



Appeal Decision

Site visit made on 28 March 2023

by C Shearing BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 May 2023

Appeal Ref: APP/Z3825/W/22/3299255

Home Farm House, 46 Springfield Road, Horsham, West Sussex RH12 2PD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 20, Class A paragraph A.2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Burgess against the decision of Horsham District Council.
 - The application Ref DC/21/2226, dated 11 September 2021, was refused by notice dated 26 November 2021.
 - The development proposed is described as 'prior notification for the erection of two additional floors to provide an additional 6 residential units'.
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Decision

1. The appeal is dismissed.

Application for Costs

1. An application for costs was made by Mr Burgess against Horsham District Council. This application is the subject of a separate decision.

Preliminary Matters

2. Under Article 3(1) and Schedule 2, Part 20, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO), planning permission is granted for the construction of up to two additional storeys of new dwellinghouses immediately above the existing topmost residential storey on a building which is a purpose-built, detached block of flats, with associated specified works, subject to limitations and conditions.
3. The main parties do not dispute that the appeal scheme meets the requirements of Schedule 2, Part 20, Class A of the GPDO such that it would constitute permitted development, subject to conditions. This includes the need for an application for prior approval to the matters listed in paragraph A.2(1), which includes the external appearance of the building and the impact on the amenity of the existing building and neighbouring premises.

Main Issues

4. The main issues are the effects of the proposal on the external appearance of the building, and on the amenity of neighbouring premises, with particular regard to those adjoining the site on London Road.

Reasons

External Appearance

5. The appeal site lies within Horsham Town Centre. It sits behind existing developments which front onto Springfield Road, London Road and Albion Way, and adjoins the open London Road car park to the south. The building does not have a street frontage, but is accessed via an undercroft on Springfield Road.
6. Home Farm House is of a comparable height to no.38 Springfield Road and the YMCA building, which adjoin the site to the south west. There is a degree of variation in the design of surrounding roof forms, with no.38 Springfield Road displaying a pitched roof, and the YMCA building to the south west incorporating curved roof features which respond to its position on a junction. The varied heights of the surrounding buildings, and the gaps between them, allow glimpses of Home Farm House in views from the surrounding roads. Views of the building are also possible from the southern side of Albion Way, over the open car park. From those surrounding view points the existing building appears unobtrusive by reason of its height, pitched roof form and relatively simple elevations.
7. The proposal would result in the building exceeding the maximum heights of those which surround it and appearing notably taller than the prevailing building heights. The proposed increase in height and bulk of the upper levels would substantially increase the visual prominence of the building on this back land site and, together with its flat roof form, the building would appear in stark contrast with its surroundings. As a consequence, the proposal would appear heavily at odds with the prevailing local character when experienced in views from the road and across the open car park to the south.
8. There is not substantive evidence of the heights of other nearby buildings or how they compare to the appeal scheme. West Point, however, is a five storey building of distinct design to the north. It has two street frontages and is described by the London Road Conservation Area Appraisal and Management Plan (the CAA) as a distinctive focal point. The context of this building and its relationship to neighbouring buildings and junction, is therefore notably different to the appeal site.
9. During my site visit I observed other taller buildings in the wider area, including further west along Albion Way and to the south around the shopping areas and restaurants. These are a greater distance from the appeal site, and would appear to form part of larger redevelopments incorporating taller elements as focal points. As such their circumstances also differ substantially from the appeal scheme.
10. Given the lower levels would be largely shielded from surrounding public view points, I do not find that the unrelieved continuation of the window patterns into the extension would cause visual harm. This would not, however, reduce the harm arising from the height and bulk.
11. The appeal site adjoins the boundary of the Horsham Conservation Area (HCA). Key characteristics which contribute to its significance include the variety of buildings and uses, as well as historic building techniques, which give a strong sense of place. The gaps and views over lower buildings on the southern side of London Road give visibility of the buildings behind, and these reinforce its

townscape setting. As such those buildings contribute positively to the appreciation of the significance of the HCA.

