MME PLANNING SERVICES

Removal of Condition 2 to application reference DC/22/2313 (Appeal reference: APP/Z3825/W/23/3325386)

at

Sussex House, North Street, Horsham, West Sussex, RH12 1RQ

Grounds of Appeal Statement

Ref: P-046b

June 2025

Version 1

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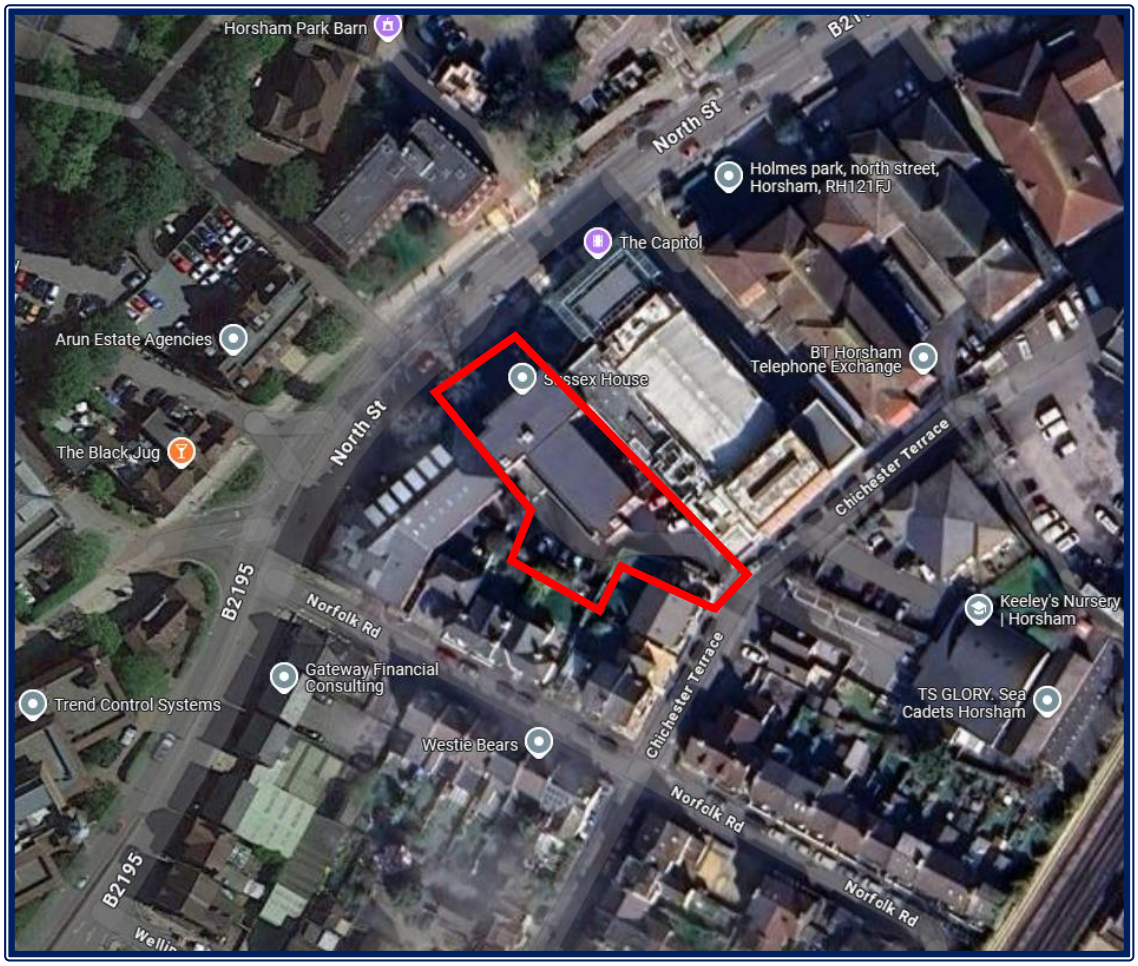

Figure 1: Site Location / Red Line Area

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1. Introduction

1.1 This appeal has been prepared and submitted following the Council's decision to refuse planning application reference DC/25/0435. The application sought permission for the Removal of Condition 2 attached to application reference DC/22/2313 (Appeal reference: APP/Z3825/W/23/3325386), granted on 15/05/2024, relating to the external elevations of the property. By a decision notice dated the 25 June 2025, the application was refused for the following reason(s):

