



Appeal Decision

Site visit made on 20 April 2021

by David Cliff BA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th May 2021

Appeal Ref: APP/Z3825/W/20/3257232

Scout Hall, 104 Bishopric, Horsham, RH12 1QN

- 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 Synergie Estates Ltd against the decision of Horsham District Council.
 - The application Ref DC/19/1639, dated 9 August 2019, was refused by notice dated 9 June 2020.
 - The development proposed is erection of a new detached dwelling following demolition of old scout hall buildings.
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Decision

1. The appeal is allowed and planning permission is granted for a new detached dwelling following demolition of old scout hall buildings at Scout Hall, 104 Bishopric, Horsham, RH12 1QN, in accordance with the terms of the application Ref DC/19/1639 dated 9 August 2019 and subject to the conditions in the attached schedule.

Application for costs

2. An application for costs was made by Synergie Estates Ltd against Horsham District Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue is the effect of the proposed development upon the character and appearance of the area.

Reasons

4. The site is located to the rear of existing residential properties, the rear garden boundaries of which adjoin all four sides. Therefore, the site and the proposed dwelling upon it would not be visually prominent from public places but, by nature of its location, it would be clearly visible from a number of the neighbouring residential properties, including those located nearest to the site on Richmond Mews.
5. The surrounding area comprises a mix of different house designs, the majority of which are two storey. The design of the proposed two storey dwelling would limit its overall bulk and massing through the use of low eaves levels, hipped roofs and first floor windows being incorporated into the roof form. As such, the

dwelling would be lower than most other two storey dwellings surrounding the site, including those on Richmond Mews.

6. Whilst the proposed dwelling would stand alone from the pattern of other residential properties, it would replace the existing longstanding buildings on the site. Its position on the site would provide greater separation distances to the south and east boundaries than the existing buildings. Although the dwelling would be higher, its overall scale, bulk and massing would not result in it appearing as incongruous or visually intrusive within the surrounding area.
7. Whilst the proposed dwelling would be located close to protected trees on the site, taking account of the footprint of the existing buildings on the site and the high canopy of the nearest trees to the proposed dwelling, it is unlikely that any significant harm would result to these trees. As recommended in the appellant's arboricultural impact assessment, I have imposed a requirement through the landscaping condition for a further arboricultural method statement to be submitted to the Council for approval, detailing the measures needed to ensure that existing trees are safeguarded from the onset of the development.
8. With regard to future pressure on existing trees, it is likely that there will need to be the removal of some deadwood and broken branches for the safety of future occupiers. Otherwise, taking account of the high canopy spread of the nearest trees and reasonably limited encroachment of the footprint of the dwelling underneath the tree canopy, it is unlikely that there would be any significant risk of justifiable pressure for future works of substance being needed for the protected trees. Consequently, the new dwelling would not result in the likelihood of any significant harm to existing trees that make a positive contribution to the overall visual amenities of the area.
9. The proposal would make effective use of the site for new residential development of an appropriate scale and without resulting in an overdevelopment of the site. It would safeguard the character and appearance of the area. There would be no conflict with the relevant design aims of Policies 32 and 33 of the Horsham District Planning Framework 2015.

Other matters

10. The proposed dwelling would be located to the north of the existing residential properties in Richmond Mews. Given the relatively short rear gardens of these neighbouring properties, the proposed south elevation would be particularly prominent when viewed from the neighbouring rear windows and rear garden areas of these properties, most particularly from Nos. 2 and 3 Richmond Mews. Despite being located further from the shared boundary than the existing building, the south elevation would be higher. Nevertheless, the gable ended design with low eaves levels and limited massing, and the siting of the main part of the new dwelling not directly facing the rear elevations of Nos. 2 and 3 Richmond Mews, would limit the impact of its appearance in the outlook of neighbouring properties and their gardens. The rearmost projection of the proposed dwelling would also be visible from these neighbouring properties, but its impact would be limited by its low eaves height and sloping hipped roof. Overall, whilst being prominent in views for residents of Richmond Mews, the proposed dwelling would not be unduly overbearing and would not significantly detract from their outlook or result in any unacceptable loss of light.

