
Appeal Decision

Site visit made on 18 August 2016

by Jane Miles BA (Hons) DipTP MRTPI

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

Decision date: 12 September 2016

Appeal Ref: APP/D3830/W/16/3147365

32 Valebridge Road, Burgess Hill, West Sussex RH15 0QY

- 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 Matt Gorrington against the decision of Mid-Sussex District Council.
 - The application ref: DM/15/4284, dated 23 October 2015, was refused by notice dated 4 February 2016.
 - The development is proposed dwelling with parking (resubmission - APP-DM/15/1829).
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Decision

1. *The appeal is allowed and planning permission is granted for a proposed dwelling with parking (resubmission – APP-DM/15/1829) at 32 Valebridge Road, Burgess Hill, West Sussex RH15 0QY, in accordance with the terms of the application, ref: DM/15/4284, dated 23 October 2015, subject to the conditions listed at the end of this decision.*

Reasons

2. **Background:** The appeal site locality is predominantly residential. It is characterised in part by considerable variety in the layout and sizes of nearby residential plots and of some other development, notably a garage court and a small commercial garage/workshop to the south. Unlike the plots adjoining its north and south boundaries, no. 32 is currently a single residential plot running from its principal frontage onto Valebridge Road (to the west) through to its eastern boundary with a public footpath/bridleway which links Valebridge Drive to the north and the through route of Janes Lane to the south.
3. An existing garage on the appeal site has an access to the public right of way, albeit it appears disused at present. Given also the site's frontage to the right of way, the proposed plot is not 'landlocked'. Thus, on the basis of the supporting text to Neighbourhood Plan Policy H2¹, the appeal proposal should not be considered as 'back garden development' of the kind which "will not generally be supported" in this policy. That is the case even though it would replace a garage in what is currently a rear garden area, albeit the subsequent criteria in this policy are relevant in considering the appeal proposal.
4. There are nearby dwellings on each side of the right of way, both fronting onto Valebridge Drive (nos. 56 and 58) and onto the right of way itself (nos. 1a and 3 Janes Lane). The public nature of the right of way and the development to

¹ In full, the Burgess Hill Neighbourhood Plan 2015-2031 (NP) which was 'Made' in January 2016

both sides of it are such that the proposed bungalow would, in effect, be part of a street frontage, and it would sit between two existing dwellings. It would therefore be an infill development of the kind with which saved Policy H3 of the Mid Sussex Local Plan (LP) (2004) is particularly concerned.

5. Saved LP Policies H3 and B1 (relating to the design of residential development) are broadly consistent with the *National Planning Policy Framework*. I note here also that Policy DP24 (Character and Design) of the emerging Mid Sussex District Local Plan 2014-2021 (eDP) includes similar criteria: it can be given weight insofar as it is consistent with the *Framework*.
6. I therefore consider the **first main issue** in this case to be the effect of the proposal on the character and appearance of the surrounding area.
7. The proposed plot would be shorter in depth (from front to rear) than is typical in the immediate locality but it would be wider than many nearby plots. Thus in terms of numerical density the development would be within the ranges found elsewhere in this locality². However it is usually the scale, form and spacing of built development that are of greatest significance when assessing a small-scale development proposal's impact on an area's character.
8. In this instance there would be a modest frontage area for parking, spacing exceeding 1m to each side of the bungalow, a very modest overall height and a proportionate design. Taking account also of the varied nature of built development in the surrounding area I find on balance that the proposals would not result in a very cramped form of development. Moreover in terms of visual impact the simple form, design and low height of the bungalow would result in a relatively low key appearance in the space between the two existing and more substantial buildings (no. 56 and no. 1a).
9. Widening the existing tarmac footpath of the public right of way to provide a more appropriate surfaced width for vehicular access, probably involving some loss of greenery, would have some visual impact on the public realm in this location. Even so, given that it would be a relatively short extension beyond the existing cul-de-sac, the impact in terms of character and appearance would not be great.
10. On this issue therefore I conclude on balance that the proposal would not harm the character and appearance of the surrounding area. Thus I find no material conflict in this respect with saved LP Policies B1 and H3, with NP Policy H2 (or with eDP Policy DP24 insofar as it is consistent with the *Framework*).
11. The **second main issue** is the adequacy of the living environment that would be created for occupiers of the proposed bungalow.
12. The bungalow would sit further back from the right of way than the two storey house to the north (no. 56) which is at a slightly higher level. However despite the difference in levels, the relationship between no. 56 and the bungalow's nearest front bedroom window would not be unusual in a residential environment: light to and outlook from that bedroom would be adequate. The adjacent bungalow to the south (no. 1a) projects significantly further into its plot than would the proposed bungalow. However given the design for the new dwelling, with a single very wide and full height window to the rear living space, light to and outlook from that living space would also be satisfactory.