1 *The removal of condition 2, relating to the implementation of works to the appearance of the building, is unacceptable as the implementation of the works would improve the appearance and aesthetic of the building. The removal of the condition would be detrimental to the appearance of the building and surrounding area contrary to Policy 33 of the Horsham District Planning Framework 2015 and Policies HB3 and HB4 of the Horsham Blueprint Business Neighbourhood Plan 2022.*

1.2 This statement will consider the reason(s) for refusal and the policies attached to these. Having reviewed the submitted plans and considered the Council's assessment of this proposal, we contend that planning permission ought to have been granted.

1.3 The wording of the condition which is the subject of this appeal is as follows:

> 2) 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.

1.4 The Appellant contends and remains of the view that given the current situation and context, the condition is not considered necessary or appropriate, and that the appeal building, in its current form, is not harmful within this setting. In addition, it is view that the works would not be in the public interest and would be harmful to existing residents.

1.5 In the circumstances, therefore, we would respectfully request that the appeal is allowed and permission is granted for this proposal.

2. Appeal Site and Surroundings

2.1 The appeal relates to an existing four-storey residential apartment building consisting of 30 flats located on the south-eastern side of North Street, Horsham. The appeal building is a former office building and is located within the built-up area of Horsham. The appeal site includes an access directly onto North Street to an off-street parking area. The appeal site also includes a rear car park accessed via Chichester Terrace.

2.2 The surrounding area is characterised by a significant mixture of residential properties and commercial / office buildings within a close distance to the town centre to the north-west. Surrounding buildings all differ in terms of overall appearance and built form, external materials, siting within their respective plots and distances to North Street / the public highway. It is noted that there are several listed buildings located on the north-western side of North Street, however the appeal site is set a significant distance from these buildings. A single copper beech tree, which is the subject of a tree preservation order (TPO/0346) is located to the front of the site.

2.3 In terms of the existing appeal building and its use, various permissions have been granted since 2020 for the conversion of the building to flats as well as extensions to the building to create additional flats, all initially approved under planning reference numbers DC/20/1003, DC/21/0207 & DC/21/0236.

2.4 Application reference DC/20/1003 gave prior approval permission for the change of use and conversion of the existing building. Application reference DC/21/0207 gave planning permission for the creation of two ground flats for this block of flats. It also included external alterations, including new windows. Prior approval for an additional storey to the building was granted under planning reference DC/21/0236. As detailed above, the works to facilitate the flats are now complete and the properties created are now fully occupied.

2.5 As has been confirmed and set out within the application details under planning reference DC/22/2313 (Appeal reference: APP/Z3825/W/23/3325386) which is the subject of the appeal, and another similar application under planning reference DC/23/1196, it was acknowledged that the works as approved within the permitted applications set out above were not implemented in accordance with the approved plans.

2.6 The matters of concern are not repeated again, however during the construction works, a meeting took place in November 2022 to discuss how the issues raised could be addressed. These included:

- Provision of an angled step-in to the junction between the additional floor and the existing building to the northern elevation to replicate the existing junction at ground floor level.
- The pressed aluminium flashing to the building matches the balconies in grey however there are exposed areas of concrete which stand out. These are to be painted in grey to match aluminium flashing.
- To the inset front elevation (southern side), a brick rainscreen is proposed with a soldier course detail. This would be to the junction between the additional floor and existing building.

2.7 Following this, application reference DC/22/2313 was submitted to the Council in December 2022, with the intention of implementing the above changes. Again, it must be highlighted that at this stage, the construction works were being carried out on site for the conversion and additional storey to the building and as such, the alterations set out above in paragraph 2.6, could have easily been carried out at this time.

2.8 However, given that application reference DC/22/2313 was subsequently refused at Committee in June 2023, and the time taken for the appeal decision (Appeal reference: APP/Z3825/W/23/3325386) to be issued in May 2024, the construction works are now complete with scaffolding fully removed.

2.9 The appeal decision included a condition (Condition 2) as set out in paragraph 1.3 above. This condition has been discharged under planning reference DISC/24/0287.

