serving the neighbouring dwelling at Wheelwright House.
6. The scale, form and materials of the buildings on this side of Worthing Road vary greatly and the mix of residential and commercial uses provides for a mixed character. In addition, while Elm Cottages and buildings to the north of the appeal site are generally set relatively close to the road, there is no consistent building line and 1 and 2 The Chestnuts are notably set back in comparison to the adjacent buildings of The Old Post Office and Brookfield House. Adjacent to 2 Elm Cottages is the junction of Pipers Close with Worthing Road. Pipers Close is a cul-de-sac which runs broadly parallel to Worthing Road away from the appeal site. As a result, the dwellings on Pipers Close are set back considerably in comparison to Elm Cottages.
7. Although the buildings immediately to the north of the appeal site are set in relatively generous plots promoting a sense of spaciousness, this is not a uniform characteristic of the area around the appeal site. Elm Cottages are positioned very close to their frontage and there is less separation between the dwellings on Pipers Close providing a more close-set appearance to this part of the street. This is further reinforced by the higher density of development arising from the inclusion of flatted blocks towards the village centre and the tighter arrangement of dwellings opposite the site. Moreover, the nearby new build development site known as 'Broadacres' includes flatted blocks fronting Worthing Road and exhibits less separation between dwellings and their boundaries. This development wraps behind Worthing Road and the appeal site, and recently constructed dwellings on the site are visible from Worthing Road in the gaps between buildings, including to either side of Elm Cottages.
8. The appeal proposes a pair of semi-detached chalet bungalows to the rear of Elm Cottages. I acknowledge that there may not be examples of directly comparable layouts of dwellings facing the rear of buildings on Worthing Road in the immediate vicinity of the site. However, there is an existing access to the rear of Elm Cottages from Worthing Road and while this would be altered to serve the development, it would not be a new feature in the street scene.
9. Additionally, the layout of development nearby varies significantly, including as a result of dwellings on Quarry Way which back onto Worthing Road opposite and flatted blocks close to the site, as well as The Old Post Office where access to the very deep rear section of the building is provided from its side. The irregular building line on Worthing Road also means that there are already examples of dwellings behind the rear elevations of neighbours. These include 1 Pipers Close which is set to the rear of Elm Cottages and 1 and 2 The Chestnuts which are set to the rear of Brookfield House. Furthermore, dwellings within the ongoing Broadacres development are already evident to the rear of the buildings fronting Worthing Road in views around the appeal site.

10. The presence of development to the rear of Elm Cottages would not therefore be an alien or incongruous feature in this location and the arrangement would not undermine any distinctive layout pattern so as to appear incompatible or discordant.
11. The development would reduce the existing spacing between the rear of Elm Cottages and the new Broadacres development. However, the separation to the rear of buildings fronting Worthing Road and Pipers Close is already varied given the irregular building line, and the rear gardens to the proposed dwellings would nevertheless provide for separation. Moreover, given the closer grain of development to the front of the appeal site and towards the south, as well as within the Broadacres site and further north on Worthing Road, there is no overriding spacious character to the surrounding area that would be harmed by such a change. Substantial garden space would also be retained around Wheelwright House, both to its side and rear, and the existing sense of spaciousness that is present on this site would therefore be maintained.
12. The overall size of the proposed dwellings would not be significantly greater than other development in the vicinity. The gardens serving the proposed dwellings would be shorter than those of neighbours immediately to the north on Worthing Road, but would be comparable to the gardens apparent to 1 and 3 Quarry Way which back onto Worthing Road opposite the appeal site, to those of some of the neighbours on Pipers Close, as well as those serving dwellings within the development to the rear of the appeal site. The separation provided around the dwellings to their boundaries would be sufficient to ensure that they would sit comfortably on their plots and would be compatible with the wider context of the site.
13. Given the height of the development below the roofline of Elm Cottages, its siting to the rear of these dwellings and set back from Worthing Road, and screening by the existing boundary treatment, the development would not be prominent in views so as to impact significantly on the street scene. Moreover, the proposed semi-detached form of the dwellings would be sympathetic to other development in the vicinity of the site including Wheelwright House and its neighbour Jasmine Cottage as well as Elm Cottages, and the chalet bungalow design would also reflect the style of dwellings on Pipers Close.
14. For the collective reasons outlined above, and in light of the mix of types, sizes and architectural styles and designs of dwellings and plots which together make up the character of the area around the appeal site, I see no reason that the proposed development would form a notable or detrimental feature. Instead, it would provide for new dwellings within an established residential area and would add to the visual interest and diversity of the locality.
15. I therefore conclude that the development would be sympathetic to its surroundings and that there would be no harm to the character or appearance of the area. Accordingly, I find no conflict with Policies 25, 32 and 33 of the Horsham District Planning Framework 2015. Broadly, these seek new development that makes a positive contribution to local character and appearance taking into account individual settlement characteristics and the built surroundings. Similarly, it would accord with the requirement within the National Planning Policy Framework for the creation of well-designed places.

