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## Appeal Decision

Site visit made on 29 January 2024

**by J Reid BA(Hons) BArch(Hons) RIBA**

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

**Decision date: 7 February 2024**

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**Appeal Ref: APP/D3830/W/23/3327939**

**155 High Street, Hurstpierpoint, West Sussex BN6 9PU**

- 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 Will Barnard against the decision of Mid Sussex District Council.
  - The application Ref DM/23/0216, dated 24 January 2023, was refused by notice dated 31 March 2023.
  - The development proposed is division of existing ground floor shop to form ground floor shop to the front and a one bedroom flat to the rear, including a small extension/porch to side elevation.
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### Decision

1. The appeal is dismissed.

### Main issue

2. The main issue is the effect that the proposed development would have on the living conditions of the future occupiers of the proposed flat, regarding outlook and sunlight.

### Reasons

3. The appeal site includes the mostly pitched roofed 3 storey end of terrace appeal building, which is situated on the roughly north side of the High Street. The building includes 2 flats in its upper floors that are reached from the back yard, and a ground floor commercial unit reached from the street by the recessed front door in its mostly glazed shopfront, and from the back yard. The mostly 2 storey pitched roofed dwelling at 157 High Street and its gable roofed outbuilding lie close by to roughly east, and the attached 3 storey front gabled mid terrace building with the substantial pitched roofed building close by at the back lie roughly west. The tall fenced electricity substation close to the back of the appeal building and the much taller building beyond it lie to roughly north.
4. The proposal includes a shop with a kitchenette and toilet in the front part of the ground floor that would be reached solely from the street. The one person one bedroom flat in the back part would include a living/dining/kitchen space (living space) reached from the back yard, a bedroom, and a shower room. Part of the entrance hall to the existing flats would be included in the proposed flat, so the staircase would be altered, and it would be reached from the proposed flat roofed entrance hall in the alley between 155 and 157 High Street. The irregular shaped back yard would become the flat's private outdoor space, which would include cycle parking in a shed.

5. So, the shop's ancillary spaces and service entrance would make way for the ground floor flat, which would be poorly related to the street. Moreover, due to the appeal building's orientation, the lie of the land, the relationships of the existing building to the site boundaries, and the scale and siting of the adjoining and nearby buildings and boundary treatments, the outlook from the living space would be harmfully oppressive. Due to its siting and relationships with most of the living space, the side window in the lean-to would offer little relief from that harm for users of that room, and whilst the angled views from the bedroom would include the deeper part of the outdoor space, the buildings by the substation and beyond its fenced enclosure would be unacceptably overbearing in the outlook from the bedroom and the adjoining living space.
6. The appellant's Internal Daylight, Sunlight Assessment (DSA) says that the levels of daylight within the proposed residential unit are above what the Building Research Establishment (BRE) recommends. However, the BRE states that sunlight is generally more important for residential properties, and that, in housing, the main requirement for sunlight is in living rooms, where it is valued at any time of the day, but especially in the afternoon. Whilst each dwelling should have at least one habitable room receiving 1.5 hours of exposure to sunlight on 21 March, the DSA concludes that as the living room is north facing it is not eligible for sunlight testing. So, no sunlight data has been put to me.
7. Even so, due to the appeal building's orientation, scale, form and its relationships with nearby buildings and other features, and as the rooflight and windows in the minor lean-to would be and are close to the back of the appeal building, little sunlight would be likely to reach the main spaces inside the flat during each year, to the detriment of the future occupiers' living conditions.
8. As the proposal would retain the shopfront and commercial use in the front part of the building, which are important to the character and vitality within the old village's core, and as the proposed external alterations to the building would be sympathetic to the character and appearance of the appeal building, it would preserve the character and the appearance of the Hurstpierpoint Conservation Area. However, this matter attracts no weight in favour.
9. Whilst the building once included a showroom and caretaker's dwelling on the ground floor with offices above, the historic photographs show a shopfront and awning in one side of the building's front, and a bay window and enclosed front garden in the other. As it appears that the bay window would have let ample sunlight into one of the former dwelling's main rooms, the former dwelling provides little support for this damaging scheme. The DSA recognises that other constraints sometimes determine the orientation of a dwelling, but as the outlook from the proposed flat would also not be acceptable, the harm that the proposal would cause to the future occupiers' living conditions would outweigh the benefits including the small windfall dwelling in an accessible location.
10. Therefore, I consider that the proposed development would harm the living conditions of the future occupiers of the proposed flat, regarding outlook and sunlight. It would be contrary to Policy DP26 of the Mid Sussex District Plan 2014-2031 which aims for development to not cause significant harm to the amenities of future occupants of new dwellings, guidance in the Mid Sussex Design Guide Supplementary Planning Document SPD, and the National Planning Policy Framework (Framework) which seeks a high standard of amenity for future users.

## **Conclusion**

11. I have found that the proposed development would be contrary to the Development Plan when taken as a whole. The other considerations in this case, including the Framework, do not outweigh that conflict.
12. For the reasons given, the appeal should be dismissed.

*J Reid*

INSPECTOR