12. For the reasons given above relating to its scale and roof form, together with its proximity to the buildings on the southern side of London Road, the proposed development would appear visually prominent and domineering where it would be visible from the street. In turn the proposal would cause harm to the setting of the HCA and its ability to be appreciated.
13. The appellant has provided a heritage statement which considers the effects on the designated heritage assets. It finds that there would be an increased awareness of the proposal from the public realm, but this would be unlikely to have an overbearing nature or incongruous presence. It is not, however, clear how this view is derived given the absence of evidence relating to its visibility. As such the heritage statement does not convince me that the proposal is acceptable in this regard.
14. The appeal site adjoins the back of Brunswick Place, a group of grade II listed buildings, which are a prominent feature on London Road. These formerly domestic buildings include projections to the rear, as well as rear courtyards which extend towards the parking areas of the appeal site. The aspect and spaces to the rear of them contribute to the significance of the listed buildings, albeit to a lesser extent than their front elevations. The proposal would substantially increase the sense of enclosure to the rear of the listed group, and create overbearing impacts as discussed further below. As such the proposal would fail to preserve, and would cause harm to, the setting of those listed buildings, albeit at the lower end of the scale.
15. For the reasons given, the proposal would cause harm to the setting of the HCA as well as the setting of the grade II listed Brunswick Place. Special regard is given to the desirability of preserving those assets and their setting, and considerable importance and weight is given to that desirability. The extent of harm would be less than substantial and, in line with paragraph 202 of the National Planning Policy Framework (the Framework) this should be weighed against the public benefits of the proposal.
16. The proposal would contribute six new units to the housing stock in a location with good accessibility to services and facilities. The Council do not dispute the absence of a five year land supply for housing and therefore the benefit of housing attracts additional weight. There would also be economic benefits arising from the construction process and expenditure by future occupants. Overall, given the scale of the development, these benefits are given moderate weight and this would not outweigh the harm to the setting of the heritage assets identified.
17. In conclusion on this main issue, the proposal would be unacceptable in terms of its external appearance. The proposal would conflict with policies 33 and 34 of the Horsham District Planning Framework (the HDPF) insofar as they require development to be sympathetic to the built surroundings and local character, including heritage assets. In turn the proposal would also conflict with the objectives of the Framework relating to heritage assets and the need for development to be sympathetic to local character and history.

Amenity

18. The adjoining terrace of 43- 59 London Road have a number of windows and openings in their rear elevations which face towards the appeal site. Several of these are at oblique angles to Home Farm House, rather than facing it squarely, and many serve non-habitable rooms.
19. The proposals would result in a notable increase in the height of the building, as well as an increase in bulk at its upper levels, arising from the removal of a pitched roof. While the existing building may cause impacts on the existing levels of sunlight and daylight to the London Road properties, there is not evidence before me to demonstrate what the existing lighting conditions are, nor how they would be changed as a result of the proposal. Given the proximity of the buildings and their orientation, the effects of the proposal on levels of natural lighting could be significant and this matter alone could cause unacceptable impacts on the amenities of the London Road properties.
20. In terms of privacy, Home Farm House includes a number of habitable room windows, including Juliette balconies, which already cause some overlooking to the backs of properties on London Road. The proposal would result in additional windows and openings being added to the north facing elevation which would be used by additional occupants. Consequently, the proposal would increase opportunities for overlooking towards the London Road properties and this would occur not only from the proposed living rooms but also bedrooms.
21. The distances between the London Road properties and Home Farm House vary, with numbers 46 and 47 reported as having the closest proximity. While many of the windows facing the appeal site serve non-habitable rooms, there are habitable room windows among them, which include one at No.47. Some existing foliage provides a degree of screening, but this would not provide sufficient protection from overlooking in perpetuity.
22. The existing relationship between the buildings has been subject to consideration by the Council as part of earlier planning applications relating to Home Farm House and changes of use on London Road. However, it is clear that when the original development on the appeal site was considered¹ the Council found some of the distances of separation to be substandard for privacy, but these were accepted given they related to office uses. It is not for me to question the Council's judgment when it considered the change of use applications for London Road. However, the acceptance by the Council of the relationship at that time does not satisfy me that a worsening of the conditions, arising from the additional large windows which would look towards London Road, would be acceptable.
23. Similarly, and in the absence of substantive evidence to the contrary, the effects of the proposal on the outlook experienced by the facing windows would be significantly worsened. This would arise from the proximity of the buildings, the proposed increase in bulk at the upper levels and increase in overall height, which would result in the proposal appearing overbearing and visually dominant from the outlook of the windows which look onto it.

¹ Ref HU/48/02

24. While some of the affected windows on London Road are angled slightly, the effects of the proposal would nonetheless remain apparent from those rooms and the angles involved would not sufficiently mitigate for these effects.
25. Taken together, the above effects would result in a loss of privacy, as well as darkened and oppressive conditions in the affected rooms on London Road, which in turn would cause harm to the conditions experienced by their occupants. Overall, the proposal would be unacceptable insofar as its impacts on the amenities of neighbouring premises are concerned.
26. Insofar as relevant to this matter, the proposal would conflict with Policy 33 of the HDPF which relates among other things, to amenity of occupiers of nearby properties. It would also conflict with the Framework at paragraph 130 insofar as it states that development should provide a high standard of amenity for existing users.

Other Matters

27. The proposal has been found to be acceptable in respect of the other matters listed in paragraph A.2(1). I also note the background of the appellant, and his contribution to local developments including restoration of heritage assets. However, these do not provide reason to alter the above judgement.

Conclusion

28. For the reasons given, the appeal is dismissed.

C Shearing

INSPECTOR