



Appeal Decision

Site visit made on 7 June 2021

by J E Jolly BA (Hons) MA MSc CIH MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 June 2021

Appeal Ref: APP/Z3825/W/21/3267773

Land adjacent to Coombe Cottage, Church Road, Mannings Heath RH13 6JE

- 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 Chris Equi against the decision of Horsham District Council.
 - The application Ref DC/20/1851, dated 25 September 2020, was refused by notice dated 11 January 2021.
 - The development proposed is for the demolition of existing timber garage and shed. Erection of a pair of two storey 2 bedroomed dwelling houses with associated parking and landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing timber garage and shed. Erection of a pair of two storey 2 bedroomed dwelling houses with associated parking and landscaping on land adjacent to Coombe Cottage, Church Road, Mannings Heath RH13 6JE in accordance with the terms of the application, Ref DC/20/1851, dated 25 September 2020, and the plans submitted with it, subject to the following conditions set out in Annex A.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

3. The appeal site is located in Mannings Heath which is a rural-type settlement approximately 3 miles from the town of Horsham.
4. The immediate area is characterised by contemporary style cul-de-sac type development as well as staggered detached, semi-detached and terraced, traditional style brick and tile dwellings facing onto Church Road set back behind a pavement and forward parking areas. The built environment is punctuated with expansive gardens, hedges, trees and communal grassed areas.
5. 'Coombe Cottage' is a modest brick and tile detached dwelling with a separate timber garage to the right-hand side that is set on a generous plot between the properties of 'Hollands' and 'Ingleside' which can be seen to the left and right sides of the appeal site, including a detached garage associated with 'Ingleside'.

6. The host dwelling is located to the left of the plot when viewed from Church Road at the junction with Woodland Walk, and the front boundary is edged by a hedge and small wooden gate that provides access to the dwelling. The front, side and rear gardens of the host property are predominantly laid to lawn which is scattered with a small number of trees and bushes. To the right-hand side of the host dwelling there is a relatively unfettered garden space with a fenced side boundary, and to the rear of the property there is a hedged boundary where glimpses of the properties located on Ryecroft Meadow can be seen.
7. The proposal is to demolish the timber garage and to construct a pair of two-bedroom dwellings that would be set-back into the garden space to the right-hand side of the appeal site in materials similar to the host dwelling and the surrounding area. Two parking spaces would be provided to each dwelling as well as two new spaces for 'Coombe Cottage' that would be accessed via a new shared vehicular access and crossover. A number of trees would be removed and replaced by similar varieties in the rear gardens of the host and proposed dwellings. Some hedging would be retained to the front boundary and the front garden would have a grassed area as well as permeable paving. Waste bin and cycle storage would be provided to the side and rear of the dwellings as well as solar panels to the roofs.
8. The proposed development would be located in an established residential area within the confines of the settlement of Mannings Heath. Therefore, the general principle of windfall development on the appeal site is not at odds with the surrounding area. Indeed, the proposal would add to the Council's housing supply in Mannings Heath through the provision of two 'starter-home' type dwellings that would be suitable for a range of households that would be within easy reach of nearby Horsham for services and employment.
9. I acknowledge that there have been previous proposals for the appeal site which the Council found unacceptable¹ or were withdrawn². Indeed, the Appellant has brought to my particular attention that the proposal would have an overall footprint of approximately 96.25m², not including the outdoor recessed porch. As such, from the evidence before me the proposal would incorporate a smaller footprint than a previous proposal for a 3-bedroom house on the site that, including the proposed garages, had an overall footprint of approximately 108m².
10. Nevertheless, as is correct, I have considered the proposal before me on its own planning merits. Thus, despite the limited frontage, the proposed dwellings would meet nationally described space standards and have rear gardens that would provide outside space proportionate to dwellings of this size and the likely requirements of future occupiers. Moreover, I noted at my site visit that the gardens would retain a generous distance to the properties seen at the rear boundary with Ryecroft Meadow, and given the size of the development on the severed plot available, would have a similar density to the surrounding residential plots.

