



Appeal Decision

Site Visit made on 9 November 2021

by Stewart Glassar BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 December 2021

Appeal Ref: APP/Z3825/W/21/3270802

Hares Hill, Old Wickhurst Land, Broadbridge Heath, Horsham RH12 3NA

- 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 C Green (Stonegate Homes) against the decision of Horsham District Council.
 - The application Ref DC/20/2467, dated 9 December 2020, was refused by notice dated 5 March 2021.
 - The development proposed is the removal of tree and erection of 2 dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised 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. The substantive elements thereof remain the same as the previous iteration in regard to the main issues of the appeal.

Main Issues

3. The main issues are the effect of the proposed development on a) the character and appearance of the area, including its effect on a protected tree; and b) car parking provision.

Reasons

Character and Appearance

4. The appeal site is an area of undeveloped land adjacent to a new housing development. It includes a large, mature, protected oak tree, beneath whose canopy, is an area for visitor car parking. To the east is Old Wickhurst Lane, an unmade public right of way (PROW) which is screened by mature planting. The area has a mixed character which in relation to the PROW, is semi-rural and undeveloped. The appeal site therefore contributes positively to this verdant character.
5. The protected tree and adjacent land would be replaced by a pair of semi-detached dwellings. Car parking spaces would be laid out in front of the new

¹ National Planning Policy Framework (2021)

- buildings. A new landscape buffer would be planted between the PROW and the new houses.
6. The oak tree which would be removed is one of two protected oak trees which sit either side of the entrance to Hares Hill Close. They are the tallest trees in the vicinity of the site and together with their height, the spread of their canopies and positions close to each other they form a focal point which can be seen from Cook Way and the PROW. They add significantly to the semi-rural character of the entrance to Hares Hill Close and to the PROW. The proposed loss of one of these trees would therefore have an adverse effect upon the visual amenity of the area and thus its character and appearance.
 7. Whilst the tree to be removed is subject to some fungal invasion, the submitted Tree Inspection Report does not go as far as to suggest that the tree would not survive and must be removed because it poses a safety risk. Indeed, the report suggests that the longer-term retention of the tree is entirely possible, subject to appropriate care and attention.
 8. The design of the new dwellings would complement the appearance of the existing houses in Hares Hill Close. However, the additional built form and areas of hardstanding to the front would add to the prominence of the housing development, when viewed from the PROW. Some compensatory landscaping is proposed along the site's eastern boundary, to mitigate the loss of the tree, albeit no specific details are provided. Given the width of the strip of land into which the landscaping would be planted, and its proximity to one of the proposed dwellings, it is unlikely it would be able to grow to an extent that it would sufficiently compensate for the loss of the existing tree.
 9. In combination with the loss of the protected tree, the removal of mature planting along the site's eastern boundary and the erection of two new houses, the result would be an unsympathetic incursion of suburban built form into an undeveloped, semi-rural area. Overall, the development would cause harm to the character and appearance of the area. As such, it would be contrary to Policies 2, 24, 25, 31, 32 and 33 of the Horsham District Planning Framework (HDPF) 2015, which amongst other things, seek to protect and conserve the character of existing areas, including their landscape and natural features.

Car Parking

10. The proposal would result in an overall loss in the number of visitor car parking spaces in Hares Hill Close. Furthermore, the increased number of houses could potentially increase the demand for visitor parking. The Highway Authority has not objected to the proposal. This is because it considers that any displaced parking onto the unadopted estate roads would not cause harm to the maintained highway network (Broadbridge Heath Bypass).
11. Whilst there may not be a direct effect on the adopted highway, any overspill parking from the houses in Hares Hill Close would be likely to take place within the existing courtyard, around its margins and on the PROW in the first instance. The distance and limited opportunities for parking cars on Cook Way, either to the north or south of the appeal site, may be a disincentive for overspill parking to extend that far but cannot be ruled out. This would result in a poorer environment for existing residents in Hares Hill Close in particular, but also those in Cook Way, as well as users of the PROW. The incidence of

vehicular/pedestrian conflict would be likely to increase, particularly along the PROW.

12. There is no specific justification for the loss of parking, nor are there any specific measures proposed to address any potential overspill parking issues. Based on my reasoning above, I conclude that the proposal would fail to properly address the issue of car parking provision and so would conflict with Policy 41 of the HDPF. This policy requires, amongst other things, that developments provide appropriate levels of parking and that any loss of any existing parking provision must be justified and mitigated.

Other Matters

13. I acknowledge that the proposal is a revised scheme, designed to overcome the previous concerns raised by the Council, which were similar to those raised in relation to this appeal. The changes principally reduce the number of dwellings from three to two and offer an amended external appearance to the dwellings. However, the changes are not sufficient to overcome the harm caused to the character and appearance of the area by the removal of the protected tree and the unsympathetic incursion of suburban built form into an undeveloped, semi-rural area.
14. The appellant notes that the proposal would provide cycle and car parking for the new dwellings; that the design, appearance and spacing of the proposed dwellings would complement the existing houses in Hares Hill Close; and that other trees would be retained. These factors would however be a lack of harm which would accordingly be neutral in any balance.
15. The appellant has drawn my attention to the significant number of new houses which have been provided within the redevelopment area around Broadbridge Heath. It is said that the landscaping to these areas is not as comprehensive as that which currently exists at the appeal site. On this basis, it is suggested that a reduced provision at the appeal site would not be out of keeping. However, I do not consider that is a sufficiently robust reason to allow the appeal. Indeed, to my mind, if anything, it puts a premium on the retention of existing areas of mature planting and protected trees.

Planning Balance

16. The Government's objective is to significantly boost the supply of housing, especially in locations which are accessible to local services. There is also broad support for windfall sites. Two dwellings would make a moderate contribution towards those objectives. The scheme would also lead to a small and time-limited economic benefit during the construction phase, which may give rise to extra local employment.
17. Conversely, I have found harm in relation to the effect of the proposed development on the character and appearance of the area and in relation to parking provision. These harms are significant and as a consequence worthy of substantial weight that would outweigh the benefits associated with the proposed development.

Conclusion

18. The proposal would conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan.
19. Therefore, for the reasons given, I conclude that the appeal should not succeed.

Stewart Glassar

INSPECTOR