
Appeal Decision

Site visit made on 5 January 2022

by S Leonard BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 January 2022

Appeal Ref: APP/Z3825/W/21/3274881

**Garages adjacent to 12 The Juggs, West Chiltington, West Sussex
RH20 2JW**

- 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 P Holmes against the decision of Horsham District Council.
 - The application Ref DC/20/2592, dated 23 December 2020, was refused by notice dated 3 March 2021.
 - The development proposed is demolition of garages and construction of a holiday chalet.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Since the refusal of the planning application and the submission of this appeal, a revised version of the *National Planning Policy Framework* (the Framework) was published on 20 July 2021. I have taken the revised Framework into account where relevant to my decision.
3. The appeal site address is taken from the appeal form, since this provides a more complete address than that on the application form.

Main Issues

4. The main issues are:
 - The effect of the proposal on the character and appearance of the area; and
 - Whether the proposed outdoor amenity space and outlook are appropriate, having regard to the functional requirements of the proposal.

Reasons

Character and appearance

5. The site is located within an established residential area within West Chiltington village. It lies at the end of a tributary cul-de-sac leading off The Juggs, and adjacent to a public footpath linking the road to Church Street, which lies at a lower ground level.
6. It is occupied by a pitched roof concrete single garage with a flat roofed timber garage/store adjacent. Ground levels drop westwards away from the buildings, so that they stand in an elevated position in relation to an adjacent electricity

substation, which separates the site from Church Street. Vehicular access is via a shared drive which runs alongside the site, providing access to a neighbouring dwelling to the rear.

7. The Juggs comprises a suburban housing development of post-war, two storey, semi-detached dwellings, with brick or stone finished walls under pitched or hipped tiled roofs. The houses are set within generous plots, and are positioned back from the road, behind soft landscaped front gardens with frontage hedging. There are grassed verges on both sides of the highway. As such, the townscape has a pleasant, spacious, green character.
8. The appellant's view is that the existing buildings are falling into disrepair, and that the site is in a poor and neglected condition. However, I saw no obvious signs of building disrepair or site deterioration during my site inspection, and it appears that trees and shrubs on the site have been cut back and their growth managed.
9. I find that the site makes a positive contribution to the aforementioned prevailing residential character within the vicinity of The Juggs. The buildings which occupy the appeal site are modest structures, of a design and scale which is typical of domestic outbuildings, and the existing structure as a whole, is comparable in size to an existing double garage at No.13, on the opposite side of the footpath.
10. Although it appears that soft landscaping around the buildings has been removed from the site, the existing structures, due to their combined siting, size and design, sit comfortably on the site, without appearing unduly visually intrusive in wider views from the public realm. The site does not have an unkempt appearance, nor are the buildings perceived as being in such an obviously poor state of repair such that it would be harmful to the prevailing townscape.
11. The proposal would replace the existing low-key structures with a pitched roof building of a larger footprint, scale and height, and an overtly domestic design, so that it would have the appearance of a single storey dwelling. Having regard to its larger size, and proposed use as holiday accommodation, which would involve more on-site noise and activity, as well as domestic lighting and more movements to and from the site, the proposed building would have a significantly greater presence within the townscape than the existing garages.
12. The proposal would result in the site being dominated by built development, comprising of the holiday unit and frontage parking and access, which together, would take up almost all of the ground area. The building would extend across almost the entire width of the plot, and within close proximity of the rear boundary. This would result in an unduly cramped form of development in relation to three of the site boundaries, and to neighbouring structures on the adjacent electricity substation site to the west and the semi-detached dwelling and its garage to the south. This tight arrangement of buildings would be at odds with the prevailing more spacious layout of development that characterises the area.
13. The proposed close-boarded fencing and gates enclosing part of the site, and retaining wall that would be necessary to address the ground level differences between the appeal site and the neighbour to the south, would further

compound the confined layout of the proposed development, to the detriment of the prevailing more spacious and soft landscaped built environment.

14. Notwithstanding that the new building would be set back towards the rear of the plot, it would still be visible in views from the public realm due to its combined height, width and depth, given the shallow depth of the site. The appeal scheme would appear as particularly visually dominant in views from the adjacent footpath, when approaching from the Church Street end, from where the boundary fencing and part of the building not screened by the fencing would appear as visually imposing structures due to their elevated position in relation to the footpath and the adjacent substation site. The tight positioning of the building in relation to the rear site boundary would also be visually apparent, given the elevated position of the adjacent property to the rear in relation to the appeal site.
15. For the above reasons, I therefore conclude that the proposal would cause significant harm to the character and appearance of the area. As such, it would be contrary to Policies 32 and 33 of the *Horsham District Planning Framework* (2015) (the HDPF). These policies, amongst other things, seek to ensure that new development comprises a high quality design, provides an attractive environment, contributes a sense of place in the way buildings integrate with their surroundings, and respects the character of the surrounding area.
16. For similar reasons, the proposal would also be contrary to Policies of the Framework which seeks to ensure high quality design as set out in Chapter 12.