² On the basis of calculations included in the appellant's statement of case, which are not disputed by the Council

13. Thus I find insufficient grounds to conclude the bungalow would appear unduly hemmed in by neighbouring buildings, creating an unacceptable sense of enclosure for its occupiers. Rather I find that relationships between the new dwelling and adjacent buildings would be satisfactory, such that there would be a good standard of amenity for the bungalow's occupiers. I conclude their living conditions and environment would be adequate and thus there would be no material conflict in this respect with LP Policy H3 (or with eDP Policy DP24 insofar as it is consistent with the *Framework*).
14. **Other matters and overall conclusions:** I note local concerns about the implications of vehicle movements associated with the proposed development for the safety of users of the public right of way. However this route continues along a cul-de-sac onto which there are already many other accesses and it is also relevant that the existing garage on the appeal site could be brought into use. Use of heavy vehicles during the construction period could be managed by condition. In these circumstances, and subject to appropriate planning conditions, I find no compelling grounds to conclude the proposal would compromise the safety of users of the public right of way. Moreover the Highway Authority raised no objection, subject to conditions.
15. With regard to living conditions at neighbouring properties I have borne in mind in particular that there are windows in no. 56 facing towards the site. However, given the very modest height and pyramidal roof form of the proposed bungalow, any impact on light to and outlook from windows at no. 56 would not be so significant as to harm its occupiers' living conditions. The activity associated with one small additional dwelling in an existing residential area is unlikely to result in harmful levels of noise and disturbance. Neither these nor any other matters relating to existing residential amenity amount to sound planning reasons to reject the proposal. Nor does the dismissal of a previous outline proposal for a dwelling over thirty years ago (in 1982) weigh against the current scheme, not least because both planning policy and site circumstances may well have been quite different at that time.
16. I note the Council acknowledges it cannot currently demonstrate a five-year supply of deliverable housing sites, as required by the *Framework* (which is an important material consideration) and that housing proposals are to be considered in the context of the presumption in favour of sustainable development. It follows from the preceding paragraphs that I have found no conflicts with the development plan sufficient to justify rejecting the proposal. Even if some development plan policies could be considered out-of-date due to the absence of a five-year housing land supply, granting permission would not have adverse impacts that would significantly and demonstrably outweigh the benefits of adding to the choice and supply of housing in an accessible location, albeit in a very modest way.
17. With regard to the eDP, I understand it was expected that the Pre-Submission version and Focused Amendments would be submitted for examination this summer, and the latter include Policy DP24A. The appellant notes that this emerging policy indicates development in the built-up area of Burgess Hill should be at a density of at least 50 dwellings per hectare, but I can give little weight to that at this stage of the plan process.
18. In any event I have concluded the proposal would not harm the character and appearance of the surrounding area. It would not materially conflict with

development plan or national policy that seeks to achieve high quality design and a good standard of amenity for existing and future occupiers, and it would not be unacceptable in any other respect. Overall therefore I conclude the proposal constitutes sustainable development, the appeal succeeds and planning permission should be granted subject to conditions.

