
Appeal Decision

Site visit made on 10 January 2017

by S M Holden BSc MSc CEng MICE TPP FCIHT MRTPI

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

Decision date: 17th January 2017

Appeal Ref: APP/D3830/W/16/3158930

1 Grahams Cottages, Spring Lane, Lindfield RH16 2RF

- 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 Jeff Kirkham against the decision of Mid Sussex District Council.
 - The application Ref DM/16/1787, dated 23 April 2016, was refused by notice dated 8 July 2016.
 - The development proposed is demolition of residential garage/ancillary accommodation and erection of one 1-bed dwelling house with associated landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council accepts that it is unable to demonstrate a five-year supply of deliverable housing sites. Policies in the 2004 Mid Sussex Local Plan (Local Plan) relating to the supply of housing are therefore out-of-date when considered in relation to paragraph 49 of the National Planning Policy Framework (the Framework). Consequently, in accordance with paragraph 14 of the Framework, planning permission should be granted unless either: a) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework, taken as a whole or; b) specific policies in the Framework indicate development should be restricted. However, in reaching my decision I have had regard to saved policies in the Local Plan insofar as they are consistent with the Framework, as required by paragraph 215. I have attributed them weight as set out in my conclusions on the main issues.
 3. I am aware that the Council submitted the Submission District Plan 2014-2031 for examination in August 2016 and hearings into the plan began in November. However, as the Inspector has yet to complete either the examination or his report, I can give emerging policies in this plan little weight in my determination of the appeal before me. The Lindfield and Lindfield Rural Neighbourhood Plan (Neighbourhood Plan) was 'made' by the District Council in March 2016 and therefore forms part of the development plan.
 4. The Council has acknowledged that it erred in the description of the development within the first reason for refusal set out in its decision notice, referring to an extension and conversion of the existing garage rather than a proposal for demolition of the garage and erection of a new dwelling. However, it is clear from the decision notice and the officer's report that the Council assessed the proposal on the basis of the description on the application form. I have done the same.
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Main Issues

5. The main issues are:

- a) whether the proposal would preserve or enhance the character or appearance of the Lindfield Conservation Area;
- b) whether the site is a suitable location for a residential development.

Reasons

Character and appearance

6. The appeal site is on the west side of a short private road to the north west of the High Street on the outskirts of the village of Lindfield. It lies just beyond the boundary of built development as defined in the Local Plan but within the Lindfield Conservation Area. In assessing the proposal I therefore have a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of that Area. As heritage assets are irreplaceable any harm or loss requires clear and convincing justification. The National Planning Policy Framework (the Framework) advises that any harm which is less than substantial must be weighed against the public benefit of the proposal.
7. The Conservation Area is centred on the High Street and contains a wealth of historic buildings, many of which date back to medieval times. The Village Design Statement provides a detailed description of many of these buildings and the character of the village as a whole. Towards the northern end of the High Street I saw a series of particularly attractive historic buildings and the Parish Church, all of which are in highly prominent positions close to the road. Development in Spring Lane is less visible from public view points. Nevertheless, in the context of the Conservation Area, it seems to me that its significant role is acting as a transition between the development in the village and the undeveloped countryside beyond.
8. Spring Lane is an un-adopted single track road. It is semi-rural in character and has a row of small, two-storey, terraced dwellings on its eastern side, known as Grahams Cottages. Their rendered and white-painted elevations give them a particularly striking appearance as a cohesive group which is visually separate from other nearby development. Opposite Grahams Cottages the area comprises a collection of ancillary buildings, a parking area, a grass bank and scattered trees. The buildings include a group of three flat-roof garages and the open fronted, pitched roof double garage that currently occupies part of the appeal site. The only dwelling on this side of the street is Springfield, a detached chalet bungalow set above the road and accessed by a driveway that is closer to the junction with the High Street. Its garage sits in an elevated position on land between the house and the lane. Consequently, there is little visual relationship between Springfield and Grahams Cottages.
9. In this context, the introduction of a dwelling immediately opposite Grahams Cottages would appear intrusive and out of character with the existing development in Spring Lane. The contemporary design with its box-like shapes and sedum roofs would appear incongruous opposite a row of traditional cottages with pitched roofs. From my observations on the site visit and the descriptions set out in the Village Design Statement, it seems to me that traditional design features and materials are used throughout the village in both old and newer developments. No examples of contemporary architecture within the Conservation Area were brought to my attention to suggest that such an approach would be acceptable in this location.

