



## Appeal Decision

Site visit made on 16 June 2020

**by J Bowyer BSc(Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24<sup>th</sup> June 2020

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**Appeal Ref: APP/Z3825/W/20/3247626**

**Site Adjacent to St Anne's, Hyde Street, Upper Beeding BN44 3TG**

- 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 Simon Stringer against the decision of Horsham District Council.
  - The application Ref DC/19/2074, dated 10 October 2019, was refused by notice dated 5 February 2020.
  - The development proposed is alterations and extensions to existing building, with change of use, to form a 2-bedroom dwelling together with parking spaces.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are the effect of the proposal on (i) the character and appearance of the area; and (ii) the living conditions of the occupiers of the dwelling known as St Anne's.

### Reasons

#### *Character and Appearance*

3. The appeal site includes a detached two-storey building accessed from Hyde Street which provides for a garage, together with a first floor level described as a studio. Forward of the building, the site predominantly comprises hardstanding or areas of hardcore, and an electrical substation is positioned between the side of the building and the adjacent dwelling at St Anne's. To the rear of the site, dwellings fronting Maines Farm Road are set at a higher land level, and land levels increase from Hyde Street across the site towards these.
4. Dwellings close to the appeal site predominantly comprise bungalows, and while some include roof lights or dormers, these tend to be of fairly limited size and number. Given the curved alignments of both Maines Farm Road and Hyde Street nearby, these dwellings are typically set on irregularly shaped plots, but for the most part are set well back from the street and spacing between buildings is generous. This provides a landscaped setting to the dwellings as well as enabling views towards rear gardens, and results in an attractive spacious character to the area overall.
5. The appeal proposes alteration and extension of the existing building on the appeal site to form a dwelling. The maximum width of the building would not be extended, but the proposal would result in a significant increase in its

- overall scale, and would alter its appearance from that of an ancillary structure to an independent dwelling.
6. I accept that the proposed pitched roof form would be more in keeping with the sloping roofs of other dwellings nearby than the existing flat roof to the building. However, dormers to either side of the roof would be set back only minimally from the eaves, and the dormer facing away from St Anne's would also be comparable in height to the main roof ridge. Together with the increase in height and footprint of the building, this would add significantly to its overall scale and bulk.
  7. The differing orientation of the proposed dwelling to St Anne's and its location at a bend in Hyde Street mean that the front extension and marked increase in the bulk of the development would be readily visible in the street scene. While the set back of the building from the street would be broadly comparable to that of the neighbour at St Anne's, it would therefore be prominent.
  8. The appeal site increases in width towards the frontage with Hyde Street, but the rear part of the dwelling would be set on the boundary with St Anne's, and the proposed front extension would also leave minimal separation to the opposite boundary with 6 Maines Farm Road. As a consequence, the dwelling would be seen from Hyde Street as filling the majority of the width of the rear part of the plot. The building would also be set fairly close to the front and rear plot boundaries, and together with the increased scale of the building and the unusually tight relationship with the boundaries to both sides, this would result in the dwelling appearing cramped on the site. This would contrast notably with the typically generous setting afforded to dwellings in the vicinity of the appeal site, detracting from the spacious character of the surrounding area, and would not be mitigated by spacing that exists within neighbouring sites.
  9. Moreover, much of the site frontage is shown as hardstanding to provide for parking and access, and the limited spacing that would remain on the site around the dwelling would leave very little opportunity for soft landscaping or garden space. As a consequence, the dwelling would be deprived of a proper setting, emphasising the cramped appearance of the development and exacerbating the visual impact on the street scene.
  10. I agree with the main parties that the existing building is of no particular aesthetic or architectural merit, but for these reasons I find that the proposal as a whole would be unsympathetic, and would not offer an enhancement over the existing site circumstances. I therefore conclude on this main issue that the proposal would cause unacceptable harm to the character and appearance of the area and would conflict with Policies 32 and 33 of the Horsham District Planning Framework 2015 (HDPF). These policies seek development that complements locally distinctive character and relates sympathetically to its surroundings. For similar reasons, there would be conflict with Policy 8 of the emerging Upper Beeding Parish Neighbourhood Plan 2018. However, this plan has not yet proceeded to referendum, and I cannot be certain that it will become part of the development plan. I therefore give less weight to the conflict with this policy.

