



Appeal Decision

Site visit made on 11 May 2021

by G Roberts BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 July 2021.

Appeal Ref: APP/Z3825/W/20/3265849

Land adjacent Fieldfare, North Heath Close, Horsham, RH12 5PH

- 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 & Mrs Bruce against the decision of Horsham District Council.
 - The application Ref DC/20/0819, dated 28 April 2020, was refused by notice dated 9 October 2020
 - The development proposed is erection of two storey dwelling with associated off-street parking and hard and soft landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for erection of a two storey dwelling with associated off-street parking and hard and soft landscaping on land adjacent Fieldfare, North Heath Close, Horsham, RH12 5PH in accordance with the terms of the application, Ref DC/20/0819, dated 28 April 2020, and the plans submitted with it, and subject to the conditions listed in the attached annex.

Procedural Issue

2. I have adopted the description of the proposed development as set out in the Council's decision notice as this more accurately describes the proposal.

Main Issue

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

Reasons

4. The proposed dwelling would be located within the side garden to Fieldfare. The new dwelling would be detached and set back from the road, North Heath Close, with off street parking at the front and a garden at the rear. To the west of the appeal site is a property known as Ladymede and the proposed dwelling would effectively sit within the gap between this property and Fieldfare.
5. The appeal site forms part of a cul-de-sac of six dwellings. All of the existing dwellings are detached and the majority are two storeys, other than the property at the south western end of the cul-de-sac, Jaybee, which is single storey. Most of the properties are closely spaced together, the exception to this being Fieldfare and a property known as Rose Mullion to the south, which has a similar side garden.

6. All the properties in the cul-de-sac are set back from the road with the frontages used for car parking and landscaping. The frontages to most of these properties are also characterised by mature hedging and trees, other than where vehicular access is provided. However, the frontages to Jaybee and Heath Cottage, to the south west of the appeal site, are largely open and devoid of any landscaping, providing clear views of those properties and their parking areas.
7. The character of the area beyond North Heath Close is very different in terms of the style, layout and age of properties. North Heath Close is effectively, therefore, self-contained and physically separated from these surrounding properties and the latter do not, therefore, contribute or form part of the character of the cul-de-sac.
8. Within this context, the appeal building would be set back from the side boundary with Ladymede. A similar set back would separate the proposed building from the new side boundary with Fieldfare. The level of separation would be similar to that on the majority of the other plots within the cul-de-sac. The proposed dwelling would also be built on the same building line as Ladymede, but slightly behind that of Fieldfare. Whilst the proposed dwelling would effectively, therefore, infill the gap between Fieldfare and Ladymede, there would still be a reasonable distance between these properties and the appeal building.
9. The design, scale and height of the proposed dwelling would, in my view, provide an appropriate transition from Fieldfare to Ladymede. This transition would be assisted by the use of a similar pallet of materials on the new dwelling to that found on existing properties within the cul-de-sac.
10. The submitted plans also show that whilst some trees and landscaping would be removed, where practical, existing trees and hedging would be retained, particularly on the frontage to the road, which would again assist in assimilating the new dwelling within the landscaped character of this part of North Heath Close. The plans also show adequate parking and a turning area for vehicles, as well as a reasonably sized garden to the rear. Similarly, Fieldfare would also retain a large garden to the rear.
11. For the above reasons, I am satisfied that the appeal site is of sufficient size to accommodate the new dwelling, and would represent an acceptable and appropriate form of infill development. The new dwelling would sit comfortably on the appeal site and would not result in its overdevelopment. The new dwelling would also not result in any material harm to the character of Fieldfare or to the existing townscape.
12. I am also satisfied that the appeal proposal would not materially harm the character and appearance of the area. The new dwelling would integrate well with Ladymede, Fieldfare and the street scene generally. As a consequence, the appeal proposal would, in my judgement, represent an appropriate form of development on this garden land.
13. The Council have referred to the National Design Guide 2019 and its advice that well designed development is that which responds to, amongst other requirements, its context, identity, built form and nature (landscaping). As I have found above, having regard to all those considerations, I am satisfied that the appeal proposal would be entirely appropriate in this location.