3. Relevant Planning Policy Considerations

National Planning Policy Framework (NPPF) (2024) and National Guidance

3.1 The NPPF sets out the Government's planning policies for England and how these should be applied. It provides a framework for the preparation of local plans for housing and other development. The NPPF should be read as a whole.

3.2 Running throughout the NPPF is a presumption in favour of sustainable development. Sustainable development is achieved through three main objectives: economic, social and environmental.

3.3 Paragraph 11 of the NPPF states that for decision-taking, this means approving development proposals that accord with an up-to-date development plan without delay. Where there are no relevant development plan policies, or the policies which are most important for determining the appeal are out-of-date, planning permission should be granted unless the policies of the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed, or, any adverse impact of doing so would 'significantly and demonstrably outweigh the benefits' when assessed against the policies of the NPPF when taken as a whole (NPPF paragraph 11(d)).

Horsham District Planning Framework (HDPF) (2015)

3.4 Paragraph 34 of the NPPF requires that all development plans complete their reviews no later than 5 years from their adoption. Horsham District Council has submitted its new local plan for examination, however at this stage, the emerging policies carry only limited weight in decision-making.

3.5 A Local Development Scheme (LDS) was published in February 2025 by the Council. The LDS sets out the production timetable for the New Local Plan anticipated to be adopted April 2026. Notwithstanding the above, as the HDPF is now over 5 years old, the most important policies for determining this appeal are now considered to be 'out-of-date'. This position is further highlighted given that the Horsham District Local Plan examination hearing meetings scheduled for January 2025 were cancelled by the appointed Inspector, and in April 2025 advised that the Plan is withdrawn due to concerns about its legal compliance.

3.6 While considered to be out of date, the main HDPF policies relevant to this appeal are as follows:

- Policy 1 - Strategic Policy: Sustainable Development
- Policy 24 - Strategic Policy: Environmental Protection
- Policy 32 - Strategic Policy: The Quality of New Development
- Policy 33 - Development Principles
- Policy 34 - Cultural and Heritage Assets
- Policy 35 - Strategic Policy: Climate Change

- Policy 36 - Strategic Policy: Appropriate Energy Use
- Policy 37 - Sustainable Construction

3.7 Horsham Blueprint Business Neighbourhood Plan 2019-2036 (2022)

- Policy HB1: Location of Development
- Policy HB2: Meeting Local Housing Needs
- Policy HB3: Character of Development
- Policy HB4: Design of Development
- Policy HB5: Energy Efficiency and Design

4. Planning Issues, Grounds of Appeal and Comments on the Officer's Report

Reason for Refusal – Character and Appearance

4.1 Policy 33 of the HDPF requires development to be of a high standard of design and layout. Development proposals must be locally distinctive in character and respect the character of their surroundings. Where relevant, the scale, massing and appearance of development will be required to relate sympathetically with its built-surroundings, landscape, open spaces and to consider any impact on the skyline and important views.

4.2 As detailed above, the refused application sought the removal of condition 2 attached to application reference DC/22/2313 (Appeal reference: APP/Z3825/W/23/3325386). It is acknowledged that the condition was added by PINS as part of the allowed appeal. However, it is evident from the appeal decision at paragraphs 15, 16 and 17, that the Inspector who handled the appeal did not consider that the completed works, observed during their site visit in April 2024, were unacceptable nor that they resulted in any harm to the appeal building or surrounding area. Indeed, the Council in their consideration of application references DC/22/2313 and DC/23/1196, did not consider that the previously submitted plans or the resulting appearance of the building were harmful with regards to the host building or in terms of the prevailing character of North Street. The delegated officer report in relation to this current appeal, importantly, acknowledges that the alterations sought under this condition are ‘minor’, agreeing with the view of the appellant.

4.3 The conversion and extension works to the building have been completed for some time, and the building, in its current form, is now established in this location. As noted above, North Street consists of a mixture of different building forms, designs, and external materials. The buildings within the immediate vicinity, on both sides of North Street, generally consist of three and four storey buildings with wide front facades. Each building, including the appeal building, has a mixture of features that make it distinct, but these do not appear prominently due to the variety of designs and their positioning within their respective sites.

4.4 The Council within their delegated report in relation to the appeal application state that appeal building has a "somewhat awkward and top heavy appearance". However, it is very clear that this is not the case, particularly when viewed from the front of the appeal site from North Street, as is evident from the image below.



