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# Appeal Decision

Site visit made on 17 August 2020

**by Andrew Bremford BSc (Hons) MRICS**

**an Inspector appointed by the Secretary of State**

**Decision date: 27 August 2020**

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**Appeal Ref: APP/Z3825/W/20/3250108**

**Green Shadow, Roundabout Lane, West Chiltington RH20 2NT**

- 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 Colin Russell against the decision of Horsham District Council.
  - The application Ref DC/19/2513, dated 13 December 2019, was refused by notice dated 7 February 2020.
  - The development proposed is demolition of garages. Construction of dwelling with attached garage.
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## Decision

1. The appeal is dismissed.

## Main Issues

2. The main issues are the effect of the proposal upon (i) the character and appearance of the area; and (ii) the living conditions of the occupiers of the adjoining dwelling, Enderby Thatch, in respect of outlook and natural light.

## Reasons

### *Character and appearance*

3. The appeal site comprises part of the garden area of Green Shadow, a two storey dwelling located on the west side of Roundabout Lane. The garden area is lower than Roundabout Lane and tapers to the south of Green Shadow towards Rock Cottage. There are two garages within the garden.
4. I acknowledge that the plot sizes of the two properties to the west of the appeal site, Enderby Thatch and Hill End, are smaller than most others in the vicinity of the appeal site. However, the area is mainly characterised by detached dwellings of varied design and size, mostly set back from the road frontage within substantial plots. These characteristics along with trees, hedges and other foliage within and along the boundaries of plots, combine to give the street scene a verdant and spacious appearance.
5. The proposed development would demolish the two garages and sub-divide the plot to allow the erection of a two-storey detached dwelling with attached garage. Taking into account that plot sizes in the area are mostly generous the resultant plot size and the associated gardens for the proposed dwelling and Green Shadow would be at odds and, hence, out of character with the general pattern of development in the surrounding area.

6. Although the proposed dwelling would be set back from Roundabout Lane by a similar distance to Green Shadow, taking into account its scale and the tapered shape of the plot, the development would erode the spacious character that exists around most existing buildings in the area and would represent an unduly cramped and unsympathetic form of development within its surroundings. Moreover, the loss of spaciousness would be exacerbated as a result of the limited separation between Green Shadow and the proposed dwelling.
7. The design characteristics of the proposed dwelling would differ from some other properties in the vicinity of the site. Nevertheless, the appearance of the resultant property would broadly be in keeping with the traditional 'Wells' cottages found within West Chiltington, including Green Shadow itself. Thus, for this reason, and taking into account that dwellings in the area vary in design, I find no material harm with the design of the proposed dwelling.
8. However, for the reasons outlined above, and notwithstanding that the Council has granted planning permission for the construction of new dwellings on garden land at other sites within West Chiltington, the proposed development would not respect the prevailing pattern of development in the surrounding area. I conclude, therefore, that the proposal would be significantly harmful to the character and appearance of the area.
9. Consequently, in this regard, the proposed development would conflict with Policies 32 and 33 of the Horsham District Planning Framework 2015 (HDPF). These policies, amongst other things, set out to ensure that new development complement locally distinctive characters and in terms of layout relate sympathetically with the built surroundings. It would also not accord with chapter 12 of the National Planning Policy Framework (the Framework) which, amongst other things, seeks to ensure developments are sympathetic to local character including the surrounding built environment.

#### *Living conditions*

10. Enderby Thatch, the neighbouring property to the south west, is sited at a lower level and close to the shared boundary with the appeal site. The existing outlook from the rear elevation windows of Enderby Thatch is towards its rear garden, a tall hedge along the shared boundary and beyond towards the garden area of Green Shadow.
11. Taking into account the scale of the proposal, in combination with its position on higher land and proximity to the shared boundary, the development would represent a permanent substantial built form close to the rear elevation of Enderby Thatch where none currently exists. Thus, notwithstanding the existence of the tall hedge along the shared boundary, which could not be relied upon as a permanent feature, the proposed development would be dominant and overbearing upon the outlook from the rear elevation windows of Enderby Thatch. Furthermore, for the same reasons, the proposal would also obstruct natural light reaching the rear elevation windows of Enderby Thatch.
12. Therefore, for the reasons outlined above, I conclude that the proposed development would have a significantly harmful effect upon the living conditions of the occupiers of Enderby Thatch in terms of loss of outlook and natural light.

