

Appeal Decision

Site visit made on 24 November 2022

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 December 2022

Appeal Ref: APP/Z3825/D/22/3303675

Westbrook Lodge, Bognor Road, Broadbridge Heath, Horsham RH12 3PT

- 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 Mrs Lisa Joyce against the decision of Horsham District Council.
 - The application, Ref. DC/22/0062, dated 11 January 2022 was refused by notice dated 12 May 2022.
 - The development proposed is the part conversion of the existing detached garage building, and a first floor extension to form habitable living space.
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Decision

1. The appeal is dismissed.

Main Issues

2. In terms of the officer's report and Notice of Refusal the main issues are (i) the effect of the development on the character and appearance of the site and in particular the host dwelling, and (ii) the effect on the integrity of the Arun Valley Special Area of Conservation; Special Protection Area, and Ramsar sites by way of increased water abstraction.

Reasons

3. On the first issue, I saw on my visit that Westbrook Lodge is positioned close to Bognor Road and has a short driveway/parking area close to the house. The detached garage the subject of this appeal is closer to the eastern boundary and has an extensive area of hardstanding around it that can be used for parking without impeding vehicular access.
 4. Drawing No. 23 106 shows the existing shallow pitched roof significantly increased in height by means of a mansard style alteration to the front and rear and 3 dormers to each flank. Together with an additional window in the ground floor on the west elevation; the two ground floor windows plus a first floor window in the rear wall, and the first floor front window, the extended garage would in my view have had the appearance of a separate and additional house.
 5. The amended scheme, in Drawing Nos. 23 104 Rev. A and 23 105 Rev. A, has replaced the three dormers in the east elevation with three roof lights and omitted the mansard roof. However, despite the improvements made by these alterations the altered building would still have the appearance of an additional dwelling with an integral garage on the site, albeit with a poor design given the domination of the western roof slope by dormers insufficiently set down from
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the ridge and up from the eaves, thereby appearing top heavy rather than proportionate.

6. I acknowledge that with a sizeable building in the form of a barn between the altered garage and the existing dwelling, the appeal scheme would not directly 'visually compete' with Westbrook Lodge as the Council alleges. Nonetheless, the combination of the increased size and height with the additional fenestration including the dormers would in my view run materially counter to the well-established principle of ancillary buildings being perceived as clearly subordinate to the host dwelling. This perception would be shared by users of the public right of way along the access lane from Bognor Road.
7. Whilst the officer's report and the Notice of Refusal focus primarily on the effect of the scheme on the character and appearance of the site and the context of the surrounding rural landscape, the report's paragraph on 'Other Matters' in my view raises further concerns *'with respect to the functional relationship with the host dwelling and whether the resulting building would be occupied as incidental /ancillary to the host dwelling'*.
8. The curtilage of Westbrook House is large and has the potential for some element of sub-division. The garage has its own entrance drive from the lane independent of the host dwelling. The appeal scheme would result in a building 17m away from the host dwelling. In the light of this and with an ample parking area, a kitchen, bathroom and potential living space in the downstairs office and all of the upstairs floorspace indicated as being for a gym and yoga studio, I consider that there is credibility in the Council's argument. A permission, if granted, runs with the land and any future occupiers of Westbrook Lodge may seek to take advantage of the facilities by allowing an independent use of the building. And given the technical suitability of the converted building for independent habitable use, the Local Planning Authority may well initially find this difficult to enforce and in the longer term formally refuse.
9. Returning briefly to the second main issue arising from the officer's report and the refusal, the objection on the grounds of water neutrality, a report has now been prepared by Consulting Civil Engineers. Leaving aside the submissions that the proposal has wrongly been the subject of this restriction, I consider that the report adequately addresses the issue and its recommendations could have been the subject of a condition enabling the development to proceed.
10. Overall, and acknowledging that the appellant has shown some flexibility with the amended plans, I consider that the proposed conversion would have an adverse effect on the character and appearance of the site and its immediate surroundings. This would be in harmful conflict with Policies 32 & 33 of the Horsham District Planning Framework 2015 and with the principles embodied within Policy W5 of the Warnham Parish Neighbourhood Plan 2018. I also consider that given the scope of the alterations, the scheme's design and the internal facilities to be provided, there is sufficient doubt as to the building's future use (including by any future occupiers of Westbrook Lodge) to conclude that a permission would not be in the interests of proper planning.

Martin Andrews

INSPECTOR