



Appeal Decision

Site visit made on 9 January 2024

by S M Holden BSc (Hons) MSc CEng MICE CTPP FCIHT MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 January 2024.

Appeal Ref: APP/Z3825/W/23/3323368

36 Warren Drive, Southwater, West Sussex RH13 9GL

- 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 Niall Keelaghan against the decision of Horsham District Council.
 - The application Ref DC/22/1878, dated 4 October 2022, was refused by notice dated 17 April 2023.
 - The development proposed is erection of a new two-storey detached dwelling.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Niall Keelaghan against Horsham District Council.

Preliminary Matter

3. The Government published a revised National Planning Policy Framework (the Framework 2023) on 19 December 2023. I am satisfied that none of the revisions are material to this appeal which I have determined in accordance with the relevant policies in the Horsham District Planning Framework (HDPF), alongside the Framework's approach to design, amenity and highway safety.

Main Issue

4. The main issue is the whether the proposed access and parking arrangement would be compatible with the surrounding area, with particular regard to its appearance and functionality.

Reasons

5. Warren Drive is part of a modern housing estate of detached and semi-detached houses in modest-sized plots. The layout is characterised by circuitous distributor roads, short cul-de-sacs and occasional shared driveways. Many of the houses are close to each other. However, grass verges and small areas of open space help to soften the area's appearance and provide a sense of openness and spaciousness. The layout means that some houses have gardens which are significantly larger than others. From what I observed every property either has direct frontage onto a street or onto a shared driveway.
6. No 36 is one of four properties served by a shared driveway. It has a double garage at right angles to the house in the area opposite its front elevation. The

house has a large side garden in which permission is sought to construct a detached two-bedroom dwelling. As the furthest house from the street neither No 36, nor its garage, is visible from Warren Drive. However, the proposed access to the new dwelling would be squeezed between the front elevation of No 36 and the side elevation of the garage. Much of the small area of green space in front of the house would be lost and replaced by paving. The new dwelling would have a small integral garage and the area in front of it would be hard surfaced to provide a parking and turning area for vehicles.

7. In my view the proposed access would be significantly at odds with the prevailing character of the area where homes have direct frontage onto a street or shared drive. The shared driveways and lack of hard defined boundaries contribute to the open and spacious appearance of the estate. For occupants of the new dwelling to have to pass between the host property and its garage would be a contrived arrangement that would fail to respect the context and layout of the estate as a whole. The width of the driveway would meet the minimum standards set out in the Southwater Neighbourhood Plan (SNP). However, its location and siting would be incongruous and introduce conflicts between people and vehicles which do not exist elsewhere in the vicinity.
8. The garage for the new dwelling would fall short of the minimum internal space of 3m x 6m set out in Manual for Streets (MfS). Cars elsewhere in Warren Drive are already frequently parked outside, rather than within garages, so much of the hard surfacing is already well used. In these circumstances, it is unlikely that the garage in the new dwelling would be used to accommodate a vehicle in perpetuity. The plan suggests that 3 vehicles could be parked in front of the proposed house. Although only 2 spaces would be required to comply with Policy SNP14 of the SNP, the space in which to manoeuvre and exit the driveway in a forward gear would be limited. If a third vehicle did park in front of the house, there is a significant risk that it would be necessary to reverse along the driveway.
9. The driveway would also be close to the area in front of No 36's garage where it would be convenient for occupants and visitors to that property to park in preference to using the garage. Although evidence was presented that a vehicle could navigate the proposed driveway in a forward direction with cars parked in front of the garage, this arrangement would be far from ideal for occupants of either property. So, whilst an acceptable quantum of parking would be provided for the new dwelling, the manner in which the two sites would subsequently function would be highly constrained and inconvenient for users. Furthermore, the area of greatest potential for conflict would be immediately outside No 36's front door where pedestrians, including children, could be coming in and out of the house. Although the risks associated with this arrangement may be small, assuming that drivers would behave responsibly and safely, they are indicative of poor design, even though the highway authority did not raise an objection.
10. Taking all the above factors into consideration, I conclude that the proposal would harm the character and appearance of the area and would fail to function adequately or safely for existing and future occupants. It would conflict with Policy 33 of the HDPF which states that development should respect the character of the surrounding area and relate sympathetically to the built surroundings, landscape, and routes within and adjoining the site. Although not cited in the Council's decision notice, my attention has also been

drawn to Policy 32 of the HDPF which requires developments to be attractive, functional, accessible and safe, contributing to a sense of place in the way they integrate with their surroundings. The proposal would fail to comply with these requirements. However, I find no conflict with Policy 40, which promotes sustainable transport.

Planning Balance

11. The Council is currently only able to demonstrate a 3.0-year supply of deliverable housing sites. In these circumstances paragraph 11 d) of the Framework (2023) is engaged.
12. The proposal would provide a new home with adequate internal and external space for future occupants. The design and materials proposed for the house itself would be appropriate for its context. The site is within the built-up area of Southwater where there are a range of services and facilities within walking distance. These are factors in the scheme's favour, but as they only relate to one additional house, they attract limited weight in the balance.
13. On the other hand, even though the parking and access arrangements met the technical requirements of the highway authority, they would not comply with the development plan's design objectives. Furthermore, the Framework (2023) sets out high expectations in respect of design stating at paragraph 131 that good design is a key aspect of sustainable development, creates better places in which to live and works and helps make development acceptable to communities. Amongst other things, paragraph 135 of the Framework (2023) states that planning decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. The proposal would not meet these expectations, a factor which carries very significant weight against the scheme.
14. This leads me to conclude that the adverse effects of the proposal would significantly and demonstrably outweigh the limited benefits associated with the provision of one house, when assessed against the policies in the Framework taken as a whole. The presumption in favour of sustainable development therefore does not apply in this case.

Other Matter

15. The Council undertook an Appropriate Assessment and consulted Natural England (NE) in relation to the issue of water neutrality. Consequently, it was agreed that this matter could be addressed by means of a condition. However, it has not been necessary for me to consider this issue in detail as I have found the scheme unacceptable for other reasons.

Conclusion

16. The proposal conflicts with the development plan. There are no other considerations which indicate that a decision should be taken other than in accordance with the development plan.
17. For this reason, the appeal is dismissed.

Sheila Holden

INSPECTOR