¹ DC /06/0666, DC/17/0302 and DC/17/1195

² DC/20/0591

11. Indeed, whether the neighbouring properties of 'Hollands and 'Ingleside' are non-designated heritage assets or not, the construction of the two dwellings on the appeal site would maintain a separation gap similar to those seen between other properties on this side of Church Road, including but not limited to the distances seen between the properties of 'Ingleside' and 'The Birrells' as well as the gaps between the surrounding terraces.
12. I note that the separation distance to 'Ingleside' is less than a previous proposal for the site. However, the proposal before me does not include detached or integral garages. As such, the gap between the development and the neighbouring properties, including 'Coombe Cottage, is relatively 'open plan' in comparison to earlier proposals for the site. Hence, in combination with the hedges, trees, communal grassed areas and varied building line seen on Church Road, the simple proposal would help to maintain a sense of spaciousness in the surrounding built environment. Moreover, from the evidence before me I am satisfied that the distances proposed, including the 'buffer' garage seen at 'Ingleside' and the provision of obscured fenestration to the upper side elevations of the proposal which could be secured by condition, would uphold the privacy and comfort of the neighbouring occupiers.
13. Furthermore, I noticed at my site visit that there are a number of gardens/parking set-backs rather than garages to the front of the neighbouring properties along Church Road. As such, the demolition of the existing garage, the retention of some hedging and additional landscaping to the front boundary of the proposal would help to soften the required parking spaces in a similar way to the prevailing character and appearance of the area. Indeed, the required on-plot spaces which are acceptable to West Sussex County Council Highways department, would help to reduce on-street parking, and in turn limit any effect on highway safety in combination with the visibility splays proposed at this junction with 'Woodland Walk.'
14. Therefore, I conclude the proposal would accord with the character and appearance of the area, and hence meets the aims of Policies 32 and 33 of the Horsham District Planning Framework 2015 and Policy 10 of the Nuthurst Neighbourhood Plan 2015, which say amongst other things, that developments shall be required to ensure that the scale, massing and appearance of the development is of a high standard of design and layout, and where relevant, relates sympathetically to its surroundings.
15. For similar reasons, the proposal accords with Paragraph 127 (c) of the *National Planning Policy Framework* which requires that developments are sympathetic to local character and history, including the built environment and landscape setting.

Other Matters

16. I note the concerns of interested parties and the Parish Council, which include the use of garden land for development, and the provision of car parking spaces for the proposal rather than garages. However, having thoroughly considered the comprehensive evidence before me, including the relevant local and national policies, I can find no reason to dismiss the appeal.

Conditions

17. I have considered the suggested conditions against Paragraph 55 of the *National Planning Policy Framework* and the national *Planning Practice Guidance* and imposed the following conditions; for certainty a time limited condition and a condition requiring that the development is carried out in accordance with the approved plans.
18. In the interests of the character and appearance of the area I have imposed conditions related to external materials and finishes, roof and window details, rainwater goods, floor levels, landscaping and trees, and boundary treatments. A condition is imposed related to obscured windows to the first floor side elevations in the interests of privacy for future and neighbouring occupiers.
19. To ensure the amenity of local residents during construction there is a condition requiring a construction method statement and a condition for the hours of operation associated with the development works. To protect human health, water courses and the environment there is a condition to mitigate contamination risk. I have imposed a condition to ensure that the scheme is properly drained.
20. To encourage sustainable forms of transport there are conditions that require the provision of cycle storage and electrical vehicle charging points. In the interests of highway safety there are conditions for the provision of parking and turning spaces and means of access. There is a condition related to solar panels to improve sustainable energy options for the future occupants.
21. I have not imposed the suggested condition related to water usage as in respect of the purposes of the 'six tests' set out in Paragraph 55 I have no evidence to suggest such a condition would be enforceable or that it is relevant to planning, rather a matter for other primary legislation such as building regulations.

Conclusions

22. For the reasons given above I conclude that the appeal should be allowed subject to the conditions set out in Annex A.

