



Appeal Decision

Site visit made on 19 November 2024

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 November 2024

Appeal Ref: APP/Z3825/W/24/3343959

33 Spencers Road, Horsham, West Sussex RH12 2JQ

- 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 Mr Qing Bo Teng against the decision of Horsham District Council.
 - The application Ref is DC/23/1572.
 - The development proposed is 'partial first floor extension and new second floor to create and reconfigure 3No existing flats into 5No self contained flats (3No 2 bedroom, 1No 1 bedroom and 1No studio flat) and single storey side/rear extension to existing take away'.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council's decision notice gives a slightly different description of development to that originally stated within the planning application. However, neither party has provided written confirmation that a revised description of development was agreed. I have therefore used the one given on the original planning application form in the banner heading above.

Main Issues

3. The main issues are:
 - i) the effect of the proposal on the character and appearance of the area;
 - ii) the effect of the proposal on the living conditions of the occupiers of 31 Spencers Road with particular regard to privacy and whether or not it would be overbearing; and
 - iii) whether or not the proposal would make adequate provision for parking.

Reasons

Character and Appearance

4. The appeal site is located on the corner of Spencers Road and Percy Road. For the most part, these streets are characterised by pairs of two-storey semi-detached dwellings, although there are also some detached buildings, particularly near to corners. The architectural detailing of buildings varies, but ground floor bays and brick finishes are common. Roofs are typically pitched and of broadly similar heights and together with the positioning of buildings on reasonably consistent building lines, this provides for a rhythm and sense of cohesion to the streets.

5. The appeal building is of unusual form, including a higher section fronting Spencers Road which features a shallow pediment over a prominent cornice. Behind is an asymmetric butterfly-style roof around an off-centre valley which runs parallel to Percy Road although this is concealed from most viewpoints by parapets giving the appearance of a flat roof. The building is further set apart from the characteristic development nearby by the large windows and applied stone mosaic cladding to the takeaway unit and the detailing including decorative moulding, render and tile hanging finishes to the rest of the exterior. Nevertheless, its up to two-storey height is typical and while the front part of the building is taller than the neighbour at 31 Spencers Road, the difference is fairly slight and does not significantly disrupt the overall roofscape.
6. As part of the proposal, the building would be extended upwards to provide accommodation at second-floor level within a new roof. The National Planning Policy Framework ('the Framework') is supportive of using airspace above existing properties for new homes but indicates that upward extensions should, amongst other things, be well-designed and consistent with the prevailing height and form of neighbouring properties and the overall street scene.
7. In this case, the development would be significantly taller than the existing building and would stand clearly above its neighbours and the wider roofline beyond. There would also be a large flat section at the ridge which would span nearly the full depth of the building, and sizeable gable ends to the front and rear which would not be significantly reduced by modest barn-hip sections. As a result, the roof level would have considerable bulk and mass which would be further increased by the addition of multiple dormers to the side roofslopes. This would give the building an awkward and disproportionately top-heavy appearance and the excessive scale and bulk of the roof would be markedly out of keeping with other development nearby.
8. Moreover, the large flat section to the roof would be conspicuous against the pitched roof forms that are typical in the area and while I observed some dormers to the rear of buildings, I was not directed to any street-facing dormers in the vicinity of the site. The four dormers proposed to the roofslope along Percy Road would therefore stand out and would further exacerbate the uncharacteristic nature of the development.
9. As existing, the appeal building differs from its neighbours in form and appearance, but its scale nevertheless sits comfortably within the street scene. In contrast, the above factors would cause the development to appear excessively bulky and top-heavy and irrespective of the quality of materials and finishes, it would be a highly dominant and incongruous feature in the street scenes of both Spencers Road and Percy Road. While there may be no policy requirement for development to replicate its surroundings, the proposal would detract notably from the character and appearance of the locality.
10. For these reasons, I conclude that the proposal would cause unacceptable harm to the character and appearance of the area and it would conflict with Policies 32 and 33 of the Horsham District Planning Framework 2015 ('the HDPF'). Amongst other things, these policies include requirements broadly seeking high quality design and development that complements and respects local character.

Living Conditions

11. As noted above, the height, bulk and mass of the upper part of the building would be significantly increased, and while it would be set in from the boundary with 31 Spencers Road at first-floor level and above, the separation would be modest relative to the scale of the development. The appeal building already extends some way deeper to the rear than No 31 and would be considerably more imposing than the existing development when seen from the neighbouring garden, resulting in an unduly dominant and overbearing feature.
12. Moreover, there would be first and second-floor level windows facing towards No 31. I accept that a degree of mutual overlooking may be expected in a relatively dense residential area such as this and there may not be 'new' views of space that is not already visible from surrounding development, including existing first-floor windows to the appeal building. However, the height and close proximity of the rearmost second-floor window in particular would be likely to afford unusually direct views from the development down onto the garden to the rear of No 31. The appellant highlights that this window would serve a bedroom area, but while it may be used for sleeping, it would not be possible to control when or how else an individual occupier might choose to use the space. The nature of the room served by the window would not therefore mitigate the potential for views.
13. The more imposing bulk and mass of the upper part of the appeal building would further draw attention to the presence of the window at height. While the proposal may not cause a significant loss of actual privacy, I find that it would be overbearing and would lead to a far stronger perception of the garden to the rear of No 31 being overlooked.
14. In combination, these factors would tangibly diminish the enjoyment of the space to the rear of No 31 and I conclude that there would be unacceptable harm to living conditions for occupiers of this dwelling. The proposal would therefore conflict with Policy 33 of the HDPF which includes a requirement that development is designed to avoid unacceptable harm to the amenity of occupiers of nearby property.