Figure 2: Image of the Appeal site front / north-west elevation from North Street. The building does not appear 'top heavy' as purported by the Council.

4.5 The images below show the appeal building and neighbouring buildings, clearly illustrating the variety of built forms in this location.



Figure 3: Image of the adjoining building to the north of the appeal site with significant front glass façade / projection



Figure 4: Image of the adjoining building to the north of the appeal site with significant front glass façade / projection



Figure 5: Image of the adjoining building to the south of the appeal site which includes front dormer windows and similar features to the appeal site, including exposed concrete strips



Figure 6: Image of the adjoining building to the south of the appeal site which features large front dormer windows and similar features to the appeal site, including exposed concrete strips



Figure 7: Image of the Appeal site rear / south-east elevation



Figure 8: Image of the Appeal site rear / south-east elevation together with the rear of the adjoining building showing a mixture of features and elements



Figure 9: Image looking from outside the front of the adjoining building looking towards the south-west with the appeal building positioned behind the front glass façade / projection and not visible



Figure 10: Image looking from outside the front of the adjoining building looking towards the north-east with only the appeal building balconies clearly visible



Figure 11: Image of the Appeal site side south elevation together neighbouring properties showing how the building does not appear prominently



Figure 12: Image of existing building within the immediate vicinity to the north-east of appeal site / building with varying features



Figure 13: Image of existing building within the immediate vicinity to the north-east of appeal site / building with varying features



Figure 14: Image of wider street scene from the north-east showing appeal building located behind the front façade / projection of neighbouring building



Figure 15: Image of existing building within the immediate vicinity on opposite side of North Street to the appeal site / building with varying features



Figure 16: Image of existing building within the immediate vicinity on opposite side of North Street to the appeal site / building with varying features

4.6 As evident from the images above, each of the buildings within the immediate area have a mixture of distinctive features, including pitched roof designs, front dormer windows, flat roofs, a mixture of materials and more modest features such as drain pipes, front boundary walls and railings.

4.7 In terms of the appeal building, and the areas which condition 2 seeks to address, as stated, it is evident that from various vantage points along North Street and to the rear and side of the site, that the features which the Council sought to 'tidy up' in their consideration, and their suggested condition to PINS within the previous application, do not appear prominently. Indeed, some of these features are already present on other buildings within the immediate vicinity.

4.8 Firstly, in terms of the minor stepped form of the third floor, this is only truly evident and apparent when the appeal building is viewed directly from the front and is inspected closely. Secondly, the exposed / unpainted concrete strip located between the ground and first floors of the host building is also a feature to the adjoining neighbouring building to the south at Norfolk House. Furthermore, as shown in the images below, the permitted balconies on the host building reduce the visibility of the exposed concrete strip, making it less prominent than the same feature on Norfolk House.