Other Matters

16. Wheelwright House and Jasmine Cottage are a listed building and as required by section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have had special regard to the desirability of preserving its special interest and setting. However, given the relationship of the appeal site to this building and the spacing that would be maintained together with the surrounding development I see no reason to disagree with the Council's conservation officer that there would be no harm to this heritage asset.
17. While I acknowledge that the proposal would change the appearance of the appeal site, owing to the scale of the dwellings, their location and intervening distances, there would be no significant loss of privacy, light or outlook for the occupiers of neighbouring dwellings. Furthermore, the number of houses proposed is unlikely to result in unacceptable levels of traffic movements or any associated disturbance or harm to neighbouring occupiers and there is no evidence that highway safety would be compromised.

Conditions

18. I have considered the Council's suggested conditions together with the appellant's comments on these. I have imposed those conditions I consider necessary, but where required I have altered these for clarity and to ensure compliance with the relevant tests.
19. In addition to the standard time limit condition (1), I have imposed a condition specifying the approved plans for the avoidance of doubt and in the interest of certainty (2). Conditions requiring details of the provision of drainage (3) and the management of construction works on the site (4) are necessary prior to the commencement of development in the interests of highway safety and to ensure satisfactory living conditions for future and neighbouring occupiers.
20. Conditions relating to materials (5), storage for refuse and recycling (6) and hard landscaping and lighting (7) are necessary in the interests of the character and appearance of the area, although it is only necessary to seek details of landscaping works which are not already provided for by the approved plans. Conditions to require provision for parking and turning in accordance with the approved plans (8) and cycle storage (9) are necessary in the interests of highway safety and encouraging cycling. A condition to require water efficiency measures (10) is necessary in the interests of resource efficiency. While a condition to require provision for broadband in accordance with industry standards (11) is necessary to benefit future occupiers and support economic growth and social well-being, I am not convinced that the prescription of specific speeds to be achieved as suggested by the Council would be reasonable. Given the residential character of the area, it is appropriate that controls are placed upon the hours of construction work and I impose a condition accordingly (12).
21. However, I am not persuaded that it is necessary to remove permitted development rights, as the Council suggests. Paragraph 53 of the National Planning Policy Framework indicates that planning conditions should only restrict national permitted development rights where there is clear justification to do so and I do not consider the circumstances in this case to be so given the location of the site within the built-up area of Southwater.

Conclusion

22. For the reasons given above, I conclude that the appeal should be allowed.

J Bowyer

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, 6435 Rev C, 6541 Rev A, 6542 Rev A and 6502 Rev B.
- 3) The development hereby permitted shall not commence 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 dwellings hereby permitted shall not be occupied until the foul and surface water disposal works have been completed in accordance with the approved details.
- 4) The development hereby permitted shall not commence until a Construction Method Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall provide for:
 - i) locations for the loading and unloading of plant and materials, any site office and the storage of plant and materials (including any stripped topsoil) used in constructing the development; and
 - ii) measures to control the emission of dust and dirt during construction.

The approved Construction Method Plan shall be adhered to throughout the construction period for the development.

- 5) No development above ground 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 development has been submitted to and approved by the Local Planning Authority in writing. The relevant works shall be carried out in accordance with the approved details.
- 6) Prior to the first occupation of any part of the development hereby permitted, provision for the storage of refuse and recycling shall be made in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority. The provision for the storage of refuse and recycling shall thereafter be retained for use at all times.
- 7) Prior to the first occupation of any part of the development hereby permitted, details of all hard surfacing materials and finishes and of any external lighting shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details before any part of the development is first occupied.
- 8) Prior to the first occupation of any part of the development hereby permitted, parking, turning and access facilities shall be provided in accordance with the details shown on drawing 6502 Rev B, and that space shall thereafter be kept available at all times for those purposes.
- 9) Prior to the first occupation of any part of the development hereby permitted, details of secure and covered cycle parking facilities for the occupants of, and visitors to, the development shall be provided in accordance with details which have first been submitted to and approved

in writing by the Local Planning Authority. The provision for cycle parking shall thereafter be retained for use at all times.

- 10) The dwellings hereby permitted shall not be occupied until Building Regulations approval has been issued certifying that optional requirement G2 to the Building Regulations 2010 (as amended) to limit water usage of the dwelling to 110 litres per person per day has been achieved. Water limiting measures to meet this standard shall thereafter be retained.
- 11) Prior to the first occupation of each dwelling hereby permitted, infrastructure to enable the delivery of broadband services to industry standards shall be provided for that dwelling.
- 12) Construction work shall take place only between the hours of 0800-1800 Monday to Friday and 0800-1300 Saturdays, and shall not take place at any time on Sundays or on Bank or Public Holidays.