19. **Conditions:** A condition specifying the approved plans is needed for the avoidance of doubt and in the interests of proper planning. Details of foul drainage are not necessary, as there is no indication that connecting to the existing foul drainage system in this established residential area would be problematic. It is however reasonable and necessary to require details of proposals for surface water drainage. As already noted, conditions relating to vehicular access both during and after the construction period are necessary: these are in the interests of safety for all highway users and/or residential amenity. Further details of external building materials and landscaping (including surfacing materials and boundary treatments) are needed in the interests of visual amenity.
20. A condition requiring a cycle parking facility is reasonable to encourage travel by more sustainable travel modes. It is also reasonable to require the incorporation of sustainability measures into the development itself, along the lines indicated in the Sustainability/Energy Efficiency Statement submitted with the application, to accord with the principles of sustainable development.
21. Given the relationships with adjacent dwellings it is reasonable to remove permitted development rights for extensions to the dwelling itself. However I find no compelling reason to remove rights for development within its curtilage, such as garden sheds and greenhouses for example. Nor is there any need to require obscure glazing to a small side-facing bathroom window at ground floor level, as boundary hedging and/or fencing would adequate to ensure privacy. The conditions which follow are based on those suggested by the Council and Highway Authority, with some amendment and consolidation in the interests of precision, clarity and enforceability, having regard also to the small scale of the proposed development.
22. *Planning permission is therefore granted subject to the following conditions:*
 - 1) The development hereby permitted shall begin before the expiration of three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1:1250 site location plan and drawing nos. B.014.14.01 A; B.014.15.02 A; B.014.15.03 A; B.014.15.04 A; B.014.15.05 A; B.014.15.06 A; B.014.15.07A.
 - 3) No development shall take place until details of provisions for surface water drainage and means of disposal (including drainage of the proposed parking area) have been submitted to and approved in writing by the local planning authority. The dwelling hereby permitted shall not be occupied until the drainage works have been carried out in accordance with the approved details.
 - 4) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The Statement shall include details of: the types of vehicles to be used during the construction period,

- their routing and means of access to the site; provisions for the parking of site operatives and visitors; provisions for the loading, unloading and storage of plant and materials; the erection and maintenance of security hoarding; measures to control the emission of dust and dirt during construction. Development during the construction period shall be carried out at all times in accordance with the approved Statement.
- 5) No development shall take place until plans, details and a construction specification for the surfacing works to Right of Way no. 71BH have been submitted to and approved in writing by the local planning authority. The dwelling hereby permitted shall not be occupied until the surfacing works have been carried out as so approved.
 - 6) No development shall take place until final details of sustainability measures to be incorporated into the proposed development, along the lines indicated in the Sustainability/Energy Efficiency Statement submitted with the application, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
 - 7) No development shall take place until details and/or samples of materials and finishes to be used in the external surfaces of the building hereby permitted (including doors and windows) have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
 - 8) No development shall take place until a landscaping scheme has been submitted to and approved in writing by the local planning authority. The scheme shall include: details of proposed boundary treatments; details of hard and soft landscaping for the site frontage (to the east), including surfacing materials; an implementation programme. Hard and soft landscaping shall be carried out in accordance with the approved scheme.
 - 9) The dwelling hereby permitted shall not be occupied until the frontage parking area and a vehicular access to it (at least 3m wide with pedestrian visibility splays of 2m by 2m to each side) have been provided and made available for use in accordance with details and plans that have first been submitted to and approved in writing by the local planning authority. The access and parking facilities shall be retained and kept available for such purposes at all times thereafter.
 - 10) The dwelling hereby permitted shall not be occupied until provision has been made for covered and secure cycle parking facilities, in accordance with details that have first been submitted to and approved in writing by the local planning authority. The cycle parking facilities shall be retained for such purposes thereafter.
 - 11) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no extensions or other external additions shall be made to the dwelling, including to its roof.

Jane Miles

INSPECTOR