



Appeal Decision

Site visit made on 8 January 2020

by I A Dyer BSc (Eng) MIHT

an Inspector appointed by the Secretary of State

Decision date: 22 January 2020

Appeal Ref: APP/Z3825/D/19/3238706

Wellhall Cottage, Five Oaks Road, Slinfold RH13 0QW

- 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 Mrs Peta Curtis against the decision of Horsham District Council.
 - The application Ref DC/19/1021, dated 10 May 2019, was refused by notice dated 23 July 2019.
 - The development proposed is the erection of a two storey rear extension and conversion of integral garage to habitable space.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a two storey rear extension and conversion of integral garage to habitable space at Wellhall Cottage, Five Oaks Road, Slinfold RH13 0QW, in accordance with the terms of the application, Ref DC/19/1021, dated 10 May 2019, subject to the following conditions:-

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) Unless varied by other conditions of this decision, the development hereby permitted shall be carried out in accordance with the following approved plans:

Title	Drawing No	Received Date
Location plan	01L	13 May 2019
Ground Floor Plan as proposed	05 REV A	13 May 2019
Proposed First Floor Plan	06 REV A	13 May 2019
SW and NE Elevations as proposed	07 REV A	13 May 2019
NW and SE Elevations as proposed	08 REV A	13 May 2019

- 3) No development above ground level shall commence until details / samples of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details / samples.
- 4) No development shall take place until a scheme for the protection of the trees on the site boundaries 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.

Procedural Matters

2. The appellant has provided an extensive description of the development. The Council amended this to "Erection of a two storey rear extension and conversion of integral garage to habitable space" and I note that the appellant uses this description on their appeal form. I have therefore used the amended description provided by the Council and I have determined the appeal on this basis.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the site and the surrounding area.

Reasons

4. The appeal site forms part of a ribbon of predominantly residential development of two storey dwellings fronting onto Five Oaks Road. The existing dwelling is an extensive single storey bungalow, set back from the road roughly in line with its neighbours. The adjacent dwelling to the north-east, known as Merrie Mead, has recently been extended.
5. In the vicinity of the site the land falls away from the road and this, together with extensive frontage planting and mature trees, establishes a character of discreet residential development of various designs set back from the road in a verdant setting. However, I note that the existing dwelling has a greater, though still limited, presence in the public realm by virtue of views afforded through an access shared with its neighbour to the south west and businesses to the rear of that property.
6. The proposed development would convert an existing garage and add a two storey element extending over the garage and towards the north-east boundary. The development would, however, retain the existing building line.
7. The proposed extension would significantly increase the built form and massing of the existing dwelling and that, by virtue of this, the extension would not be subservient to the existing dwelling. The proposal would, therefore, be contrary to Policy 28 of the Horsham District Planning Framework –2015– (the HDPF) which requires that extensions should be in keeping with the scale and character of the existing dwelling.
8. However, the resultant building would be of an overall size, scale and massing not dissimilar to that of its neighbours, whilst the existing single storey building is, to a degree, incongruous with them in this respect. This incongruity is emphasised by the recent addition of the large extension on Merrie Mead.
9. Whilst the roof is of a different design to that of nearby development, there is variation between the design of roofs locally and this aspect of the design would not be out of keeping with the area. Similarly, whilst the extension forms a significant vertical feature facing Five Oaks Road, this would not be out of place given the presence of other facades of similar scale in the vicinity.
10. The proposal would, therefore, reconcile the incongruity in scale of the existing dwelling, and the proposal would therefore accord with Policies 32 and 33 of

the HDPF which require development to, amongst other things, complement locally distinctive characters, contribute a sense of place in the way they integrate with their surroundings and optimise the potential for the site.

11. Similarly, the proposal would be in accordance with Section 12 of the National Planning Policy Framework -2019- (the Framework), in as much as the proposal is sympathetic to local character, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change and optimises the potential of the site to accommodate and sustain an appropriate amount and mix of development.
12. Notwithstanding the conflict with Policy 28, given the particular circumstances of the site context, the limited views of the proposal from the public realm and planning history of adjacent sites, which are material considerations, I find the proposal to be acceptable in principle.
13. The proposed development would be contrary to Policy 28 of the HDPF. However, the proposed development would meet the aims of Policies 32 and 33 and the Framework in as much as it complements the locally distinctive character of the district and relates sympathetically to the built surroundings. I would conclude that these are material considerations that would indicate making a decision that is not in accordance with the development plan.

Conditions

14. In addition to the standard condition which limits the lifespan of the planning permission I have specified the approved plans as this provides certainty.
15. Similarly, to provide certainty I have added a condition requiring the submission and approval of materials to ensure that these are in harmony with those of the existing building and its neighbours. This condition is supported by Policies 32 and 33 of the HDPF.
16. The site is screened by several prominent trees that make a significant contribution to the verdancy of the area and provide screening of both existing and the proposed development. As such they make a significant contribution to the character and appearance of the area. A condition requiring details of tree protection during the construction phase is necessary to prevent damage to trees and preserve the visual appearance of the area. This condition is supported by Section 15 of the Framework. As such protection needs to be provided prior to any works being carried out on site it is necessary that such details are provided prior to commencement of works. I have consulted the appellants regarding this condition, and they have agreed to it.

Planning Balance and Overall Conclusion

17. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."
18. I have found that the proposed development would not result in harm to the character and appearance of the countryside and thus it would not be in conflict with Policies 32 and 33 of the HDPF.

19. Although the proposal is not in accordance with Policy 28 of the HDPF, there are material considerations, including the policies in the National Planning Policy Framework that indicate that a decision can be made other than in accordance with the development plan and any adverse impacts of granting planning permission would not outweigh the benefits.
20. For this reason, and having taken into account all other matters raised, I conclude that the appeal should be allowed, subject to conditions.

I Dyer

INSPECTOR