11. No windows above ground floor level are proposed facing Richmond Mews and the privacy of the neighbouring occupiers would be reasonably protected by the existing boundary screening between the properties. The proposed first floor bedroom window would not directly overlook the rear gardens of Nos. 1 and 2 and any overlooking from indirect views would not be so significant to result in an unreasonable loss of privacy, taking account of the urban context in which the site is located.
12. The proposed east elevation first floor windows would be high level windows above a staircase. Taking account of the considerable separation distances to the neighbouring properties in Springfield Crescent and Rushams Road, no unreasonable loss of privacy would occur in respect of these properties either.
13. The constrained access to the site will mean that the demolition and construction works require some ingenuity in their management and organisation. However, the works are not of such a magnitude or scale that would be likely to result in there being insurmountable problems in this respect. Despite the constrained access, it is not unusual for such development works to take place close to existing residential properties. As well as the controls available under separate environmental protection regulations, I have imposed a condition requiring the approval by the Council of a Construction Management Plan to limit the impact of construction works on the surrounding area. Even should construction works take longer than is normal for a single dwelling due to the constraints of the site, it is unlikely that any significant impacts would arise upon neighbouring living conditions or the wider environment.
14. Whilst the appellant's ecological report has found no evidence of the presence or activity of bats and conclude that the site has low ecological value, it includes a safeguard that works must stop and advice be sought should bats be encountered. Enhancements are also proposed in the form of new on-site bat boxes that could be secured by condition. The proposal would safeguard and promote ecological and biodiversity interest.
15. Although there would be no on-site vehicle parking, the site is located close to the town centre and so occupants would not be reliant on the use of the private car. Parking restrictions are in place in several locations near to the site where highway issues might otherwise arise. There is no substantive evidence before me that any additional vehicle use and parking demand from one new dwelling would lead to any significant implications for highway safety, the free flow of traffic or local air quality. Furthermore, whilst access to the site via a single footway, would constrain access in other respects, including by emergency services, for just a single dwelling this is not a matter that weighs significantly against the proposal.

Conditions

16. An approved plans condition is necessary to provide certainty on what has been approved. Drainage details are necessary in order to provide for appropriate surface water and foul drainage provision from the site. The approval of a Construction Management Plan is required in order to limit the impact of construction works on the surrounding area, both in terms of local highway conditions and neighbouring amenity.

13. The approval of external materials is needed to ensure a good standard of overall design. A landscaping condition, including the approval of tree protection measures, is necessary to provide a good quality standard of development and protect the visual amenities of the site's surrounds. I have amended the Council's suggested condition in this respect for preciseness and in order to ensure that a further arboricultural method statement is produced for approval. A condition requiring the implementation of ecological mitigation and enhancement measures is necessary to protect and enhance biodiversity at the site. I have amalgamated the Council's two suggested conditions in this respect into one condition for preciseness.
14. Conditions limiting water usage and requiring details of cycle storage are necessary to promote sustainable development and limit the use of resources. Details of refuse and recycling storage require approval in order to provide such appropriate facilities for the new dwelling and in the interests of good design. I have, however, omitted scooters and buggies as these would generally be stored conveniently inside the dwelling house and the provisions of such storage facilities may not be necessary. A broadband condition is necessary in order to promote future high quality connectivity.
15. Although the Council has not provided reasons for its suggestion, I consider there to be clear justification in this case for a condition removing permitted development rights for extensions and roof extensions/alterations (Classes A, B and C) given the proximity of the site to neighbouring properties and the resulting need to safeguard neighbouring living conditions. However, I have not removed such rights for outbuildings etc (Class E) given the height restrictions on such development close to the curtilage boundary.
16. A condition on construction working hours is not necessary in this case as this is generally adequately controlled by separate environmental protection regulations.
17. Condition 3 needs to be pre-commencement condition as the details required for approval could influence how the overall development is implemented from the onset. Conditions 4 and 5 need to be pre-commencement conditions as they require the submission and approval of details that relate to effects that might potentially arise from the onset of the development works. The appellant has provided written agreement of conditions 3 and 4 in its final comments and subsequently also provided written agreement to the proposed wording of condition 5.

