



Appeal Decision

Site Visit made on 3 November 2021

by H Miles BA(hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 NOVEMBER 2021

Appeal Ref: APP/Z3825/W/21/3267341

28A Warnham Road, Horsham RH12 2QU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mrs Susan Banks against the decision of Horsham District Council.
 - The application Ref DC/20/1490, dated 9 August 2020, was refused by notice dated 20 November 2020.
 - The development proposed is the erection of one single storey three bedroom dwelling and access leading to the Warnham Road Horsham.
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Decision

1. This appeal is dismissed.

Preliminary Matters

2. Outline planning permission is sought. I have determined the appeal on this basis.
3. During the course of this appeal Natural England issued advice that it cannot be concluded that existing groundwater abstraction in this area is not having an impact on the Arun Valley Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar site. I have sought the main parties' views on this matter and I will return to it later in my decision.

Main Issues

4. The main issues are the effect of the proposed development on the character and appearance of the area and on the living conditions of neighbouring occupiers with particular regard to outlook, privacy and any overbearing effect at 28 Warnham Road.

Reasons

Character and Appearance

5. This part of Warnham Road is characterised by detached dwellings in a linear pattern fronting the street, with generous front and rear gardens. This results in an attractive regular pattern of development and spacious character. The dwelling at No 28A shares these positive characteristics and has a longer rear garden than others in the street. The neighbouring property at No 28 is set back from the building line but is nevertheless an individual dwelling facing the main road and therefore makes a positive contribution to the appearance of the area.

6. The proposed development would introduce a single storey dwelling to the rear of 28A Warnham Road, accessed via a driveway. Although the application is in outline such details are shown indicatively on the submitted drawings, and taking into account the constraints at the site, this general arrangement is likely.
7. The proposed dwelling would be at odds with the street fronting pattern of development and would result in both No 28 and the proposed dwelling having plots at least 10m shorter in length than others in the surroundings. This would harmfully erode the regular street fronting pattern of development and unacceptably undermine the spacious character of the area.
8. Policy 3 of the Horsham District Planning Framework November 2015 (HDPF) requires infilling to be appropriate to the nature and scale of, in this case, Horsham. A single new dwelling would not result in harm in this regard.
9. Consequently, the proposed development would have a harmful effect on the character and appearance of the area. As such, in this respect, it would be contrary to Policies 32 and 33 of the HDPF which together seek to provide high quality design for all new development, including complementing locally distinctive character and relating sympathetically to the built surroundings, amongst other things.
10. Policy 25 of the HDPF mainly relates to natural environment and landscape character. Therefore, the policies listed above are more relevant to the main issues associated with this development.

Living Conditions

11. The appeal site is at a higher level than the ground floor of 28 Warnham Road. However, the indicative plans show the single storey dwelling located around 7m from the rear of No 28 and set back from the boundary by over 2.5m. Albeit, these details would be secured at the reserved matters stage
12. Nevertheless, taking into account the potential separation distance, height and boundary treatment, it would be possible to achieve a dwelling on this site that would not have an unacceptably overbearing effect on neighbouring occupiers.
13. The main outlook from 28 Warnham Road is to the rear. Therefore, although a single storey dwelling on the adjoining plot may be visible, the main outlook would be maintained. I am also satisfied that, with respect to a proposed single storey dwelling, any views from ground floor windows could be screened by suitable boundary treatment and window positioning.
14. Therefore, the proposed development would not have a significantly harmful effect on the living conditions of neighbouring occupiers. As such it would be in accordance with Policy 33 of the HDPF which, in part, requires that development avoids unacceptable harm to the amenity of nearby occupiers.

Other Matters

15. I am not persuaded that it is likely that other similar developments are proposed. Nevertheless, each application would be judged on its individual merits.
16. I am not provided with any detail as to the Council's housing land supply in this case. However, even if it were unable to demonstrate a 5 year supply of

deliverable housing sites, the environmental harm to the character and appearance of the area, outlined above, would outweigh the minor social and economic benefits associated with the provision of one dwelling. Consequently, the adverse impacts of the proposal significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework as a whole.

17. The Arun Valley SPA, SAC and Ramsar site is a habitats site that has a high level of protection. Natural England have advised that for development to show that it will not contribute further to an existing adverse effect from groundwater abstraction it would have to demonstrate water neutrality. The appellant states that the proposed dwelling would have grey water recycling, a rainwater harvesting facility and water efficient fixings throughout.
18. Nevertheless, there is no need to consider the implications of the proposal on the protected site because the scheme is unacceptable for other reasons.

Conclusion

19. The proposal would not accord with the development plan and there are no other considerations, including the provisions of the Framework, to indicate that the appeal should be determined otherwise. Therefore, for the reasons given above, I conclude that this appeal should be dismissed.

H Miles

INSPECTOR