
Appeal Decision

Site visit made on 4 May 2021

by S J Papworth DipArch(Glos) RIBA

an Inspector appointed by the Secretary of State

Decision date: 13 May 2021

Appeal Ref: APP/Z3825/W/20/3257630

**Land at Ditchlings and Wickets, Harborough Hill, West Chiltington
West Sussex RH20 2PW**

- 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 James Drury against the decision of Horsham District Council.
 - The application Ref DC/19/0136, dated 18 January 2019, was refused by notice dated 22 May 2020.
 - The development proposed is partial demolition of existing garage and timber store. Erection of 2.no detached dwellings and double car barn with associated access on Harborough Hill, parking and landscaping.
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Decision

1. I allow the appeal and grant planning permission for partial demolition of existing garage and timber store. Erection of 2.no detached dwellings and double car barn with associated access on Harborough Hill, parking and landscaping at Land at Ditchlings and Wickets, Harborough Hill, West Chiltington West Sussex RH20 2PW in accordance with the terms of the application, Ref DC/19/0136, dated 18 January 2019, subject to conditions 1) to 10) on the attached schedule.

Main Issue

2. This is the effect of the proposal on the character and appearance of the area.

Reasons

3. Policy 32 of the Horsham District Planning Framework (2015) is a strategic policy on the quality of development while Policy 33 sets out development principles in more detail. The Council has also referred to Policy 25, which is a strategic policy on the natural environment and landscape character, but the appellant is of the view that this is not relevant. The wording is that the natural environment and landscape character of the District, including the landscape, landform and development pattern, *together with* protected landscapes and habitats will be protected against inappropriate development, and lists criteria for development that will be supported. The use of the words *together with* do not preclude development of this non-protected site falling to be considered under this policy.
4. Paragraph 59 of the 2019 National Planning Policy Framework states the Government's objective of significantly boosting the supply of homes, while paragraph 124 states that good design is a key aspect of sustainable

- development, creates better places in which to live and work and helps make development acceptable to communities.
5. The site is within a built-up area and there is a bus route passing along Harborough Hill linking to Worthing and Midhurst at hourly intervals in each direction, 2 hourly on Sundays. The proposed development is considered acceptable in principle and there is no objection to the associated effect on trees, neighbouring amenity and highway safety.
 6. The wider area is residential in character with a network of informal roads and, whilst of a low density, is tightly developed at depth between the roads due to a series of *cul-de-sacs* and some backland development. The overall level of built form is relieved by the size of gardens and accessible woodland near the River Chilt. Although there is the linear development cited by the Council, the character and appearance of the area is one of informal arrangements of development in depth accessed by even more informal *cul-de-sacs* or driveways.
 7. In the vicinity of the site there are large properties to the north side of Harborough Hill set back behind a wooded roadside and tended gardens, whilst to the south development tends to be more directly onto the road and in particular, 'Ditchlings' and 'Wickets' are closely spaced due to being wide on their plots. As a result, there are limited through views and those that exist are terminated by substantial tree growth or other buildings.
 8. The site consists of the lower end of 2 gardens, mainly lawns with limited planting or existing built form, and the access drive would be to one side of the mutual boundary, and this would gain access to the road by the removal of part of the garage to 'Ditchlings' and making use of an existing entry. The main part of the driveway is straight but the slight curves at the top and bottom, with landscaping at the latter would avoid a direct through view, and the presence of a roofscape behind other buildings is not an uncommon feature in the area. This arrangement is in place at 'Fullerton' behind 'Leigh Cottage' where the driveway is sufficiently curved as to avoid direct views. The fact that both those buildings are bungalows is not important to this consideration.
 9. Mature trees are a feature of the wider area and specimens are located in the site gardens which contribute to their character and appearance. While the proposal would result in the loss of some on the mutual boundary, the siting of the proposed houses would preserve significant examples on the outer site boundaries which would assist in assimilating the development into the area. It is this desirable outcome that has resulted in the proximity of the 2 dwellings and in the balance, that is acceptable.
 10. Comment has been made over the size of the dwellings, although it is clear that there is a market in this area for that size. In terms of the effect on the character and appearance of the area, there is a significant drop in land levels from the road and the frontage development of 'Ditchlings' and 'Wickets' down to the site, and this would allow the bulk of the houses and their roofs to be visually accepted within the topography. The rearward projection of 'Orchard Lea' and 'Palings', together with the presence of 'Fullerton', add existing variety in size, placement on the plot and orientation, and the appeal proposals would not be out of place within that variety. The relationship with 'Highwood' to the rear, would be acceptable at the dimensions shown.

