



Appeal Decision

Site visit made on 12 April 2021

by Nicola Davies BA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 April 2021

Appeal Ref: APP/Z3825/W/20/3261023

Norfolk Lodge Care Home, 9 Norfolk Road, Horsham RH12 1BZ

- 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 Paul Aylett against the decision of Horsham District Council.
 - The application Ref DC/20/0576, dated 16 March 2020, was refused by notice dated 6 August 2020.
 - The development proposed is conversion of existing semi-detached dwelling into 2No. flats including part demolition of existing dwelling. Erection of 2no. semi-detached dwellings.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of existing semi-detached dwelling into 2No. flats including part demolition of existing dwelling and the erection of 2no. semi-detached dwellings at Norfolk Lodge Care Home, 9 Norfolk Road, Horsham RH12 1BZ in accordance with the application Ref DC/20/0576, dated 16 March 2020, subject to those conditions listed in the attached schedule.

Preliminary Matter

2. In the banner heading above I have taken the description of proposed development from the Council's decision notice as this clearly and succinctly describes the act of development and is more accurate than the description provided on the planning application form.

Main Issues

3. The main issues in this case are:-
 - a) Parking provision; and
 - b) The effect of the proposed development on the living conditions of the neighbouring occupiers at 7 Norfolk Road.

Reasons

Parking

4. The proposal would not meet the required on-site parking as required by the West Sussex Parking Demand Calculator for the development. The shortfall would potentially have to be met by on-street parking or by use of public or private paid car parking facilities. I saw that the surrounding roads are

controlled by parking zones whereby parking is directed to marked bays on streets where residents' parking permits are required. It was clear to me that parking is in high demand in the area and the Council indicates that residential parking permits are at capacity.

5. Notwithstanding the above, existing use of the site generates travel and parking for both staff and servicing. I do not consider that the proposed development represents an intensification in the use of the site to such a degree to demand additional on-site parking. The site is located close to the urban centre of Horsham where services, facilities, employment opportunities and public transport can be easily accessed. Given its close proximity to services and facilities this would reduce reliance on private travel by future occupiers.
6. The on-site parking shortfall is acknowledged by the West Sussex County Council Highways, the Local Highways Authority and the Council's technical advisers. However, the proposal was found to be acceptable to the Council's technical highways advisers. Although the development would not meet the requirements of West Sussex Parking Demand Calculator I do not consider the proposal would substantially further exacerbate the existing parking pressure in the area. Furthermore, given that parking zone controls are already in place, any on-street parking requirement would be subject to acquiring a parking permit. Therefore, the visual impact of parking within the street scene and impact on local amenity from street clutter would be minimal.
7. For these reasons, I conclude that the proposed development would not cause substantial harmful on-street parking within the area. As such the proposed development would not materially conflict with Policies 33 and 41 of the Horsham District Planning Framework (2015) that seek, amongst other matters, to provide adequate parking within development to meet the needs of anticipated users.

Living conditions

8. The new dwellings would not be located any closer to the adjoining neighbouring occupiers at 7 Norfolk Road than that of the existing extension built at the rear of 9 Norfolk Road. Furthermore, the existing development is of continuous built form whereas the proposal would allow for a gap between No 9 and the proposed semi-detached properties to its rear. Nonetheless, the semi-detached properties would project approximately 1m further north west to that of the existing extension.
9. The semi-detached properties would be visible to the occupiers of No 7 Norfolk Road from their rear garden and from rear facing windows, as well as through rooflights, from within their internal living space. However, the gap created between buildings would increase openness and improve outlook for the occupiers of No 7. In addition, the increased projection of built form would be a relatively modest change in the outlook from No 7. For these reasons I do not consider the semi-detached properties would substantially harm the outlook of the occupiers of this neighbouring property or create a development of an overly visually dominant appearance.
10. A first floor window is proposed within the side elevation of the semi-detached property that would face toward 7 Norfolk Road. The plans that support the proposal indicate the window would serve a bathroom. The appellant has

advised that this window would be fitted with obscure glazing. This could be controlled by the imposition of a suitably worded planning condition.

