

Appeal Decision

Site visits made on 16 and 23 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: 31 January 2017

Appeal Ref: APP/C1435/W/16/3160778

Pond House, High Street, Wadhurst TN5 6AA

- 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 Chrystal Hayn of The Mount Camphill Community against the decision of Wealden District Council.
 - The application Ref WD/2016/0995/F, dated 22 April 2016, was refused by notice dated 29 July 2016.
 - The development proposed is a two storey side extension, porch to front elevation, conversion of garage to habitable accommodation and minor works with proposed change of use from C3 dwelling house to Sui Generis.
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Decision

1. The appeal is allowed and planning permission is granted for a two storey side extension, porch to front elevation, conversion of garage to habitable accommodation and minor works with proposed change of use from C3 dwelling house to Sui Generis at Pond House, High Street, Wadhurst TN5 6AA, in accordance with the application Ref WD/2016/0995/F, dated 22 April 2016, subject to the conditions set out in the Schedule of Conditions attached to this decision.

Main Issues

2. The main issues are:
 - a) The effect of the proposed extension on the character and appearance of the host property and the surrounding area;
 - b) The effect of the proposed change of use on highway safety.

Reasons

Background

3. Pond House is a substantial detached dwelling set in a spacious plot on the north side of Wadhurst High Street. It lies between the development boundaries for Wadhurst and Sparrows Green within the High Weald Area of Outstanding Natural Beauty (AONB). It is accessed via a shared private road, which serves five other dwellings and a business premises. The house, which has previously been extended, is set well back on the site and to the rear of a large pond. Views of the house from the High Street are limited by a brick wall which encloses the site and a group of mature trees that are close to the roadside boundary.
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4. The proposal seeks to extend the house to provide supported accommodation for six young people with special needs. It is proposed to remove the existing conservatory and construct a two storey extension that would occupy the full depth of the existing house. The existing link between the original house and the garage extension on the south-eastern side of the house would be modified and enlarged to provide living accommodation for full-time live-in carers and their family. The extension would also provide accommodation for two additional live-in volunteer support workers and another two non-resident support staff. It is therefore anticipated that there would be up to 13 residents on the site.

Character and appearance

5. The boundary of the Wadhurst Conservation Area abuts the site on its south-eastern and south-western sides. To the lower east side of the site are the Grade II listed stables to Hill House. I therefore have a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area, and to have special regard to the desirability of preserving the setting of the listed building. As heritage assets are irreplaceable, any harm or loss requires clear and convincing justification. In accordance with the National Planning Policy Framework (the Framework) any harm which is less than substantial must be weighed against the public benefit of the proposal.
6. Pond House was built in the late 1970s. The conservatory addition was approved in 2001¹ and the extension and conversion of the garage to provide living accommodation was approved in 2005². Although the two-storey side extension would be visible from limited parts of the adjacent Conservation Area, it would not adversely affect its setting. The wall along the front boundary of the site is identified as an important feature within the Conservation Area, but this would not be affected by the proposal. Neither would the proposal adversely affect the setting of the stables to Hill House. The proposal therefore does not present a risk to any heritage asset.
7. The proposed extension would reflect the style of the existing dwelling with an identical ridge height and a half hipped roof. Whilst it would not be subservient to the original house, it would give the main dwelling a more symmetrical appearance. The width of garage extension, with its long ridge line and three dormer windows, currently gives the house as a whole a somewhat lop-sided appearance. The proposal would reassert the dominance of the original dwelling and give the garage extension a more subservient role. I am therefore satisfied that integrating the extension with the original house as proposed would be an appropriate design in this context.
8. The additional bulk and mass of the first floor and roof extension would reduce the gap between Pond House and the adjacent dwelling, Karibu. This detached dwelling, which I understand was built in 1963, is set in from the common boundary and is on slightly higher ground than Pond House. However, a gap of a sufficient size would be retained to ensure that the proposal would not result in the adjacent buildings appearing cramped.

¹ Ref: WD/2001/1906/F

² Ref: WD/2005/1403/F

9. Neither the enlarged building nor the reduced gap would be prominent from the High Street. As both Pond House and Karibu are well set back from the road and largely obscured by the extensive intervening vegetation and trees along the roadside boundary, there would be no adverse effects on the wider street scene.
10. I therefore conclude that the proposal would not be harmful to the character or appearance of the host property or the surrounding area. The Wadhurst Conservation Area and the setting of the stables at Hill House would be preserved. In this respect the proposal would comply with saved policies HG12, DC19, HG10 and EN27, all of which require new development, amongst other things, to reflect the character of the original dwelling and respect its setting. Neither would it conflict with saved Policy EN6 which seeks to conserve and enhance the landscape of the High Weald AONB.

