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# Appeal Decision

Site visit made on 11 July 2023

**by H Lock BA(Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 25 August 2023**

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**Appeal Ref: APP/Z3825/W/22/3312748**

**Land Adjacent to 8 Merryfield Drive, HORSHAM, RH12 2AB**

- 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 & Mrs R. Hurst against the decision of Horsham District Council.
  - The application Ref. DC/22/0104, dated 21 January 2022, was refused by notice dated 7 November 2022.
  - The development proposed is conversion of a detached garage to form a single dwellinghouse, incorporating extensions and alterations, with parking provision and soft landscaping.
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## Decision

1. The appeal is dismissed.

## Main Issues

2. The main issues are (1) the effect of the proposal on the character and appearance of the area; and (2) whether the new dwelling would be served by sufficient private amenity space to meet the needs of future residents.

## Reasons

### *Character and Appearance*

3. The appeal building is a detached double garage with room above which serves 8 Merryfield Drive (No.8), accessed from Hill Mead to the side and with more limited visual impact on Merryfield Drive. The main house has a separate garage and parking accessed from Merryfield Drive.
4. As noted by the Council, the appeal site is within a relatively low density suburban area. Hill Mead comprises mostly single- and two-storey detached and semi-detached dwellings which face onto the road, set behind front gardens or deep grass verges. The appeal building has a design, form and orientation that is different from the prevailing pattern of buildings in the street, but it does not appear out of place as it has the recognisable characteristics of an ancillary domestic outbuilding.
5. The introduction of a dormer window<sup>1</sup>, front and rear extensions, and the replacement of garage doors with windows, would materially change the

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<sup>1</sup> There appears to be some discrepancy between different elevations, with the dormer close to the roof ridge on the front elevation and in a lower position on the side elevations, but the effect is largely the same.

character and appearance of the building and its relationship to the street scene. Rather than appearing as an outbuilding to the more substantial host dwelling, it would become more visually prominent as a result of its increased size and bulk, but on a more compact plot. Given its existing proportions, I do not share the appellants' view that the extensions would result in only a minimal increase to the built form of the building.

6. There is some variation in the 'building line' in Hill Mead, as reflected in the current siting of the appeal building and No.8. The pattern is also varied on the opposite side of the road, but in contrast those dwellings are set back behind their front gardens. This is distinct from the siting of the appeal building, set closer to the road and with a different orientation. In this context, turning this building into a dwelling in the form proposed would appear incongruous.
7. The proximity of the building to No.8 gives it the appearance of an outbuilding, but as a separate dwelling such spacing would appear unduly cramped and out of keeping with the more spacious pattern of buildings in the vicinity. The modest size of the plot would be apparent in the street scene due to its depth alongside the road. Views of the existing building are filtered by roadside planting, although the submitted layout plan suggests that this would be removed to maximise amenity space. Whether or not the planting would remain, the material alterations to the building would be visible from Hill Mead across the open driveway, and the proposal would appear at odds with the more spacious setting of other buildings in the locality.
8. The appellants have provided a size comparison of plots and dwellings in Hill Mead and beyond, but the majority appear to be materially larger plots than proposed in this case. As such, densely developed plots are not characteristic in this suburban street scene; any smaller gardens are not particularly apparent, being screened from public view by the frontage housing.
9. In particular, attention has been drawn to developments granted at Trinity Hall (ref. DC/17/0786) and 55 Blunts Way (DC/18/2150 & DC/21/0270), with dwellings of larger footprint on smaller plots than proposed in this case. However, viewed on the ground, the local context of those developments appeared to be more densely developed than in Hill Mead, and therefore not directly comparable to this appeal.
10. I therefore conclude that the proposal would appear out of keeping with the prevailing character and appearance of the area within which the site is located, with a building of the resultant size appearing unduly cramped on the plot. This would be contrary to Policy 32 of the Horsham District Planning Framework 2015 (HDPF), which seeks high quality development which complements locally distinctive characters and contributes a sense of place in the way buildings and spaces integrate with their surroundings; and contrary to HDPF Policy 33, which amongst other criteria seeks to ensure that the scale, massing and appearance of development is of a high standard of design and layout, relates sympathetically with the built surroundings, and respects the character of the surrounding area.
11. It would also conflict with Policy HB3 of the Horsham Blueprint Business Neighbourhood Plan 2019 – 2036 (NP), which expects the design of new development to take account of the local context and to reflect the character and vernacular of the area.