Functional requirements

17. The proposed holiday unit would have an unduly limited outlook, with principal windows restricted to the front and west side elevations only. The former would face onto a public footpath and an access drive serving the neighbouring property to the rear. The latter would directly face the adjacent electricity substation site, and would be largely obscured by proposed close-boarded fencing along this boundary within very close proximity of the side kitchen/living/dining room window.
18. The proposed positioning of the building close to both sides and the rear boundary of the site means that there would be insufficient space around the building to provide meaningful private outdoor living space for occupiers of the holiday unit, having regard to typical requirements, which include sitting/eating outside and the provision of outdoor drying facilities. Moreover, these areas would have an enclosed, oppressive character, as a result of their boundary treatments. The area to the rear would be particularly dark and gloomy due to the significantly higher ground level of the adjacent property to the south, and the necessary presence of a retaining wall along this boundary. The areas to both sides of the building would be narrow, and enclosed by 1.8m high close-boarded fencing.
19. Due to limited space, and the triangular shaped site frontage, the majority of the ground to the front of the building would be given over to parking provision, severely restricting the potential for this area to be used as outdoor living space. This area would be north-facing, and would abut a public footpath on one side and a neighbouring access drive on the other, so that lack of sunlight, as well as privacy and noise issues could also potentially serve to undermine its attractiveness as an outdoor amenity area. In respect of the

latter, it would not be appropriate to rely upon the planting and subsequent retention of the proposed frontage hedging to satisfactorily address such potential issues.

20. In addition, it has not been satisfactorily demonstrated by the appellant that the proximity of the adjacent electricity substation, which abuts the appeal site, would not have an adverse impact on the living conditions experienced by future occupants of the holiday unit, particularly in respect of noise impacts.
21. For the above reasons, I conclude that the proposed outdoor amenity space and outlook would not be appropriate, having regard to the functional requirements of the proposal. As such, the appeal scheme would fail to accord with the objectives of HDPF Policy 11, in so far as this policy encourages measures which promote tourism, which are of a scale and type appropriate to the location and increase the range, or improve the quality of accommodation.

Other Matters

22. Since the refusal of the planning application and the submission of the appeal, the Council, in its appeal statement, has confirmed that Natural England has issued a Position Statement in respect of planning applications within the Sussex North Water Supply Zone. This states that it cannot be concluded, with the required degree of certainty, that existing abstraction within this zone is not having an adverse effect upon the integrity of the Arun Valley SAC, SPA and Ramsar sites. Its advice is that new development within this zone should not add to this impact, and that it should not be approved unless it can be demonstrated that it is 'water neutral' and/or would not result in a significant effect. This applies to the appeal scheme, which would result in an increase in water abstraction above that associated with the current use of the site. This matter has arisen at a late stage in this appeal process, and has not been addressed by the appellant.
23. Within the context of this appeal, the responsibility for assessing the effects of the proposal on the European designated sites fall to me as the competent authority. Had I been minded to allow the appeal, and the circumstances therefore existed in which planning permission could be granted, it would have been necessary for me to examine this matter further, by seeking further comments from both main parties. I would also need to undertake an Appropriate Assessment of the implications of the appeal scheme for the European designated sites. However, as other main issues provide clear reasons for dismissing the appeal, the outcome of any such Appropriate Assessment would have no bearing on the overall outcome of this appeal. There is therefore no need for me to consider this matter any further as part of my decision.
24. The appellant has drawn my attention to three approved developments within Horsham District, which it considers set a precedent for the current appeal proposal. On the basis, of the information before me, and my site inspection, I find that these relate to residential schemes, none of which are directly comparable with the appeal scheme in respect of site location, and development design, layout and juxtaposition with neighbouring properties. In any case, I must determine this appeal on the basis of the particular circumstances of the appeal site and on the merits of the scheme before me.

25. When judged against some of the core planning principles of the Framework, the appeal proposal would perform well, in that it would make an efficient use of previously developed land to provide a new unit of holiday accommodation. It would be located in an urban area where access to facilities is likely to be greatest. Also, there would be modest economic and social benefits as a result of the construction and use of the building as tourism accommodation.
26. The aforementioned harm to the character and appearance of the area and the failure of the proposal to provide adequate amenity space and outlook appropriate to the proposed use, would be significant. As such, when assessed against the policies in the Framework taken as a whole, the adverse impacts would significantly and demonstrably outweigh the benefits. Therefore, the proposal would not be a sustainable form of development. The conflict with the development plan is not outweighed by other considerations including the Framework.
27. Notwithstanding that the Framework encourages Local Planning Authorities to approach decisions in a positive and creative way, this is not unqualified, and would not address, or outweigh, the aforementioned harm that I have identified in respect of the main issues.
28. The appellant has drawn my attention to the intention to design the appeal scheme so that it does not harm neighbouring living conditions. However, this is a requirement of national and local planning policies in any case, and does not outweigh my conclusions on the main issues.

Conclusion

29. For the reasons given above, I conclude that the appeal should be dismissed.

S Leonard

INSPECTOR