14. The Council also contend that the appeal proposal would be at odds with the prevailing character of the area and has been shoe horned into the site. I do not agree. As I have found above, the siting, layout, scale, design and relationship of the proposed dwelling to neighbouring properties is entirely acceptable and would broadly reflect the established built form. Any differences between the size of the curtilage to the appeal proposal and existing plots are not, in my view, material and neither is it an indication that the proposal represents an overdevelopment of the site.
15. Accordingly, I find that the proposal would not harm the character and appearance of the area, and would represent appropriate infill development on this garden land. It would, therefore, comply with Policy 32 and 33 of the Horsham District Planning Framework (November 2015) (HDPF), which seek to ensure that new development delivers a high quality of design that responds to local character, makes efficient use of land, responds and integrates well with the local townscape and built surroundings, and protects the local landscape from inappropriate development. These policies are consistent with those in the National Planning Policy Framework (February 2019) (Framework).

Other Matters

16. I have had regard to the concerns raised by interested parties in relation to highway safety, loss of trees, access, impact of construction work and impact on living conditions. There is no detailed evidence before me to suggest that any of these concerns would result in material harm and I note they are not matters that the Council have raised in relation to this appeal. With regard to construction works, the Council have put forward a condition to address this issue. In terms of access and highway safety I note that no objections to the appeal proposal were raised by the local Highway Authority.
17. There are a number of benefits to the appeal proposal, including making full use of site and boosting the supply of housing within a sustainable location. Whilst I appreciate that the proposal would only secure one new dwelling, these benefits are nevertheless supported by various policies in the HDPF and in the Framework. These benefits provide, therefore, further support for the findings I have reached above.

Conditions

18. The Council has suggested a number of conditions which I have considered against the advice in the Framework and the Planning Practice Guidance (Planning Guidance) on the use of planning conditions. I have also had regard to the Appellant's Final Comments, dated 26 April 2021, which confirmed that the conditions set out in Appendix A to the Council's Appeal Statement were acceptable.
19. Conditions relating to compliance with approved materials, hard and soft landscaping, tree protection and refuse provision, are necessary and reasonable in order to secure a high-quality development.
20. Conditions relating to construction works, drainage, biodiversity, ecology and water consumption, are also reasonable and necessary in the interests of highway safety/local amenities, to mitigate the effects of climate change, to ensure a satisfactory drainage system and that the site is suitably drained, and

to safeguard ecological interests, provide appropriate mitigation and secure biodiversity enhancements.

21. Conditions relating to parking/electric charging spaces/cycle storage and telecommunications, are also necessary in the interests of highway safety, to promote alternative modes of transport and to ensure that the new dwelling has a satisfactory broadband connection. A condition requiring the proposed first floor west facing window to be obscure glazed and non-openable to a certain height is also necessary to protect the living conditions of neighbouring occupiers.
22. The Planning Guidance advises that permitted development rights should only be taken away in exceptional circumstances. Even so, I am satisfied that those circumstances exist here and that a condition preventing the construction of development within certain classes of the General Permitted Development Order is necessary and reasonable to safeguard visual amenities and to control the development of the land in the interests of the character and appearance of the area.
23. I have amended the wording of some of the suggested conditions to be consistent with the submitted proposal and combined the construction conditions. I have also added a condition requiring compliance with the submitted plans.
24. Whilst there are a large number of conditions, these are, in my opinion, necessary and reasonable, not only for the reasons given above, but also to ensure that the requirements of policies 32 and 33 of the HDPF are met.

Conclusion

25. For the reasons given above and having taken all the matters raised into account, I conclude that the appeal should be allowed.

G Roberts

INSPECTOR

Annex – Conditions

- 1) The development hereby permitted shall begin before the expiration of three years from the date of this permission.
- 2) 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.
- 3) No development above ground floor slab level of any part of the development hereby permitted shall take place until confirmation has been submitted, in writing, to the Local Planning Authority that the relevant Building Control body shall be requiring the optional standard for water usage across the development. The dwelling hereby permitted shall meet the optional requirement of building regulation G2 to limit the water usage of the

dwelling to 110 litres per person per day. The subsequently approved water limiting measures shall thereafter be retained.