### *Amenity Space Provision*

12. The parties have not identified any adopted standard for amenity space provision. However, as a result of the shape and size of the plot and the existing garage position, the extended building would have a reasonably shallow 'rear' garden next to the road; the Council indicates that the depth would be approximately 4.3m, and the appellants do not dispute this.
13. Paragraph 6.18 of the appeal submission advises that the dwelling would be served by a garden of 124.1sqm. Whilst technically this may be so, the area next to the roadside would have limited amenity value, and would rely on the removal of existing planting to create anything more than a walkway. Due to its size and orientation, part of the north-facing 'triangle' next to the northern boundary would have a more functional role. In this context, I consider the amount of usable private amenity space would be more limited than indicated in the appeal submission.
14. The appellant has identified a number of properties with smaller or comparable gardens than the appeal proposal, including those referred to above at Trinity Hall and 55 Blunts Way, and others in Hill Mead. The proximity of the appeal site to public open space is also identified, and this was a factor taken into account in the consideration of the Blunts Way scheme. These decisions indicate that the proposed level of provision, plus proximity to public open space, would be consistent with the Council's assessment of some other family-sized housing in the area. However, I note the Council's response in its appeal statement, that these are the worst possible examples in the local area, and that the properties in Blunts Way are an anomaly which do not make this development acceptable. Of the examples identified in Hill Mead, the plot layouts and siting of buildings would appear to give more usable rear garden space than proposed in this case.
15. Whilst I acknowledge that there are some small gardens within the wider area, the site-specific constraints of the appeal site lead me to conclude that insufficient usable amenity area would be provided on the appeal site to meet the needs of future occupants of the building, contrary to the development principles of HDPF Policy 33, and paragraph 130 f) of the National Planning Policy Framework (the Framework), which seeks to create places with a high standard of amenity for existing and future users. I find no conflict with NP Policy HB3, which deals with the character of development.

### **Other Matters & Planning Balance**

16. As a site within the Sussex North Water Supply Zone, a Water Neutrality Statement and Strategy was submitted with the application. Following an Appropriate Assessment, the Council concluded that, subject to the mitigation and offsetting measures proposed, the development would result in no significant impact on the Arun Valley SAC, SPA and Ramsar sites, either alone or in combination with other plans and projects. However, as I am dismissing the appeal for other reasons, I have not assessed this matter further.
17. I note the representations made regarding the impact of the proposal on highway safety and on-street parking, but I share the view of the appellants and the highway authority that the development would be acceptable in this regard. Sufficient on-site parking would be provided to serve the existing and proposed dwellings, which would add minimal traffic movements to the local

highway network. The location of the site would also make it accessible to facilities and services by non-car modes.

18. The proposal sets out a range of measures in support of energy and water efficiency, including the provision of natural ventilation, solar panels, an electric vehicle charging point, rainwater harvesting and water reduction fittings. These would offer an environmental benefit in support of the proposal, but would not resolve the main issues in the appeal.
19. The position of the proposed dormer windows and other openings would avoid any loss of privacy and light loss to surrounding residents, and the use would not cause significant intensification in terms of noise and disturbance. However, the absence of any harm to residential amenity would be largely neutral in its weight in support of the proposal.
20. I note the appellants' comments about the processing of the application and an expectation that it would have a favourable recommendation. However, for the reasons outlined above I have found the Council's formal decision to be justified.
21. The Council has confirmed that it is unable to demonstrate a five year supply of deliverable housing sites. Paragraph 11 d) of the Framework is therefore engaged<sup>2</sup>. As a result, the most important policies for determining the application should be deemed out of date, although they may still carry weight in proportion to their degree of consistency with the aims of the Framework.
22. The appeal site is sustainably located within a settlement that is the focus for new housing, and could be regarded as a 'windfall' and infill site which would make more effective use of previously developed land. NP Policy HB2 also strongly encourages the provision of smaller dwellings. The proposal would include environmental benefits outlined above, and would cause no harm to residential amenity or highway safety. Nevertheless, despite the principle of housing development being acceptable in this location, I consider that the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits of providing a small-scale dwelling with limited usable amenity space on this cramped site. The proposal would not therefore benefit from the presumption in favour of sustainable development.

## Conclusion

23. The proposal would be contrary to the Development Plan and the Framework, when read as a whole, and there are no other considerations which outweigh this finding. For the above reasons, I conclude that this appeal should be dismissed.

*H Lock*

INSPECTOR

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<sup>2</sup> The Council can demonstrate 3 years supply, but paragraph 11 d) is nevertheless engaged as the Horsham NP does not include housing allocations.