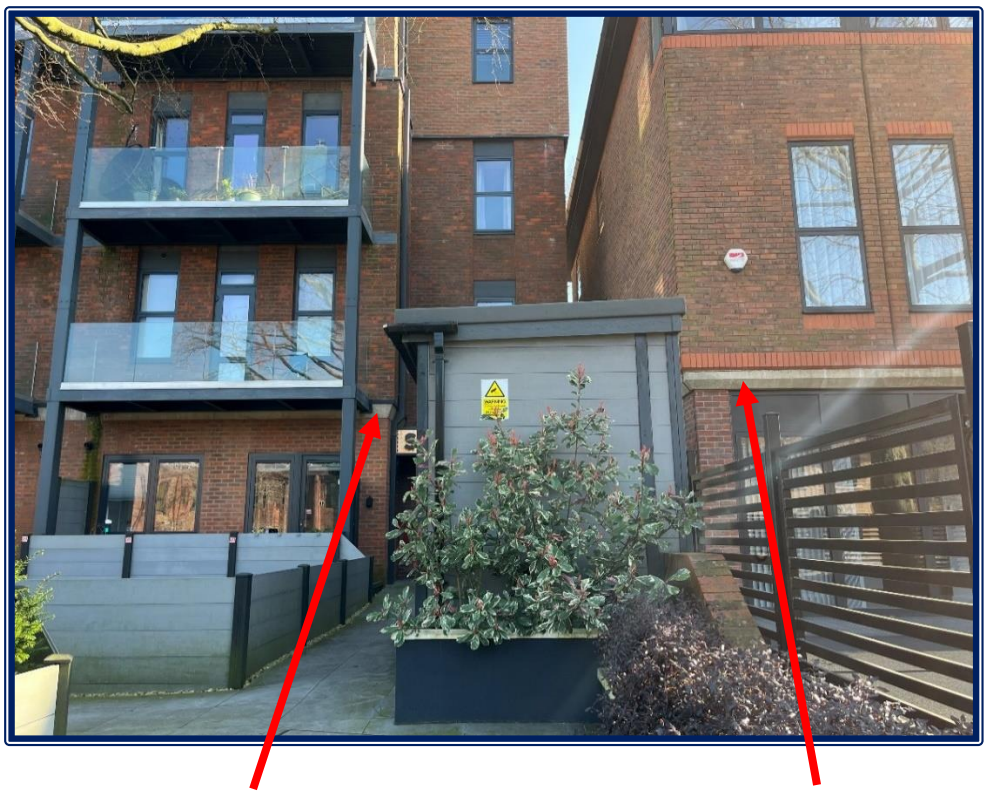

Figure 17: Image of Sussex House to the left and the adjoining building at Norfolk House to the right showing the exposed concrete strip to both buildings between the ground and first floors

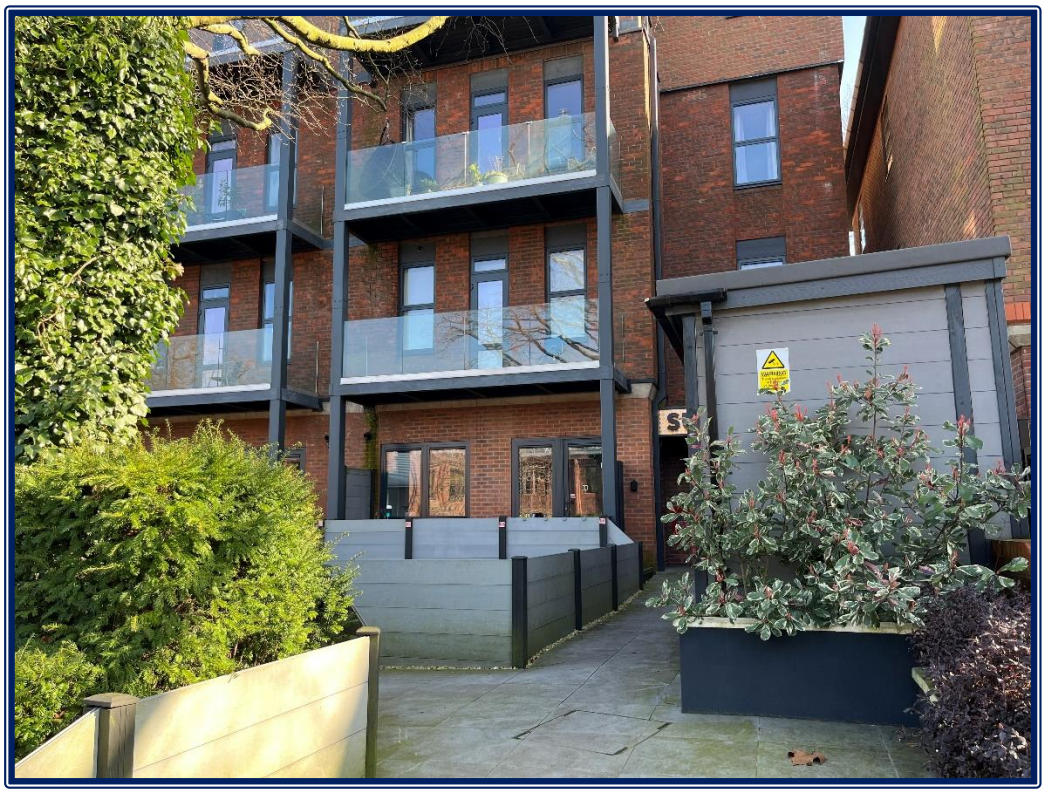

Figure 18: Image of Sussex House showing the exposed concrete strip between the ground and first floors mostly covered / concealed by the approved balconies



