



Appeal Decision

Site visit made on 6 April 2020

an Inspector appointed by the Secretary of State

Decision date: 22 April 2021

Appeal Ref: APP/D3830/D/20/3261382

11 Kilnwood Avenue, Burgess Hill RH15 0ZD

- 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 Ms Juila Gent against the decision of Mid Sussex District Council.
 - The application Ref DM/20/1323, dated 9 April 2020, was refused by notice dated 21 September 2020.
 - The development proposed is to convert integral garage into habitable room.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of integral garage into habitable room at 11 Kilnwood Avenue, Burgess Hill RH15 0ZD in accordance with the terms of the application, Ref DM/20/1323, dated 9 April 2020, subject to the following 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 plan: 2021/CO1.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Procedural Matter

2. The description of development as it appeared on the application form was somewhat convoluted. I have therefore adopted the more concise description of development as it appeared on the Council's decision notice.

Main Issues

3. The main issues are the effect of the proposal on the character and appearance of the area, and whether the proposal would result in on street highway safety issues.

Reasons

4. The application property comprises an end of terrace 3 storey town house located on the eastern side of Kilnwood Avenue and adjoining Craftsman's Crescent. It forms part of a much larger new housing development to the north, some of which is still under construction. However, the application property and those surrounding it in the vicinity are all occupied. At the

ground floor on the frontage, there is an integral garage and in front of that forecourt parking within the curtilage of the property.

5. With regard to the design implications, I can appreciate that the Council is keen to see the original design approach maintained, given that it has been completed so recently and to a high standard of individual design including good quality and choice of materials. In that respect, the Council is concerned that the proposed replacement of the garage door with a window, would disrupt the rhythm of the streetscene whereby the property forms part of a terrace of 6 identical designs. However, in my view, the dominating characteristics of the terrace are the large imposing vertical gables at first and second floor which are accentuated by grey weatherboarding with substantial black surrounds. These would remain and provide visual continuity. Whilst the appearance would change at ground floor, the proposed window would be of the same width as those above and the drawing confirms it would match those windows in terms of a black finish, together with matching brickwork where the remainder of the garage door presently is. Such measures would help to integrate the changes within the front elevation which is already somewhat obscured at ground floor by the parking of vehicles. Accordingly, I do not consider the overall changes would harm the character and appearance of the terrace or the streetscene as a result.
6. Although the Council is also concerned about dominance of parking, that is already the case with parking on the forecourt for both the appeal property and also the five other properties that form part of the terrace. Indeed, at my site visit, there were two vehicles parked on the forecourt of the appeal property.
7. Turning to parking issues, the Council confirms that the two on site spaces on the forecourt would be satisfactory for a dwelling of this size, and its concern seems to be directed towards the possibility of the property becoming a four bedroom dwelling. There is no evidence before me to substantiate that, either in terms of how likely that might be or whether such a layout would work internally from a practical point of view. I also note that the applicant advises that the habitable space would be intended for additional living space in terms of a playroom/lounge. Even if that were not the case, I note that the West Sussex County Council Guidance on Parking Standards, refers to the parking demand for a 4 bedroom dwelling in a Zone 4 area as being 2.2 spaces which is only marginally above what can be accommodated on site. Parking standards in the Burgess Hill Neighbourhood Plan 2015-2031 (NP) are similar. There is no information before me as to the likely impact of any limited on street parking in the immediate area. Indeed, the Council only refers to such a situation as being *unfortunate (my italics)* in its report, which does not suggest to me that serious harm in terms of highway safety, would result.
8. In the absence of any compelling evidence before me that the proposed conversion would result in highway safety issues, I am not persuaded that permission should be withheld for that reason. In that respect I note that paragraph 109 of the National Planning Policy Framework says that development should only be prevented or refused on highway grounds if there would be an unacceptable impact upon highway safety, or the residual cumulative impacts on the road network would be severe. There is no evidence before me to demonstrate that would be the case.

Conclusion

9. For the reasons set out above, there would be no harm to the character and appearance of the area or highway safety. The proposed development would therefore comply with Policy DP26 of the Mid Sussex Development Plan 2014-2031 and Policy S4 of the NP in that it would reflect the distinctive character of the area, would incorporate well integrated parking and would largely comply with parking standards.
10. Conditions for the development to be built in accordance with the approved plans and for matching materials, are necessary in the interests of certainty and visual amenity.
11. Accordingly, the appeal is allowed and planning permission granted.

Kim Bennett

INSPECTOR