- 4) The development hereby approved 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 limited to, the following relevant measures:
- Detailed site logistics arrangements, including location of site compounds, location for the loading and unloading of plant and materials, site offices, and storage of plant and materials
 - Details regarding parking of site operatives and visitors, deliveries and storage
 - The method of access to and from the construction site
 - Location and details of the provision of wheel washing facilities
 - The erection and maintenance of security hoarding and screening to neighbouring properties
 - Measures to control the emission of dust and dirt during construction
 - A scheme for recycling/disposing of waste resulting from demolition and construction works

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

No construction works for the implementation of the development hereby permitted shall take place outside of 0800 hours to 1800 hours Mondays to Fridays and 0800 hours and 1300 on Saturdays nor at any time on Sundays or Bank Holidays.

- 5) No development above ground floor slab level of any part of the development hereby permitted shall take place until a schedule of materials and finishes and colours to be used for the external walls, windows, doors and roofs of the approved building has been submitted to and approved in writing by the Local Planning Authority, and all materials used in the construction of the development hereby permitted shall conform to those approved.
- 6) A Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Daytime Bat Potential Roost Assessment (Wychwood Environmental Ltd July 2020), shall be submitted to and approved in writing by the Local Planning Authority. The enhancement measures shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.
- 7) Prior to the first occupation of the 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 the dwelling.
- 8) No part of the new dwelling hereby permitted shall be first occupied until the car parking has been constructed in accordance with the approved floor plans, drawing no. 2022.PL03A received 15 July 2020. These spaces shall thereafter be retained at all times for their designated purpose.

- 9) No part of the development hereby permitted shall be first occupied until an electric charging space has been provided in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority.
- 10) The dwelling hereby permitted shall not be first occupied unless and until provision for the storage of refuse/recycling has been made in accordance with details to be submitted to and approved in writing by the Local Planning Authority. These facilities shall thereafter be retained for use at all times.
- 11) The dwelling hereby permitted shall not be first occupied until covered and secure cycle parking spaces have been provided within the proposed garage as shown on the proposed floor plans, drawing no. 2022.PL03A received 15 July 2020.
- 12) Prior to the first occupation of the dwelling 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 sizes 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

The approved landscaping scheme shall be fully implemented in accordance with the approved details within the first planting season following the first occupation of the dwelling. Unless otherwise agreed as part of the approved landscaping, no trees or hedges on the site shall be wilfully damaged or uprooted, felled/removed, topped or lopped without the previous written consent of the Local Planning Authority until 5 years after completion of the development. Any proposed planting, which within a period of 5 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 unless the Local Planning Authority gives written consent to any variation.

- 13) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (and/or any Order revoking and/or re-enacting that Order) no development falling within Classes A, B, C or E, of Part 1 or Class A of Part 2 of Schedule 2 of the Order shall be erected, constructed or placed within the curtilage of the development hereby permitted without express planning consent from the Local Planning Authority first being obtained.
- 14) The dwelling hereby permitted shall not be first occupied until the proposed window at first floor level to the west facing side elevation, indicated on drawing no. 1922/PL05A has been fitted with obscure glazing. No part of that window that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Once installed the

obscured glazing and non-openable parts of the window shall be retained permanently thereafter.

- 15) The proposed works to implement the development hereby permitted shall be carried out in full accordance with the recommendations and methods set out within the Arboricultural Report/Tree Protection Plan, received 20 April 2020.
- 16) All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Daytime Bat Potential Roost Assessment (Wychwood Environmental Ltd, July 2020). This may include the appointment of an appropriately competent person, e.g. an ecological clerk of works to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.
- 17) The development hereby permitted shall be carried out strictly in accordance with the following approved plans unless otherwise agreed in writing by the Local Planning Authority: drawings no. 2022.LP01; 2022.S02; 2022.PL02A; 2022.PL03A and 2022.PL05A.

End of Annex