Planning Inspectorate

Appeal Decision

Site visit made on 3 December 2025

by H Miles BA (hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 December 2025

Appeal Ref: APP/Z3825/W/25/3368841
Sussex House, North Street, Horsham, West Sussex RH12 1RQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr Paul Craig against the decision of Horsham District Council.
- The application Ref is DC/25/0435
- The application sought planning permission for construction of two ground floor flats with associated alterations including external alterations to the additional floor under prior approval application DC/20/0236 without complying with a condition attached to planning permission Ref APP/Z3825/W/23/3325386, dated 15 May 2024.
- The condition in dispute is No 2 which states that: Within 6 months of the date of this permission, full details of the following, as indicated on the approved drawings, shall be submitted to the Local Planning Authority for approval:
  a) The angled step-in to the junction between the third and second floors of the building to the north western elevation to replicate the existing junction at first and ground floor levels;
  b) The brick rainscreen projections with soldier courses;
  c) The colour of the powder coated aluminium flashing; and
  d) The treatment of the exposed areas of concrete
  The details as approved shall be fully implemented within 6 months of the date of the approval of the details and thereafter retained.
- The reason given for the condition is: A condition requiring agreement as to the exact finishes of certain parts of the scheme is also required.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Planning permission and prior approvals have been granted for works at Sussex House that include an additional floor, ground floor flats and external alterations and use of the building as flats. It appears that generally these permissions have been carried out, however without compliance with the condition that is the subject of this appeal. The details required by the condition have been approved, but the works have not been carried out.

Main Issue

3. The main issue is the effect that removing the condition would have on the character and appearance of the area.

Reasons

4. The appeal site is a four storey brick building along North Street. In the vicinity along this road are other larger three and four storey buildings, many of which are in brick, albeit the adjoining theatre is mainly glazed, and detailing is varied.

5. This appeal essentially seeks to retain the property as built. The upper floor is not flush with the floors below and the elevations are partly recessed and partly protruding. The transition between floors generally does not reflect other features on the building. This results in the top floor appearing poorly integrated with the floors below and the building as a whole. The officers report describes the building as having an awkward and top heavy appearance. For these reasons I find that there is poor quality detailing to the building and the upper floor appears as an incongruous addition which is visually jarring.

6. The decision for the parent permission (APP/Z3825/W/23/3325386) was made based on the works listed in condition 2 occurring. It is clear from the preliminary matters section that some of the details for which changes were sought as part of the parent permission had been carried out. The Inspector goes on to agree with the Council that these are acceptable. However, it is also apparent that the Inspector was aware that details including the provision of works to the junction between the additional floor and the existing building; powder coated aluminium flashing and brick rainscreen projections with soldier course detail were additional details sought by the applicant that had not already been undertaken. As such, it was on this basis that the effect on character and appearance was not an issue in dispute. To that end, a condition was necessary and, given the evidence in that case, it was attached to help tie the building's aesthetics together with the details to be agreed as necessary.

7. The details that were approved pursuant to the condition that is the subject of this appeal (LPA ref DISC/24/0287) would add an angled transition between second floor and the recessed parts of the upper floor. They show the insertion of an aluminium board which would result in its appearance being similar to the profile of the step out at ground floor level. Both would be a matching grey in colour. They would also introduce the appearance of a soldier course of brick to the projecting parts of the upper floor. Whilst other details pursuant to the relevant condition could be approved, nonetheless, it is clear that such features would provide detailing which could reduce the conspicuousness of the additional floor and the building's harmful, discordant visual impact.

8. The removal of this condition would retain the existing unacceptable appearance to Sussex House which is harmful to the character and appearance of the area. As such the condition is necessary and reasonable.

9. To the front elevation, the balconies provide some screening to the junctions between floors, but parts are seen. Furthermore, the building is clearly visible from both North Street to the front and Chichester Terrace to the rear, as well as from nearby properties. Whilst these details are small in the context of the overall building, they nevertheless result in an apparent poor quality appearance to these elevations.

10. There is also a concrete band to the property next door, however there are no similar features to the upper floors of this building that would necessitate a colour match. The properties nearby have particular details which are generally

consistent and appropriate to the individual buildings, although not necessarily replicated to others in the street. I have taken this into account, but I have nevertheless found that the aesthetics of the existing building are not appropriately tied together.

11. Policy 33 of the Horsham District Planning Framework (2015) (DP) requires that development is of a high standard of design and finishes and respects the character of the surrounding area, amongst other things. It was adopted over 5 years ago, nevertheless it is broadly consistent with the National Planning Policy Framework's (2024) requirements to create high quality, beautiful and sustainable buildings and places. Consequently, I afford full weight to the conflict with this policy. Policies HB3 and HB4 of the Horsham Blueprint Business Neighbourhood Plan 2022 (NP) broadly echo these requirements.

12. Therefore, removing the condition would have a harmful effect on the character and appearance of the area. As such, it would be contrary to Policy 33 of the DP and Policies HB3 and HB4 of the NP, the aims of which are set out above.

Other Matters

13. The application to which the disputed condition relates was originally submitted in December 2022 while building works were ongoing, and the relevant appeal was decided in May 2024. Given this passage of time, construction works are now complete. The building is fully occupied and to implement these works would require the erection of scaffolding and associated noise and disturbance. There would therefore be some inconvenience to occupiers during the building works, however this would be temporary. On the other hand, creating high quality places is fundamental to what the planning process should achieve and consequently the temporary upheaval would not outweigh the permanent harm to character and appearance identified above.

Conclusion

14. For the reasons given above the appeal should be dismissed.

H Miles

INSPECTOR