Parking

15. Policy 41 of the HDPF sets out that adequate parking must be provided within developments to meet the needs of anticipated users. It does not specify levels of parking which should be provided, but Policy HB4 of the Horsham Blueprint Business Neighbourhood Plan 2022 includes a requirement for adequate off-road parking in accordance with the West Sussex Parking Guidance. The Council outlines that these standards would require 4.2 spaces for the existing dwellings on the site and 5.1 spaces for the 5 dwellings that are proposed. No parking is provided on-site for dwellings, and the proposal would therefore add around one space in practice to the existing parking shortfall.
16. Bus routes, shops and services and schools are located within walking distance of the site and there would be provision as part of the development for cycle parking. Nevertheless, while the accessibility of the location may enable future occupiers to travel by modes other than private vehicle, there would be no means to ensure that they would in fact do so. Nor could it be guaranteed that occupiers would not also have a private vehicle that they may seek to park locally. In itself, the accessibility of the site is not therefore a compelling reason

to set aside the parking standards and I have no firm reason to find that the proposal would not increase demand for parking locally.

17. Furthermore, the appellant has commented that no evidence has been provided in support of the Council's claim that there is existing parking pressure in the area, but neither have I been provided with firm detail to dispute this position. I saw that roads near to the appeal site are relatively narrow. Parking restrictions are in place in some locations, but at the time of my visit, there were a large number of vehicles parked on-street in unrestricted areas, in many cases partly on the footway. There were a few on-street spaces available, but my visit took place early afternoon when it would be reasonable to expect comparatively low levels of parking assuming residents may be out at work or engaged in other daytime activities away from home. I also note that many of the comments from interested parties refer to existing parking pressure, including at pick up and drop off times for two nearby schools. From the evidence before me, it appears that the streets near to the site are subject to a degree of parking pressure and in the absence of substantive evidence to demonstrate that there would be sufficient on street capacity to accommodate additional parking demand from the site, I cannot be sure that this pressure would not be harmfully exacerbated by the proposal.
18. The highway authority has not raised an objection, but their response indicates that they are consulted with regards to highway safety and capacity matters. These are not concerns identified in the Council's reason for refusal and I have no firm reason to find that there would be severe highway impacts. Be that as it may, increasing existing parking pressure would be likely to result in additional traffic movements and frustration as vehicles search for parking spaces and potential for obstructive parking. As a consequence, there would be detriment to the amenity of local residents and adverse environmental effects associated with vehicle emissions.
19. Additional demand for parking stemming from the appeal proposal would be slight and the resulting harm would be limited when the development is taken in isolation. If repeated however, cumulative effects could be significant.
20. I therefore conclude that the proposal would not make adequate provision for parking and there would be conflict with HDPF Policy 41.

Other Matters

21. The appellant's Water Neutrality Report indicates that the proposal would be 'water neutral' and so would not add to demands for groundwater abstraction within the Sussex North Water Supply Zone which cannot be ruled out as adversely affecting the integrity of the Arun Valley Special Area of Conservation, Special Protection Area and Ramsar sites. Had I found the appeal to be otherwise acceptable, I would need to consider these matters further within the framework of an Appropriate Assessment in accordance with the requirements of the Conservation of Habitats and Species Regulations 2017. However, because I am dismissing the appeal for other reasons and it would not be determinative in this case, I have not pursued this matter further.

Planning Balance

22. It is common ground between the main parties that the Council is able to demonstrate only a 2.9 year housing land supply. Paragraph 11 d) of the

Framework is therefore relevant and indicates that planning permission should be granted unless (i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

23. The proposal would make effective use of a previously developed site within a built up area to provide a net gain of two dwellings towards the local supply. This is an important factor in light of clear objectives within the Framework seeking to significantly boost the supply of housing and the current supply shortfall which is significant, and I afford great weight to the benefit of the additional dwellings. However, the contribution to the overall supply picture and its effect on reducing the shortfall would be very limited. While that does not diminish the weight that I give the contribution, it does restrict the extent of the benefit. Social and economic benefits including those associated with the construction phase and spending by future occupiers would also be very small given the scale of the development.
24. The appellant indicates that the existing building is in a poor state of repair and requires significant remedial works to bring it up to current standards, but there is no compelling evidence to show that this could not be achieved in the absence of the appeal scheme. I therefore afford limited weight to this factor.
25. On the other hand, the proposal would cause significant harm to the character and appearance of the area and harm to the living conditions of the occupiers of 31 Spencers Road. In these respects, the proposal would be contrary to principles within the Framework that seek to ensure high quality design, development that is sympathetic to local character and context and a high standard of amenity. I give these matters significant weight. The proposal would also fail to make adequate provision for parking with detriment to the amenity of local residents and adverse environmental effects associated with vehicle emissions resulting in further conflict with objectives in the Framework seeking a high standard of amenity and to reduce emissions. The harm here would be very limited, but still weighs against the proposal.
26. In my judgment, the adverse impacts of the proposal would significantly and demonstrably outweigh the modest benefits when assessed against the policies in the Framework taken as a whole. The proposal would not therefore benefit from the presumption in favour of sustainable development within the Framework. Nor are there material considerations which would be sufficient to justify a decision otherwise than in accordance with the development plan.

Conclusion

27. For the reasons given above, I find that the proposal would conflict with the development plan when it is read as a whole, and material considerations including the Framework do not indicate that a decision contrary to the development plan should be reached. I therefore conclude that the appeal should be dismissed.

J Bowyer

INSPECTOR