Figure 19: Image of adjoining building at Norfolk House showing the fully exposed concrete strip between the ground and first floors which extends the length of the front elevation

4.9 Further to the above and the images presented of the buildings within the immediate vicinity, the requirement for brick rainscreen and soldier course detail, while present on other buildings, is not considered to add any aesthetic value to the appeal building, particularly when viewed against the very prominent glass façade / projection of the adjoining building to the north of the appeal site. The rear of the appeal building, where the brick rainscreen was also required, is not prominently visible from Chichester Terrace. The adjacent Capitol Theatre, located directly to the north, consists of various features and an irregular built form. As such, the lack of a brick rainscreen does not detract from the overall appearance of the area.

4.10 As such, it is reiterated that the appeal building in its current form is not harmful in this context, with the existing features either not appearing prominently or present to other buildings.

4.11 Referring to the wording within the Inspectors previous decision, it is again highlighted that no reference is made to the appeal building in its current form being harmful in this setting. They also confirm that the works carried out (i.e. the appeal building in its current form) were deemed to be acceptable by the Council, with the Inspector agreeing with this position (paragraph 15).

4.12 While it is acknowledged that the Inspector does not disagree with the Council in terms of the provision of details such as brick rainscreens and soldier course (paragraph 16), it is clear that a strong opinion in this regard was not presented, again, with no mention of the appeal building in its current form being harmful.

4.13 Rather, it is evident that the Inspector, at paragraph 17 of the appeal decision, given a lack of clarity and information within the appeal submission, merely chose to add a condition in relation to these details to secure the provisions, rather than doing so as a result of the existing building, in its current form, being perceived to be or identified as harmful. The Inspector stated that – “As it appears that either option was being presented in the submission, and I cannot be sure that an alternative outcome was not agreed in the most recent approval, I have therefore imposed a condition which enables the details to be agreed as necessary”. It is therefore considered that the appeal decision and viewpoint of the inspector has limited weight in this regard.

4.14 Further to the above points, it is again highlighted that the Council's delegated report for this appeal application does not state that the building, in its current form, is harmful. Instead, it refers to previous reasoning behind the condition without considering the present situation.

4.15 The delegated report states that – "It is considered that the Inspector has given weight to the details required by condition 2. The Inspector has stated that the works 'help tie the building's aesthetics together.' This places emphasis on the importance of the works in improving the appearance of the building. As stated, the original committee report also gave weight to these works in improving the appearance of the building, which included design errors. The recommendation for approval was brought forward on this basis".

4.16 The Council's lack of analysis of the current appearance of the appeal building suggests that they have not fully considered the proposed removal of the condition in light of the present circumstances. This is reflected within the delegated report, which summarises their consideration by again referring back to past events, where it states that – "It is therefore inappropriate for this condition to be removed given the importance attached to these works by the original committee report and subsequent appeal decision".

4.17 Further to the above, it is highlighted again, as set out under section 2 to of this statement, that the applicant was happy to and could have easily carried out these works during the construction works. Now that the works are complete and the building is fully occupied with residents within the flats, carrying out these very minor works would result in significant disruption to the residents, with scaffolding having to be re-erected and noise and disturbance emanating from the building works. This would have a detrimental impact on the amenities of the residents of the appeal building and surrounding building. Given the nature of the works and the little to no impact they would have on the aesthetics of the appeal building in this context, the appellant contends that carrying out these works would not be in the public interest.

4.18 The appellant is of the view that while the changes may have been appropriate at a point in time, this is no longer the case as it is clear that the appeal building is not harmful and the works, given their nature, would not add aesthetic value when balanced against the public benefits of this and the detrimental impact on the existing residents.

5. Summary and Conclusion

5.1 Overall, the Appellant contends that the appeal building in its current form is not harmful within this setting. The Council's argument rests on a historic viewpoint, at a time where such works could have realistically been carried out during the overall construction period. The carrying out of these works has little to no aesthetic value given the context and the minor nature of the works are not considered to be in the public interest, given that the appeal building is now occupied and the changes would result in significant disruption and impact on amenity.

5.2 In summary, therefore, we would urge the Inspector to allow this appeal and permit the removal of the condition accordingly.