11. The final item to be considered is the resulting plot sizes, and the garden left to both 'Ditchlings' and 'Wickets' would be within the range found in the area and acceptable. The curtilage associated with the proposed dwellings would be less than is common, and the Council point to the plots at the convergence of Harborough Hill and Monkmead Lane. There would be hardstanding to the front, and a condition insisting on the use of garaging would not reduce that requirement for turning, but the land to the rear would be secluded and pleasant with scope for landscaping, so that the size should not be a reason to find against the scheme, as it has no effect on the wider character and appearance.
12. With particular regard to the development principles in Policy 33, the proposal would 1) make efficient use of land while respecting the constraints; 2) not harm the amenity of occupiers of neighbouring land; 3) be of acceptable scale, massing and appearance; 4) respect the character of the surrounding area; 5) be able to use high standards of materials, secured by condition; 6) retain important trees; 7) have the rear gardens and elevations facing south, although the retention of trees should take precedence; and 8), would not allow hard standing to dominate. Criteria 9), 10) and 11) are not claimed to be contravened.
13. To conclude, the proposed development would provide windfall housing in a sustainable location without causing harm to the character and appearance of the area and would be in line with the aims of the policies cited from both the National and the District Frameworks.

Conditions

14. The Council has supplied suggested conditions and the appellant has commented on them. This is taken to be agreement to the single pre-commencement condition on drainage. This needs to be agreed prior to commencement as it may have an effect on the slab levels in order to secure the requisite pipe falls.
15. Conditions governing water usage, the provision of electric vehicle charging points, parking and turning would be necessary and reasonable in order to secure the required provision. In view of the access between two existing dwellings it is necessary to control working hours within this residential area, and as previously stated, the materials shown on the drawings and on which this Decision is based pursuant to criterion 5) of Policy 33, should be secured by condition.
16. There is no need to seek details of the visibility splays, but it is reasonable to ensure that they are retained as proposed. Whilst garages are proposed to be provided, it is not reasonable in this location to limit their use and no real harm would occur for lack of a condition to that effect. However, on the matter of external lighting, it is reasonable in this instance to insist on all lighting being approved in order to effect control over light spillage and the risk of harm to the night sky environment, and to the extent that this is a removal of permitted development rights, this is an exceptional situation where such removal is warranted. In addition, a condition naming the 'as proposed' drawings is required for the avoidance of doubt.

Conclusions

17. The site is within a built-up area listed as a 'medium village' in the Development Plan and would meet the criteria in Policy 33 including the effect on the character and appearance of the area and making better use of land. The proposal meets the 3 overarching objectives stated in the Framework and in accordance with the statement on sustainable development in paragraph 11.c) should be approved. For the reasons given above it is concluded that the appeal should be allowed.

S J Papworth

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: red line site plan 17-130 100 P3 and proposed drawings numbered 17-130 101 P5, 102 P6, 103 P3, 104 P3, 105 P3, 107 P5 and 108 P1, visibility splay drawing 143.0003.001D and tree protection drawing LLD1543-ARB-DWG-002 rev01.
- 3) 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 only in accordance with the approved scheme.
- 4) Prior to the first occupation of any part of the development hereby permitted, visibility splays for the access serving the development shall be provided in accordance with the details shown on drawing 143.0003.001D. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6m above adjoining carriageway level or as otherwise agreed.
- 5) The dwelling hereby permitted shall not be occupied until optional requirement G2 to the Building Regulations 2010 (as amended) to limit water usage of that dwelling to 110 litres per person per day has been achieved. Water limiting measures to meet this standard shall thereafter be retained.
- 6) Prior to the first occupation of the dwelling hereby permitted, a scheme for a fast charge electric vehicle charging point for that dwelling with a minimum specification of 7kW mode 3 with type 2 connector shall be submitted to and approved in writing by the Local Planning Authority. The means for charging electric vehicles shall be installed in accordance with the approved scheme prior to first occupation of the relevant dwelling and shall be retained as such thereafter.

- 7) Prior to the first occupation of the dwelling hereby permitted, the parking, turning and access facilities necessary to serve that dwelling shall be implemented in accordance with the approved details as shown on drawing 17-130 102 P6 and shall be thereafter retained as such.
- 8) The materials to be used in the development hereby permitted shall strictly accord with those indicated on the approved elevation plan 17-130 104 P3.
- 9) No external lighting or floodlighting shall be installed other than with the permission of the Local Planning Authority by way of formal application.
- 10) No works for the implementation of the development hereby approved shall take place outside the hours of 08:00 to 18:00 Mondays to Fridays and 08:00 to 13:00 on Saturdays, nor at any time on Sundays, Bank or public Holidays.