



Appeal Decision

Site Visit made on 19 October 2021

by Stewart Glassar BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 November 2021

Appeal Ref: APP/Z3825/W/21/3272498

Green Shadow, Roundabout Lane, West Chiltington RH20 2NT

- 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 Colin Russell against the decision of Horsham District Council.
 - The application Ref DC/20/2142, dated 29 October 2020, was refused by notice dated 17 March 2021.
 - The development proposed is the demolition of existing garage buildings and erection of 2 bed single storey dwelling with detached garage/carport building.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. An amended Framework¹ was published by the Government between the determination of the planning application and the appeal coming before me. I am satisfied that this latest version of the Framework does not raise any new considerations in relation to this appeal.

Main Issues

3. The main issues are the effect of the proposed development on the character and appearance of the area and on the living conditions of neighbours, with particular regard to loss of outlook.

Reasons

Character and Appearance

4. The appeal site comprises an area of land that formerly formed the southern part of the garden area to Green Shadow, a two storey, detached thatched dwelling located on the west side of Roundabout Lane. Two wooden garages are positioned either side of the entrance to the appeal site.
5. The area is characterised by large, detached dwellings in large plots. Whilst there is variety in the size and design of the dwellings, they are generally set within their plots, away from the site frontages. Together with the trees and planting along the site boundaries, this gives the area a spacious and verdant character.
6. The properties to the rear of the site, Enderby Thatch and Hill End, have smaller plots than most others within the area. The appeal proposal would

¹ National Planning Policy Framework (2021)

result in a further uncharacteristically small plot for the proposed dwelling. The construction of the appeal proposal would in turn make the reduced plot for Green Shadow more apparent. The result of this would run counter to the prevailing pattern of development and character of the area.

7. The proposed building itself would comprise a single storey dwelling set at a slight angle to the site frontage. It is said to offer a form of contemporary architecture that would contrast with its surroundings. Whilst it might be possible for the area to accommodate contemporary architecture, good design involves taking account of the pattern and scale of the surrounding context and built form. There is little in the design and appearance of the proposed dwelling to suggest that has happened in this case. There does not appear to be any particular design rationale for how the building's design has evolved, or which explains the choice of external materials, beyond seeking to contrast with the neighbouring buildings.
8. Given the building's appearance, height and range of external materials it fails to demonstrate any sense of connection with the surrounding built form or its location. As a result, it will appear as an incongruous form of development which will have a jarring relationship with its surroundings.
9. I acknowledge that the existing boundary planting would be retained. However, given that planting can too easily be removed, provide less protection at various times of the year or simply suffer disease and die, it cannot be relied upon. Planting and landscaping should therefore generally seek to complement a proposal and not in itself make an otherwise inappropriate development acceptable. As such, the boundary planting in this instance is not a reason to allow the appeal.
10. Overall, I find that the proposal would result in development which would harm the character and appearance of the area. Therefore, it would be contrary to Policies 32 and 33 of the Horsham District Planning Framework (HDPF) 2015, which amongst other things, seek to ensure that developments complement the local character and are sympathetic to their surroundings. The proposal would also conflict with paragraph 130 of the Framework, which, amongst other things, seeks to ensure that new development is sympathetic to local character.

Living Conditions

11. By virtue of the shape of the appeal site and the existing site access, the proposed dwelling would be positioned towards the rear of the site and the boundary with Enderby Thatch. This neighbour is sited at a slightly lower level than the appeal site. The site's rear boundary is currently delineated by a high hedge with fencing beyond. However, the long-term retention of the hedge cannot be guaranteed.
12. The proposed dwelling would be single storey, and although no details are provided, it would have a sedum roof. Nevertheless, given the dwelling's length and position relative to the site boundary and Enderby Thatch itself, it would have a dominating, adverse effect on the outlook from the rear of Enderby Thatch.
13. Accordingly, the proposal would have an adverse effect on the living conditions of this neighbour. It would therefore be contrary to Policy 33 of the HDPF,

which amongst other things, seeks to protect the living conditions of occupiers of nearby properties. In this respect the proposal would again lead to conflict with paragraph 130 of the Framework, which, amongst other things, seeks to ensure that new developments provide a high standard of amenity.

Other Matters

14. The appellant notes that the site is not within a conservation area and there are no heritage issues. Nevertheless, I have been made aware of Rock Cottage, a Grade II listed building located close to the site. Accordingly, I must pay special regard to the desirability of preserving the setting of this designated heritage asset in accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Having regard to the position of Rock Cottage in relation to the appeal site and the existence of built form between the two of them, the proposal would not affect views of the listed building from either Roundabout Lane or Monkmead Lane. Accordingly, there would be no harm to the setting of this Grade II listed building.
15. It is said that the two garages which would be removed from the appeal site provide a similarly sized footprint to that of the proposed dwelling and that the site is now separated from Green Shadow. However, the current situation would appear and function very differently from the proposal which is before me. It does not therefore lead me to allowing the appeal.
16. The proposal is said to help meet a local need for smaller housing. Although I do not have full details of the local need before me, this would represent a lack of harm which would accordingly be neutral in any balance. The appellant also suggests that the proposed dwelling might be suitable for older occupants who may wish for a smaller dwelling. However, there are no sufficiently robust mechanisms before me to ensure that this would be the case. In any event, I am not persuaded that simply because an occupant may be elderly, they would necessarily require a dwelling of the type proposed.
17. The appellant contrasts the current proposal with a previous scheme for the site and also highlights other developments which have been built within the area. However, these do not mean that the current scheme is acceptable and do not in any event absolve me from making an assessment as to its effects in regard to the main issues of the case.
18. I have been pointed towards the Framework's support for the need to make use of small sites and the role windfall sites can play in providing housing. Accordingly, I give this matter some weight.

Planning Balance and Conclusion

19. The appellant has drawn my attention to appeal decisions from July and August of this year, which indicate that the Council has between 4.2 and 4.4 years supply of deliverable housing land. The Council has not disputed these figures. Accordingly, I must have regard to paragraph 11 of the Framework as in this context the most important policies are considered out of date and planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
20. I have found that the proposed dwelling would cause harm to the character and appearance of the area and adversely affect the living conditions of

neighbouring occupiers. The harm I have found would lead to conflict with paragraph 130 of the Framework, which, amongst other things, seeks to ensure that new development is sympathetic to local character and that it provides a high standard of amenity.

21. The Government's objective is to significantly boost the supply of housing and the proposal would provide a dwelling with adequate access to some local services. The proposal would also accord with the Framework's support for windfall sites. The provision of a single dwelling, by its nature, would make only a small contribution towards housing supply. There would be associated social and economic benefits although some of these would be limited by virtue of time and the scale of the proposal.
22. As such, the adverse impacts of granting a planning permission would, in this case, significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. It would not therefore be sustainable development for which the presumption in favour applies.
23. For the reasons given above, I conclude that the proposal would fail to accord with the development plan and there are no material considerations, including the Framework, that would indicate planning permission should otherwise be granted. The appeal should therefore be dismissed.

Stewart Glassar

INSPECTOR