13. Consequently, in this regard, the proposal would not accord with the living conditions aims of Policy 33 of the HDPF and paragraph 127 f) of the Framework which, amongst other things, requires that new development shall be required to ensure that it is designed to avoid unacceptable harm to the amenity of occupiers of nearby property and land.
14. The appellant contends that the distance between the proposed development and Enderby Thatch is similar to the distance between Green Shadow and Hill End, a neighbouring property to the west of Green Shadow. Be that as it may, I have considered the appeal proposal based on the circumstances of the site, on the evidence before me and on its individual planning merits and concluded that it causes harm for the reasons set out above. The fact that the distance between another neighbouring property and Green Shadow may be similar to the situation that would arise in this case does not alter or outweigh my overall conclusion on this main issue.

### **Other Matters**

15. My attention has been drawn to the fact that to the south of the appeal site there are a group of grade II listed buildings, with Rock Cottage being the closest to the site of the proposed development. It is therefore incumbent upon me to pay special regard to the desirability of preserving the setting of these designated heritage assets in accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Taking into account the distance between the listed buildings and the appeal site, and the presence of a substantial three bay timber garage within the garden of Rock Cottage positioned between the historic house and the site, the development would not be readily visible in local views from Roundabout Lane in the area around the junction with Monkmead Lane. Consequently, there would be no harm to the setting of the grade II listed buildings to the south of the appeal site, including Rock Cottage.

### **Planning Balance and Conclusion**

16. The appellant contends that the Council is presently unable to demonstrate a five-year supply of housing land. I have been referred to an appeal decision<sup>1</sup> in October 2019 where the Inspector found for the purposes of that appeal that there was a 4.8-year supply of deliverable housing sites. However, as part of this appeal, the Council has confirmed that it does have a five-year housing land supply as set out in its latest 'Authority Monitoring Report' published on 31 December 2019. It post-dates the October 2019 appeal decision and confirms that the Council can demonstrate a 111% or 5.54 years' housing land supply.
17. The appellant refers to the housing targets contained within the draft Local Plan<sup>2</sup>, which has not yet undergone examination and is therefore subject to change, and states that having regard to the projections contained therein, the Council's current housing provision is "borderline". However, the appellant has not presented me with an alternative figure that would lead me to take a different view on the Council's latest published position. I conclude, therefore, that the evidence before me does indicate that more than a five-year supply of

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<sup>1</sup> Appeal Reference: APP/Z3825/W/19/3227192

<sup>2</sup> Horsham District Local Plan 2019-36, Public Consultation (Regulation 18), February 2020

- deliverable housing sites for the area can be demonstrated. Consequently, paragraph 11 d) of the Framework is not engaged.
18. Paragraph 47 of the Framework states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.
  19. The appellant considers that the proposal would be a windfall development which would contribute towards meeting the Council's housing requirement. The framework seeks to significantly boost the supply of homes and indicates that small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly. However, the provision of one new dwelling would be a modest contribution to the Council's housing land supply.
  20. I have found that the proposed development would cause significant harm to the character and appearance of the area. It would also have a significantly harmful effect upon the living conditions of the occupiers of Enderby Thatch in terms of outlook and natural light. As a result, the proposal would not accord with the environmental and social roles of planning and I afford significant weight to these matters in my decision, noting conflict with both development plan and Framework policies.
  21. Even if the Council is unable to demonstrate a five-year supply of housing land, the considerable identified adverse impacts of the proposed development would significantly and demonstrably outweigh the modest benefits, when assessed against the policies in the Framework taken as a whole.
  22. The proposed development would be contrary to the development plan and this conflict is not outweighed by other material considerations, including the provisions of the Framework. Accordingly, for the above reasons, I conclude that the appeal should be dismissed.

*Andrew Bremford*

INSPECTOR