



Appeal Decision

Site visit made on 4 June 2024

by C Carpenter BA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 June 2024

Appeal Ref: APP/D3830/W/23/3325084

27 Knowle Drive, Copthorne, West Sussex RH10 3LW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Spring Development Limited against the decision of Mid Sussex District Council.
 - The application Ref is DM/22/3530.
 - The development proposed is erection of 2 No. 3 bed dwellings and associated landscaping following the demolition of the existing dwelling.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The National Planning Policy Framework (the Framework) was updated in December 2023, during the course of this appeal. The Council's appeal statement and the appellant's final comments were submitted after that date. Therefore, I am satisfied both parties have had an opportunity to comment on the revised Framework.
3. The appellant's statement includes revised internal layouts for the proposed dwellings to demonstrate how they could be made accessible and adaptable for a range of occupants including older people. These revisions are internal only and could be secured via condition were the appeal to be allowed. However, they are directly relevant to one of the main issues in this appeal, which is a matter upon which interested parties commented at the time of the original application. The 'Procedural Guide: Planning appeals – England' states the appeal process should not be used to evolve a scheme. I find there would be an injustice to parties who have not had an opportunity to comment on the proposed revisions if I were to take them into account. Consequently, I have based my decision on the proposed layouts as set out in the application that was before the Council and upon which notification took place.
4. The appellant has also submitted a revised flood risk assessment with the appeal. This has been considered by the Council's drainage consultant, who has provided comments on it. I am therefore satisfied there would be no injustice to parties from my taking this updated assessment into account in my decision.

Main Issues

5. The main issues are the effect of the proposal on:

- the character and appearance of the surrounding area;
- the supply of single-storey housing suitable for older people in Copthorne;
- the living conditions of neighbouring occupiers, with particular regard to outlook; and
- the risk of surface water flooding.

Reasons

Character and appearance

6. The appeal site is in a suburban neighbourhood of two-storey houses and bungalows primarily set in linear frontage plots that give the area a verdant and spacious feel. Groups of dwellings generally follow a similar design and bungalows are primarily grouped in small clusters. This pattern of development gives a sense of design coherence to the area's character. 27 Knowle Drive occupies a triangular plot close to the junction with Pinetrees Close. It is one of a pair of bungalows of similar appearance spaciouly arranged behind generous front gardens.
7. The proposed development would introduce two closely set two-storey houses onto the triangular plot. The form and front elevations of the two new houses would differ from each other, notwithstanding similar design elements that also reflect nearby styles. The consistent appearance and spacious layout of the dwellings on this side of the street would therefore be replaced by three homes of disparate appearance, two of which would be very densely positioned. This design approach would be at odds with the complementary grouping and clustering prevalent in the neighbourhood, which would undermine its coherent character. It would also diminish the spacious feel in this part of the street.
8. I recognise the area of garden space, front and back, available to the two new houses would be comparable to that of homes in nearby Pinetrees Close. However, the homes in that street have their own group character, which follows a tighter grain and therefore differs from that of the dwellings on Knowle Drive. The contrast between the new garden areas on the appeal site and the spacious front and rear garden at 25 Knowle Drive would be considerable.
9. Even if some separation distances proposed would be like those found in Pinetrees Close, the proximity of the two new houses to each other would contrast markedly with the space between them and No 25 next door. Therefore, this consideration does not alter my finding that the layout would be cramped and at odds with the prevailing character in Knowle Drive.
10. I note the permissions¹ for single-storey rear and side extensions and an additional floor at No 27, which I understand were granted in accordance with the General Permitted Development Order 2015 (as amended). I acknowledge that, if these permissions were implemented, the appearance and layout of

¹ Application references DM/23/2746, DM/23/2394 and DM/23/2205

No 27 would change from that of No 25 next door. Nevertheless, there would be two homes rather than three and some of the original design coherence of the pair would remain. I therefore find the effect of this fallback position on the street scene would not be as substantial as that of the proposal now before me.

11. I acknowledge that Policy DP26 of the Mid Sussex District Plan 2018 (DP) seeks development that optimises the potential of the site to accommodate development. However, the Policy also requires high-quality design and layout and development that creates a sense of place while addressing the character of surrounding buildings. For the reasons set out above, the proposed development would not satisfy all these provisions.
12. I therefore conclude the proposal would have a harmful effect on the character and appearance of the surrounding area, contrary to DP Policy DP26. It would also be contrary to Policy CNP1 of the Copthorne Neighbourhood Plan 2021 (CNP), which supports proposals that sustain or reinforce local character. This is also contrary to the Framework, where it seeks to ensure development is sympathetic to local character including the surrounding built environment.