10. The intention to render and paint the elevations would not overcome my concerns about the overall design, shape, bulk and mass of the proposal in this particular setting. The dwelling would appear to be an isolated and alien form of development that would appear out of keeping with its immediate surroundings, especially Grahams Cottages. The proposal would therefore fail to integrate satisfactorily with the character and appearance of this part of the Conservation Area, notwithstanding its distance and visual separation from the heart of the designated Area.
11. The height of the house would be restricted by constructing it about 1m below existing land levels. It would be tucked to the rear of Springfield's garage, reducing its visibility from the wider public realm and the High Street in particular. Nevertheless, it would still appear to be a prominent feature built into the bank on the western side of the street for anyone walking along Spring Lane between the connecting public rights of way.
12. In addition, a dwelling would have fundamentally different character from that of an ancillary building. This would be at odds with the remainder of this part of Spring Lane, which performs the function of parking, storage and other ancillary uses associated with the existing dwellings. The proposal would increase residential activity on the western side of the street, including greater use of the garden area, the likelihood of more domestic paraphernalia and the need to provide additional parking spaces. I consider it would be unreasonable for these activities to be curtailed by the use of conditions. However, this combination of changes would adversely affect the semi-rural character of Spring Lane.
13. Considered together these factors demonstrate that the proposal would be harmful to the character and appearance of the Conservation Area, although in terms of the Framework this harm would be less than substantial. This harm must therefore be balanced against the public benefit of the scheme, a matter to which I will return later.
14. I conclude that the proposal would fail to preserve or enhance the character or appearance of the Lindfield Conservation Area, contrary to saved Policies B1 and B12 of the Local Plan. These policies require new developments to protect the special character of conservation areas and to demonstrate a sensitive approach to urban design that respects the locality in which they take place, especially neighbouring buildings and their landscape and townscape setting. I consider these policies are consistent with the Framework's approach to design and conservation of heritage assets. Failure to comply with them is therefore a matter to which I can attribute significant weight.

Location of development

15. The appeal site is outside the built-up area boundary of Lindfield and for planning policy purposes is in the countryside. However, it is not a remote or isolated location as it is on the edge of the village, where there are a variety of shops and local facilities, including a small supermarket. Many of these facilities are within a five minute walk of the appeal site. In this respect the location could be said to be sustainable.
16. However, saved policies C1 and H11 of the Local Plan seek to firmly restrict development outside settlement boundaries and particularly resist proposals for new housing unless it is directly related to countryside activities. There is no suggestion that the appeal proposal would meet those criteria. Policies 1 and 2 of the Neighbourhood Plan also seek to support development within the built up area boundary of the village, in order to protect the countryside.

17. I therefore conclude that the location of the development would fail to comply with policies in both the Local and Neighbourhood Plans. However, in view of the lack of a five-year supply of deliverable housing sites and the proximity of the site to the facilities of the village, conflict with these policies carries only limited weight in my overall determination of the appeal.

Planning balance

18. The proposal would provide one small single dwelling, which would make only a marginal contribution to the district's overall need for housing. Nevertheless, I accept that there is some support for the scheme as there appears to be a high demand for small dwellings which could be suitable for first-time buyers. The design has ensured that there would be no harmful overlooking or loss of privacy for the occupants of the surrounding houses. The accessibility of the site to the village is also a positive aspect of the scheme. There would therefore be some limited social benefits arising from the scheme. There would be economic benefits arising from construction related work during the build and future residents would be likely to use the local shops. However, these benefits would be small, and some would only be short term, so they carry little weight in the overall balance.
19. On the other hand I have found that the proposal would fail to preserve the character or appearance of the Lindfield Conservation Area and would adversely affect the semi-rural appearance of Spring Lane. These are matters which carry significant weight.
20. The lack of a five-year land supply is a matter to which I also attach significant weight. However, I consider that the adverse impacts of the scheme would significantly and demonstrably outweigh the limited benefits, when assessed against the policies in the Framework as a whole. Furthermore, footnote 9 of paragraph 14 includes designated heritage assets as an example of where restrictions on development applies. This leads me to conclude that the proposal would not be a sustainable development in the terms of the Framework.

Conclusion

21. For the reasons set out above, I conclude that the proposal would not accord with the development plan and there are no material considerations that outweigh that conflict, or the statutory requirement to conserve heritage assets in a manner appropriate to their significance. I therefore conclude that the appeal should be dismissed.

Sheila Holden

INSPECTOR