Conclusion

18. The proposed development would accord with the development plan when considered as a whole and there are no material considerations, either individually or cumulatively, that outweigh this finding. I conclude, therefore, that the appeal should be allowed.

David Cliff

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin no later than three years from the date of this decision.
2. Unless varied by the other conditions of this permission, the development hereby permitted shall be carried out in accordance with the following approved plans: 1458 001, 1458 002B, 1458 004B, 1458 005B, 1458 006A, 1458 007B and 1458 100.
3. The development hereby permitted shall not 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 details.
4. The development hereby permitted shall not commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include details of, but not be limited to, the following relevant measures:
 - i) Detailed site logistics arrangements, including locations of site compounds, location for the loading and unloading of plant and materials, any site offices (including height and scale), and storage of plant and materials (including any stripped topsoil);
 - ii) Details regarding parking of site operatives, visitors and deliveries;
 - iii) The method of access to and from the construction site;
 - iv) Locations and details for the provision of wheel washing facilities;
 - v) Loading and unloading of plant and materials;
 - vi) Storage of plant and materials used in the construction of the development;
 - vii) The erection and maintenance of any security hoarding;
 - viii) Measures to control the emission of dust and dirt during construction;
 - ix) A scheme for recycling/disposing of waste resulting from demolition and construction works.

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

5.
 - i) No development shall commence until a soft and hard landscaping scheme (including details of new planting, hard surfaces, boundary treatments and any external lighting) has been submitted to and approved in writing by the local planning authority. The scheme shall also include details of all existing trees and planting to be retained along with an arboricultural method statement containing detailed measures for the protection of existing trees throughout the course of the development. It shall also include details of the timing of the implementation of all the proposed hard and soft landscaping.
 - ii) The development shall be carried out in accordance with the approved details and agreed implementation programme, including the tree protection measures within the arboricultural method statement. Any planting which within a period of 5 years from the completion of the development dies, is

removed or becomes seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

6. No development above ground floor slab level of any part of the development shall take place until a schedule of materials and finishes and colours to be used for external walls, windows, doors and roofs has been submitted to and approved in writing by the Local Planning Authority. All materials used in the construction of the development shall conform to those approved.
7. No development above ground floor slab level of any part of the development shall take place until a Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures (including timings for implementation) contained within the Preliminary Roost Assessment Report, March 2020, has been submitted to and approved in writing by the Local Planning Authority. The approved details, along with all other mitigation and enhancement measures or works contained in the report, shall be fully implemented as part of the development.
8. The dwelling shall not be occupied until the Building Regulations optional requirement (paragraph 2(b) of regulation 36) to limit water usage to 110 litres per person per day has been complied with.
9. The dwelling shall not be occupied until the necessary in-building and site infrastructure to enable superfast broadband speeds of 30 megabytes per second through full fibre broadband connection has been provided.
10. The dwelling shall not be occupied until refuse and recycling storage has been provided in accordance with details which shall have previously been submitted to and approved in writing by the Local Planning Authority. The storage shall thereafter be retained for its intended use.
11. The dwelling shall not be occupied until covered and secure cycle storage has been provided in accordance with details which shall have previously been submitted to and approved in writing by the Local Planning Authority. The storage shall thereafter be retained for its intended use.
12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that order with or without modification) no development falling within Classes A, B or C of Part 1 of Schedule 2 of the Order shall take place without the express permission of the Local Planning Authority first being obtained.