J E JOLLY

INSPECTOR

Annex A – 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 approved plans and drawings listed below:
 - 543PL100D – Location and Block Plan, dated 20 July 2020
 - 543PL101D – Proposed Ground Floor, First Floor and Roof Plan, dated 4 July 2020
 - 643L102D – Elevations, dated 17 March 2020
 - Design and Access Statement (Ecotecture Ecological Design), dated September 2020
 - Replanting Scheme/Location Plan
 - Artists Impression of Proposed Dwellings
 - Street Scene
- 3) The new roof junctions at ridge, eaves and verges shall be built to reflect traditional detailing including exposed rafter feet, cut verges without Winchester cuts, and hogs back or half round ridge tiles.
- 4) The new windows shall have casements flush fitted with their frames if manufactured in timber or plastic.
- 5) All new and replacement rainwater goods shall be cast iron or cast aluminium or cast effect plastic.
- 6) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - v) wheel washing facilities;
 - vi) measures to control the emission of dust and dirt during construction;
 - vii) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - viii) delivery, demolition and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
- 7) No works for the implementation of the development shall take place outside of 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays nor at any time on Sundays, Bank or public Holidays

- 8) No development shall commence until an assessment of the risks posed by any contamination shall have been submitted to and approved in writing by the local planning authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), and shall assess any contamination on the site, whether or not it originates on the site. The assessment shall include:
- i) a survey of the extent, scale and nature of contamination;
 - ii) the potential risks to:
 - human health;
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
 - adjoining land;
 - ground waters and surface waters;
 - ecological systems; and
 - archaeological sites and ancient monuments.
- 9) No development shall take place until full details of the finished levels, above ordnance datum, of the ground floors of the proposed buildings, in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.
- 10) 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 scheme.
- 11) No development shall take place until samples of all external facing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details.
- 12) Prior to the first occupation of any part of the development hereby permitted, full details of all hard and soft landscaping works shall have been submitted to and approved, in writing, by the Local Planning Authority. The details shall include plans and measures addressing the following:
- Details of all existing trees and planting to be retained;
 - Details of all proposed trees and planting, including schedules specifying species, planting size, densities and plant numbers and tree pit details;
 - Details of all hard surfacing materials and finishes;
 - Details of all boundary treatments
 - Details of all external lighting
 - Ecological enhancement measures

- 13) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 14) If any retained tree is cut down, uprooted or destroyed or dies another tree shall be planted at the same place and that tree shall be of such size and species and shall be planted, in accordance with condition 11, at such time as may be specified in writing by the local planning authority. In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars.
- 15) The dwellings shall not be occupied until the south elevation and north elevation windows at first floor level on Plan 643L102 D – Elevations, dated 17 March 2020 have been fitted with obscured glazing and shall be non-opening. Once installed the obscured glazing and non-openable parts of those windows and the high level windows shall be retained permanently thereafter.
- 16) No part of the development shall be occupied until provision for the storage of refuse and recycling has been made for that dwelling in accordance with approved drawings. These facilities shall thereafter be retained for use at all times.
- 17) Prior to the first occupation of any part of the development details of cycle parking facilities for the occupants of, and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the approved cycle parking facilities associated with that dwelling or use have been fully implemented and made available for use. The provision for cycle parking shall thereafter be retained for use at all times.
- 18) No dwelling shall be occupied until space has been laid out within the site in accordance with drawing 543PL100D – Location and Block Plan, dated 20 July 2020 for 6 cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear and that space shall thereafter be kept available at all times for the parking of vehicles.
- 19) The buildings shall not be occupied until a means of access for vehicles shall have been constructed in accordance with the approved plans. The access shall be retained thereafter.
- 20) No part of the development shall be occupied until a scheme for the provision of electrical vehicle charging points has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be installed prior to first occupation of the development and shall thereafter remain as such. As a minimum, the charge point specification shall be 7kW mode 3 with type 2 connector.
- 21) No part of the development shall be occupied until the sustainability measures (comprising solar panels) as shown on drawing 543PL101D – Proposed Ground Floor, First Floor and Roof Plan, dated 4 July 2020 have been implemented and are operational. The solar panels shall thereafter be maintained and operational.

***** End of Conditions*****