11. It would be possible for some oblique observation to be gained from the first floor north west facing windows, albeit I saw that this would be a similar situation to that of the existing development at the appeal site. Notwithstanding this, whilst it is possible that overlooking could take place from time-to-time, such views would need to be actively sought by occupiers being close to windows. I do not consider that this would be a regular occurrence from the normal day-to-day use of the semi-detached dwellings by the occupiers.
12. Consequently I do not consider that the proposed development would result in significant harm from actual or perceived overlooking.
13. In addition to the above, significant harmful loss of light or overshadowing would not occur due to the orientation of the semi-detached properties to that of 7 Norfolk Road.
14. For these reasons, I conclude that the proposed development would not cause significant harm to the living conditions of the neighbouring occupiers at 7 Norfolk Road. As such the proposed development would not materially conflict with Policy 33 of the Horsham District Planning Framework (2015) that seeks, amongst other matters, development to avoid unacceptable harm to the amenity of occupiers/users of nearby property and land.

Other matters

15. Various amendments have been made to the proposal at planning application stage. These have addressed design concerns and created a development of a design and appearance more reflective of the Victorian properties within the surrounding area. I consider this would reinforce the townscape character of the locality. Its scale, mass and proportions would also reflect that of the existing dwellings in the area and would not represent an overdevelopment of the site. A palette of appropriate finishing materials can be controlled by the imposition of a suitably worded planning condition.
16. Concern is expressed to potential noise impacting neighbouring gardens as well as refuse facilities being positioned near neighbouring properties. The proposal relates to a residential development. Noise and refuse would be of a domestic scale and similar in nature to that of the residential development close by.
17. Issues relating to the party wall and potential damage to adjoining property during demolition have been highlighted. However, there is no substantive evidence before me that would lead me to consider matters pertaining to the party wall could not be resolved or that damage to neighbouring properties would occur as a result of the proposed development. Concern is also raised to a sewer said to run under the demolition site. The plan attached to Southern Water's representation show sewers running under the adjacent highways and not that part of the appeal site where the demolition would take place.
18. Some concern has been expressed to the accuracy of the plans. The Council's report to its planning committee indicates that the site has been re-surveyed and new plans were submitted. On the evidence available to me I am not led to question the accuracy of the plans that are before me. It is also queried as to how the property should be known and what postal address it should have.

I do not consider that this is a matter pertinent to the consideration of the development merits of the proposed development that is the subject of this appeal.

Conditions

19. I have considered the planning conditions suggested by the Council in light of paragraph 55 of the National Planning Policy Framework and the advice in the Planning Practice Guidance. In some cases I have adjusted detailed wording and/or merged conditions in the interest of clarity and to reflect the Guidance.
20. I consider the standard time limit condition to be appropriate and in the interests of certainty, it is appropriate that there is a condition requiring the development to be carried out in accordance with the approved plans (conditions 1 and 2).
21. Condition 3 requires a construction management plan in the interests of the living conditions of nearby residents. Condition 4 is required to ensure the site is properly drained. These conditions require matters to be approved before development commences because these conditions seek to address issues arising during the construction phase of the development.
22. Conditions 5, 7, 10 and 11 are required in order to improve the sustainability of the development. Conditions 6, 8 and 12 are necessary in the interests of the character and appearance of the area. Condition 9 is necessary in the interest of avoiding on-street parking. Conditions 13 and 15 are required in the interests of the living conditions of neighbouring occupiers. Condition 14 is required to prevent pollution.
23. The Council considers that the removal of Class A, B, C and D of Schedule 2, Part 1 of the Town and Country (General Permitted Development) Order 2015 permitted development rights would be appropriate. It is not entirely clear what harm might occur to the visual appearance of the area if such permitted development rights were implemented at the development. I refer to the advice in the Planning Practice Guidance which states that conditions restricting the future use of permitted development rights will rarely pass the test of necessity and should only be used in exceptional circumstances. I do not consider there to be exceptional circumstances here.