### *Living Conditions*

11. To mitigate potential noise disturbance to occupiers of the proposed dwelling from the adjacent electrical substation, the proposal includes the installation of

- an acoustic barrier above the proposed single-storey part of the dwelling close to the boundary with St Anne's. Given that this would be of lesser height than the roof of the existing building, and I am satisfied that it would not cause an additional sense of enclosure or increased visual impact to the neighbouring dwelling or its garden.
12. Land levels rise steeply between the appeal building and the rear boundary of the site where a garden is proposed to serve the dwelling. I saw that both the proposed garden and existing boundary fence are at a much higher level than St Anne's and its rear garden. No sections or other drawings have been provided to clearly show the proposed boundary treatment to St Anne's, although the submitted block plan indicates provision of close boarded fencing around 2m high above a retaining wall which is inset from the existing boundary fence.
  13. Given the existing height difference between the sites, the resulting increase in the height of the boundary treatment would be a highly dominant feature from the perspective of occupiers of St Anne's. It would also be likely to cause a loss of daylight and sunlight, particularly during the early part of the day. Together with the resulting significant sense of enclosure, these factors would adversely affect the use and enjoyment of the neighbouring garden causing harm to the living conditions of the occupiers of St Anne's.
  14. In response to concerns raised by interested parties over reflected noise from the substation, the appellant has suggested that the acoustic barrier fence could be replaced by a non-acoustic screen and that a planning condition could require submission of amended boundary details. From the evidence before me, I am satisfied that this would not unacceptably harm the living conditions of future occupiers of the proposed dwelling.
  15. Nevertheless, given the relationship with St Anne's, boundary treatment of sufficient height would be necessary to the proposed garden to ensure that the development would not result in harmful overlooking to the neighbouring windows and garden. The appellant suggests that fencing could be set back from the boundary, but this would also affect the provision of external amenity space available for future occupiers. Given these factors and the land levels to the rear of the appeal site which increase the potential for any boundary treatment to affect the living conditions of the occupiers of St Anne's, I am not satisfied that provision of suitable boundary treatment is a matter that should be left for later resolution by means of a planning condition.
  16. From the information before me, I am unable to conclude on this main issue that the proposal would not cause unacceptable harm to the living conditions of the occupiers of St Anne's by reason of loss of outlook and light. As a result, the development would conflict with Policy 33 of the HDPF which seeks, amongst other things, protection for the amenity of the occupiers or users of nearby property and land.

### **Other Matters**

17. The appeal site forms part of the setting of the Hyde Lane Conservation Area (CA) which includes a number of listed buildings. I have therefore had special regard to the desirability of preserving the listed buildings and their setting or any features of special architectural or historic interest, in accordance with sections 66(1) of the Planning (Listed Buildings and Conservation Areas) Act

1990. Given the spacing that would be maintained together with the surrounding development and the scale of the proposal, I see no reason to disagree with the Council that the setting and significance of listed buildings would be preserved. I am also satisfied that the proposal would not harm the character or appearance of the CA. However, the absence of harm to these heritage assets weighs neither for nor against the proposal.

18. In the absence of firm details, I can afford limited weight to the suggestion that the proposal could improve footpath access past the site as sought by the Parish Council. However, the proposal would make effective use of the currently developed site to provide for a new dwelling within an existing residential area with access to services and facilities within Upper Beeding, and there would be some social and economic benefits associated with the construction and occupation of the dwelling. These are aspects which are supported by the National Planning Policy Framework. However, these benefits and the contribution to the supply of housing would be limited by the small scale of the development.
19. I have noted a representation in support of the proposal, and the Council raise no objection in relation to the provision of parking, the highway network or the setting of the South Downs National Park. However, the absence of harm in these regards is a neutral factor.
20. Even taken together, I find that the benefits of the proposal would not outweigh the harm that I have identified to the character and appearance of the area and the living conditions of the occupiers of St Anne's. The proposal would conflict with the development plan when read as a whole, and there are no material considerations which indicate that a decision contrary to the development plan should be reached.
21. The Council's officer report raises concern that provision of private amenity space would be inadequate to serve future occupiers. I agree that the land levels and sense of enclosure to the space at the rear of the building would limit the utility and attractiveness of this space for future occupiers. However, I am mindful that this is not a reason for refusal of the application and as a result has not been addressed by the appellant as part of this appeal. With this in mind, I confirm that the harm that would arise in relation to the main issues in this case provide compelling grounds to dismiss the appeal.

### **Conclusion**

22. For the reasons given above, I conclude that the appeal should be dismissed.

*J Bowyer*

INSPECTOR