Housing for older people

13. Section 3.1 of CNP Policy CNP3 states development proposals that would result in the net loss of single-storey residential floorspace – defined as including bungalows – will not be supported. The supporting text to the Policy explains there is an identified lack of housing suitable for older people in the area; and a trend for smaller single storey properties suitable for the elderly to be turned into larger family homes by the addition of a second floor.
14. The proposed development would result in the loss of a bungalow that provides living and sleeping accommodation on one level. This configuration could meet the needs of older people with mobility difficulties who struggle to use stairs or may do so as they age, whether or not the space complies with optional standard M4(2) of the current Building Regulations. The proposed new homes would have two storeys, with sleeping accommodation upstairs, which would present an obstacle to those who find stairs difficult, however spacious the homes' layout.
15. The CNP seeks to protect the existing supply of single-storey accommodation in the area based on the shortage it has identified. This is notwithstanding that bungalows available in the open market cannot be reserved for older people. I therefore find the proposed loss of such a dwelling would conflict with Policy CNP3.1.
16. I note that section 3.3 of the Policy gives particular support to residential developments that achieve the optional requirements for accessible and adaptable homes in optional standard M4(2) of the Building Regulations. However, this provision is separate to that at section 3.1 and there is no suggestion in the Policy that support from section 3.3 would compensate for a conflict with section 3.1. Therefore, even if the proposed development were to satisfy the optional M4(2) standard, this would not overcome the conflict I have found.
17. It has been put to me that Policy CNP3.1 should hold little weight because the permitted development right allowing vertical extensions defeats the purpose of the Policy. The right in question is referenced in CNP paragraph 4.8. As the

same paragraph makes clear, Policy CNP3.1 specifically seeks to prevent the loss of single storey residential floorspace in circumstances where a planning application is required. This appeal is one such circumstance and, bearing in mind the CNP was relatively recently made, I see no reason to give the Policy anything less than full weight.

18. As noted above, consent has been granted for an additional floor above the existing dwelling². I understand the appellant has also submitted a further planning application for the site, which is pending determination. Considering this, I find no substantive evidence of a significant probability the consented additional floor would be constructed should this appeal be dismissed. This limits the weight I can attach to it as a fallback position.
19. For the above reasons, I conclude the proposal would have a harmful effect on the supply of single-storey housing suitable for older people in Copthorne, contrary to CNP Policy CNP3.1. This is also contrary to the Framework, where it requires the needs of groups with specific housing requirements to be addressed, including an appropriate mix of housing types for the local community.

Living conditions

20. Proposed unit 2 and the house at 1 Pinetrees Close would be sited at an oblique angle to each other and at the closest point there would be a separation distance of over four metres between one storey elements on either side of the boundary. In the case of the new house, this element would be the garage, which would not include habitable rooms or windows. Two storey elements in the proposed and existing dwellings would be separated by over 9 metres at their closest points, again at an oblique angle. There are few windows on the flank wall of No 1. Taking all this together, I am satisfied the new house would not appear overbearing or create an unacceptable sense of enclosure.
21. I therefore conclude the proposal would not have an unacceptably harmful effect on the living conditions of neighbouring occupiers, with particular regard to outlook. Accordingly, I find no conflict in this respect with DP Policy DP26 and CNP Policy CNP1.2, which together require development not to cause unacceptable harm to the amenity of existing nearby occupants. I also find no conflict with the Framework, where it seeks a high standard of amenity for existing users.

Flood risk

22. On the evidence before me, the appeal site is at low to medium risk of surface water flooding. The appellant's updated flood risk assessment (August 2023) includes details and designs for flood compensatory storage. It does not include information about how existing flood flow routes would be maintained across the site or details showing proposed ground re-profiling. However, the Council has indicated it would be prepared to secure this information via a pre-commencement condition were the appeal to be allowed.
23. Planning Practice Guidance³ states applicants need to submit a sustainable drainage strategy containing proportionate information, having regard to the nature and scale of the development proposed. Given the relatively small scale

² Application reference DM/23/2205

³ Paragraph: 059 Reference ID: 7-059-20220825

of the proposal, I am satisfied the information submitted is proportionate and a pre-commencement condition would be a reasonable way to ensure the additional information could be assessed, were the appeal to be allowed. Such a condition could also secure necessary design details and appropriate mitigation measures, to ensure the development would be appropriately flood resilient and would not increase the risk of flooding elsewhere. However, as I am dismissing the appeal for other reasons, I have not sought the appellant's written agreement to such a condition.

24. For the above reasons, I conclude the proposal would not have a harmful effect on the risk of surface water flooding. Accordingly, I find no conflict with DP Policy DP41, which requires development to be safe across its lifetime and not to increase the risk of flooding elsewhere. I also find no conflict with the Framework, which states development should only be allowed in an area at risk of flooding where it can be demonstrated that it incorporates sustainable drainage systems, and any residual risk can be safely managed.

Other Matters

25. The proposal would contribute to the local economy through construction and future occupiers' use of local services and facilities, thereby supporting the Framework's economic objective. The proposal would also add one dwelling to the supply of housing in the area, which would support the Framework's objective of significantly boosting the supply of housing, including on previously developed land. However, the Council's statement that it can demonstrate a five-year housing land supply is not disputed by the appellant. Overall, the modest scale of these benefits is not sufficient to outweigh the harms I have identified.
26. The Council has raised no concern with the proposed living conditions for future occupants of the development, parking, cycle storage, highways matters or ecology, subject to conditions where necessary were the appeal to be allowed. On the evidence before me I see no reason to disagree. However, an absence of harm in these respects is a neutral factor.

Conclusion

27. For the reasons set out above, the proposal conflicts with DP Policy DP26 and CNP Policies CNP1 and CNP3.1. While there is a degree of support from other development plan policies, I conclude the proposal conflicts with the development plan read as a whole. No other material considerations, including the Framework, have been shown to indicate that a decision should be taken otherwise than in accordance with it. Therefore, the appeal should be dismissed.

C Carpenter

INSPECTOR