Conclusion

24. For those reasons set out above, and subject to the conditions listed, this appeal should be allowed.

Nicola Davies

INSPECTOR

SCHEDULE OF CONDITIONS

1. The development hereby permitted shall commence before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed LA/1911004/B, LA/1911004/G rev A, LA/1911004/F, LA/1911004/S, LA/2006030/E rev A, LA/2006030, 1925_001 B, 1925_002 D, 1925_010 E, 1925_011 E, 1925_012 D, 1925_015 D, 1925_016 B, 1925_017 B and 1925_020 A.
3. No development shall take place, including works of demolition, until the following construction management plan details have been submitted to, and approved in writing by, the local planning authority: -
 - i. Working hours relating to demolition and construction works;
 - ii. The location for the loading and unloading of plant and materials, site offices and storage of plant and materials (including any stripped topsoil);
 - iii. The provision of wheel washing facilities (if necessary) and dust suppression facilities;
 - iv. Suitable provision for the control and mitigation of noise and dust; and
 - v. Details of the removal of clearance debris and construction waste from site.

The construction management plan details as approved shall be adhered to throughout the construction period.

4. No development shall 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 development shall be carried out in accordance with the approved foul and surface water disposal scheme.
5. No development above ground floor slab level of any part of the development hereby permitted shall take place until the details of the optimal standard for water usage across the development have been submitted to, and approved in writing by, the local planning authority. The development shall be carried out to meet the approved optimal standard for water and the water limiting measures shall thereafter be retained for the lifetime of the development.
6. No development above ground floor slab level of any part of the development hereby permitted shall take place until a schedule of materials, finishes and colours to be used for external walls, windows and roofs of the development hereby permitted have been submitted to, and approved in writing by, the local planning authority. The development shall be carried out in accordance with the approved schedule of materials, finishes and colours.

7. Prior to the first occupation of each dwelling, the necessary in-building physical infrastructure and external site-wide infrastructure to enable superfast broadband speeds of 30 megabytes per second through full fibre broadband connection shall be provided to each property.
8. Prior to the first occupation of any part of the development hereby permitted, details of the hard and soft landscaping works shall be submitted to, and approved in writing by, the local planning authority. The development shall be carried out in accordance with the approved hard and soft landscaping details. The landscaping scheme shall be implemented in accordance with the approved details within the first planting season following the first occupation of any part of the development. Unless otherwise agreed as part of the approved landscape scheme, no trees or hedges on the site shall be wilfully damaged or uprooted, felled/removed, topped or lopped until five years after completion of the development. Any proposed planting which within a period of five years dies, is removed, or becomes seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
9. Prior to the first occupation of any of the dwellings hereby permitted, the car parking spaces shall be constructed and made available for use. The car parking spaces shall thereafter be retained for the parking of vehicles associated with the development and for the lifetime of the development.
10. Prior to the first occupation of any of the dwellings hereby permitted, the cycle parking facilities serving that dwelling shall be provided within the rear garden or side of that dwelling. The cycle parking facilities shall thereafter be retained for the purposes of cycle parking associated with that dwelling for the lifetime of the development.
11. Prior to the first occupation of any of the dwellings hereby permitted, a fast charge electric vehicle charging point for that dwelling shall be installed. The charge point specification shall be 7kW mode 3 with type 2 connector as a minimum. The charging points shall thereafter be retained for the purposes of electric vehicle charging associated with that dwelling and thereafter shall be retained for the lifetime of the development.
12. Prior to the first occupation of any of the dwellings hereby permitted, the storage of refuse and recycling for that dwelling shall be installed. The storage of refuse and recycling facilities shall thereafter be retained for the purposes of storage of refuse and recycling associated with that dwelling and for the lifetime of the development.
13. Prior to the first occupation of any of the dwellings hereby permitted, the windows within the first floor side elevations shall be fitted with obscure glazing and shall be fixed shut/non-openable. The first floor side elevation windows shall thereafter be retained with obscure glazing and be fixed shut/non-openable for the lifetime of the development.
14. If during development contamination not previously identified is found to be present at the site then no further development shall be carried out until a remediation strategy has been submitted to, and approved in

writing by, the local planning authority. The contamination remediation shall be implemented in accordance with the approved remediation strategy.

15.No external lighting or floodlighting shall be installed at the site.

END OF SCHEDULE