The Planning Inspectorate

Appeal Decision

Site visit made on 20 September 2016

by C, Jack, BSc(Hons) MA MA(TP) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 4th October, 2016

Appeal Ref: APP/Z3825/W/16/3151456
Ling Heath, Common Hill, West Chiltington, West Sussex RH20 2NR

- 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. Craig Lee of Denton Homes Ltd. against the decision of Horsham District Council.
- The application Ref DC/16/0235, dated 1 February 2016, was refused by notice dated 24 March 2016.
- The development proposed is the demolition of the single storey extension to the rear of Ling Heath. The erection of 3 family houses with associated landscaping, parking and access.

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr. Craig Lee against Horsham District Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are the effect of the proposed development on i) the character and appearance of the area and ii) the living conditions of neighbouring residents, with particular regard to privacy.

Reasons

4. Ling Heath is a two storey detached house, which is set well back from the road, such that it cannot be seen in public views, and accessed via a private drive. It has a substantial ground floor extension/annex to the rear and two detached double garage buildings. The house lies within an extensive plot, which is larger than most others in the vicinity. This part of Common Hill is an established residential area predominantly characterised by a variety of detached dwellings in mature gardens. Most properties are set back from the road and screened, at least partially, from view by mature trees and hedges, giving the area a somewhat sylvan character.

5. The proposed development would provide three additional detached houses within the grounds of Ling Heath using the existing access, which would be slightly realigned. Ling Heath would be retained but the existing rear extension/annex would be removed, along with the rearmost garage building, in order to provide a rear garden to Ling Heath. The proposed new houses are identified as Plots 1, 2 and 3. Plot 1 would be situated forward of Ling Heath,

between the existing house and the road, with Plots 2 and 3 occupying the rear part of the site. Each would have its own garden and parking and turning area. The site lies within the built-up area of a 'medium village' as defined in Policy 3 of the Horsham District Planning Framework 2015 (HDPF), where the main parties agree that the principle of infill development is acceptable.

Character and appearance

6. Plot 1 would be sited in an area that is presently predominantly covered with mature trees and substantial shrubs, which currently screen the great majority of the site from public view. The replacement of this vegetated area with a new dwelling would therefore significantly alter the character and appearance of the front section of the site, in this generally verdant area. I note that some planting would remain towards the front of the site but this would be much reduced compared to the existing situation.

7. Furthermore, the proposed development would be laid out such that the house at Plot 1 would be situated closer to the road than the nearby houses on this side of Common Hill, making it prominent in relation to neighbouring properties and thereby inconsistent with the general character and appearance of this part of the road. While I accept that there is no defined building line along Common Hill, Plot 1 would nonetheless be sited such that it would not accord with the broad pattern of development in the vicinity, and this would be detrimental to the character and appearance of the area.

8. While some properties in Common Hill lie a little closer to the road than Plot 1 would, these are not in the immediate vicinity of the appeal site. The exception to this is Chaesar, a single storey dwelling located opposite the site. As a result of its somewhat forward siting, Chaesar is more prominent in the street scene than the norm in this part of Common Hill. The proposed house at Plot 1 would be two-storey and thereby would be more prominent than Chaesar, and particularly prominent for the side of the road on which Ling Heath lies.

9. Despite the incorporation of design characteristics seen locally, the siting of Plot 1 would result in an unduly prominent building in the street scene, which would be detrimental to the character and appearance of the area. I note that enhanced landscaping has been proposed but I consider that this would not be sufficient to overcome my fundamental concerns in this regard. In contrast, Plots 2 and 3 would be very well set back from Common Hill and while the front elevation of Plot 2 would be glimpsed from the road, this would have no significant effect on the street scene or the wider character and appearance of the area.

10. In light of my reasoning above, I conclude that the proposed development, by particular reason of the layout and siting of Plot 1, would harm the character and appearance of the area. Accordingly, it would conflict with Policies 32 and 33 of the HDPF, which seek to ensure high quality new development, including by requiring buildings to relate sympathetically to, and integrate with, their surroundings.

Living conditions

11. The Council's concerns with regard to effect of the proposed development on the living conditions of neighbouring occupants relate particularly to the relationship of Plot 2 with Brae Lodge and of Plot 3 with Willow Pool.

12. Brae Lodge is a single storey dwelling situated a short distance beyond the rear boundary of the site. The boundary is currently treated with mature trees and hedging, which offer effective screening of Brae Lodge from the site, with the exception of a short gap through which the roof of Brae Lodge can be seen. It is proposed to augment the landscaping to fill this gap, and this is a matter that could reasonably be addressed by a landscaping condition to ensure more effective screening between Brae Lodge and Plot 2. There would be a significant degree of separation between the proposed rear (shown on the plans as north east) elevation at Plot 2 and Brae Lodge of approximately 25 metres, as well as good separation from other neighbouring properties, which would anyway be affected less than Brae Lodge. Coupled with enhanced boundary planting this would mean the effect of the proposed development on neighbouring occupants' privacy arising from Plot 2 would not be significant.

13. The rear elevation of Plot 3 (shown on the plans as north west) would face toward the side elevation of Willow Pool, where there are no windows at first floor level and a covered walkway at ground floor level. There is a detached swimming pool building in the garden of Willow Pool adjacent to the common boundary, the roof of which can be seen above the fence. The common boundary is treated with a close-boarded fence and a variety of trees and shrubs. Again, this screening is not complete and further planting is proposed, which could be secured by condition.

14. The separation between the rear of Plot 3 and the side of Willow Pool would be approximately 19 metres, which represents a reasonable distance in this context in order to avoid significant harm to the privacy experienced at Willow Pool. There is also good separation from Plot 3 to other neighbouring properties. Coupled with enhanced boundary planting this would mean the effect of the proposed development on neighbouring occupants' privacy arising from Plot 3 would also not be significant.

15. I therefore conclude that the proposed development, by particular reason of the layout, siting and relationship with the site boundaries of Plots 2 and 3, would not harm the living conditions of neighbouring residents, with particular regard to privacy. Accordingly, I find no conflict in this regard with Policy 33 of the HDPF, which seeks to ensure high quality new development, including by ensuring that it is designed to avoid unacceptable harm to the amenity of occupiers of nearby property, for example through overlooking.

Other Matters

16. I have considered the benefits of the proposed development, including that it would add three dwellings to the local housing stock, make more efficient use of land and make a contribution towards supporting a range of local facilities and community cohesion. However, these benefits would be relatively minor in respect of three dwellings and do not outweigh the harm I have identified above in relation to the character and appearance of the area.

17. My attention has been drawn to another appeal decision Ref APP/Z3825/W/15/3131967. I have not been provided with a copy of that decision but an extract from it has been quoted by an interested party. From that, it appears the decision related to a proposed development in a nearby road and it describes a high level of seclusion and privacy for residents as being intrinsic to the character and appearance of that area. I am not aware of the specific circumstances of that appeal, or whether the extract relates to living conditions or specifically to issues of character and appearance. Either way, I have considered the particular relationship between the proposed development before me and neighbouring properties with particular regard to the privacy of neighbouring occupants. On the basis of the information before me, nothing in the extract quoted alters my findings above.

Conclusion

18. While I have found no significant effects in relation to the living conditions of neighbouring residents, I have identified harm in relation to the character and appearance of the area, which would not be outweighed by the benefits of the proposed development. Therefore, for the reasons given above, and having regard to all matters raised, I conclude that the appeal should be dismissed.

Catherine Jack

INSPECTOR