Highway safety

11. The existing access is a single-track private driveway. On my site visit I saw that there were vehicles parked at the other dwellings and the business premises. I have not been provided with any specific evidence about the number of traffic movements that currently take place along the access each day. However, it is likely to be small and most vehicles using the driveway will be aware of the need to take care given its restricted width. Visibility at the junction with the High Street is good. In these circumstances I consider it highly unlikely that vehicles would find it necessary to reverse onto the highway. The highway authority has not raised any concerns about safety and I see no reason to come to a different view.
12. The proposal would be likely to generate a few more traffic movements than would be associated with a private dwelling. The appellant has suggested that on average there would be 8 traffic movements per day and I have no reason to consider this to be an unrealistic assessment. The supported tenants would not be drivers. If they were to go to the existing, related facility of The Mount Camphill Community in Faircrouch Lane, they would be reliant on a 7-seater people mover to transport them and they would travel together. For local journeys residents would be encouraged to walk or cycle and when going further afield they would make use of public transport.
13. Visibility at the entrance gates to the site is restricted by the fencing along the shared access. However, the number of movements along the driveway is likely to be small and speeds would, in all probability, be low. Furthermore, this access appears to have been in use for many years without any incident that I have been made aware of. As the proposal would result in only a marginal increase in the number of vehicle movements, I consider the lack of visibility at the site entrance and along the driveway not to be a reason for the scheme to fail.
14. The site appears to be sufficiently large to provide parking for 8-10 vehicles and space for them to turn around. The highway authority is satisfied that providing 6 spaces would be adequate to meet demand from residents and staff. Additional spaces would ensure sufficient space for visitors. I consider this would be satisfactory, subject to agreeing a suitable layout, a matter to which I will return later.

15. I note that in the event that the appeal was allowed the Council has suggested that a condition should be imposed requiring a Travel Plan. This could ensure that the stated intentions of the appellant to encourage the use of sustainable transport would be implemented. In my view the requirement to submit a Travel Plan is disproportionate to the nature of the development. However, as suggested by the appellant, it would be appropriate for up-to-date information about cycle routes and public transport services in the area to be readily available to all residents and staff. This could be secured by an appropriate condition.
16. Taking all these factors into consideration, I conclude that the proposal would not be prejudicial to highway safety. It would comply with the requirements of saved Policy TR3 of the Local Plan to provide a satisfactory means of access to proposed development and prevent unacceptable traffic conditions. It would also accord with the National Planning Policy Framework's aim of promoting the use of sustainable transport and only refusing development on transport grounds where the residual cumulative impacts would be severe.

Other Matters

Living conditions

17. The proposed extension would bring the enlarged dwelling closer to the shared boundary with Karibu. This neighbouring property is set further forward on its plot than Pond House. The front elevation of the extension would therefore sit to the rear of Karibu's front elevation. Most of Karibu's garden is in front of the house where there is an extensive lawn. The windows of the principal habitable rooms look out over this area, rather than the area to the rear or side of the house. However, in addition to the large windows in the living/dining room that look out on the garden, this room has patio doors that open out on to a terrace on the south-eastern side of the house and above the front lawn. The additional height and bulk of the proposed extension would be to the rear of these patio doors as well as being set over 4m from the common boundary.
18. On my site visit I stood on the terrace at Karibu. I accept that from here the bulk and height of the proposed extension would be apparent. However, as that part of the terrace which appears to be used for sitting out in the summer projects beyond the front elevation of Pond House, I am satisfied that it would not be overshadowed by the proposed extension. Furthermore, this area primarily looks out over the garden to the south and west rather than towards the appeal site, so the extension would not appear overbearing from this terrace. The proximity of the proposal to the shared boundary would introduce a minor sense of enclosure within the area of the garden to the rear of the terrace. However, this would not adversely affect the outlook from any of the principal habitable rooms of Karibu, or make the garden as a whole a less pleasant place to be.
19. Pond House currently has windows that overlook the south-eastern elevation of Karibu. Whilst the proposed extension would be closer to the shared boundary it would not have any first floor windows in its flank elevation. Any overlooking from the additional bedrooms would be at oblique angles and would not result in direct overlooking of the terrace or any windows on the south-eastern elevation of Karibu. I am therefore satisfied that there would be no harmful loss of privacy to the occupants of Karibu arising from the proposal.

20. I note that the occupants of Whispers consider that the windows above the existing garage extension overlook their kitchen. The additional window in the rear bedroom of the proposed extension would look over part of the rear garden of Whispers. However, given the separation distances involved and the existing relationship between these two properties, I am satisfied that this would not result in a material loss of privacy for the occupants of this adjacent property.
21. Occupants of the surrounding properties, including Karibu and Whispers, have expressed concern about potential noise and disturbance arising from the proposed use of the building and by as many as 13 residents and other support staff. Pond House is set towards the rear of its plot. Consequently, the depth of the rear garden is somewhat restricted and it is partially occupied by a swimming pool. However, it must be accepted that use of this garden and pool, whether by a family or the occupants of this supported community, would be likely to generate some noise from time to time. Whilst I appreciate that Whispers and Karibu share a boundary with Pond House, there was no substantiated evidence to suggest that the occupants of these adjacent dwellings would experience unacceptable noise and disturbance from the use of Pond House as a supported community. Furthermore, the use of the premises can be controlled by condition and would be managed at all times. This should ensure that the proposed use would not give rise to unacceptable disturbance for the adjoining occupiers.
22. Taking all these factors into account, I concur with the Council's assessment of the proposal and find that there would be no material harm to the living conditions of nearby residents that would justify refusal of planning permission.

Drainage

23. Local residents have raised concerns about foul drainage and possible flood risk from surface water. However, from what I have read, I am satisfied that these matters would be dealt with through the Building Regulations. Furthermore, the Planning Practice Guidance (PPG) advises against the imposition of planning conditions where matters would be addressed under other legislation.

Conditions

24. In the event that the appeal was allowed the Council has suggested a number of conditions in addition to the standard time limit. I have considered these in the light of the tests set out in paragraph 206 of the Framework and imposed them where I consider them to be necessary and reasonable, incorporating amendments for the sake of clarity and precision.
25. A condition specifying the plans is necessary in the interests of certainty. In order to ensure that the building is used solely for the purposes of providing special needs housing, with accommodation for supported adults and associated staff, it is necessary to impose a condition strictly limiting its use to that effect.
26. I have noted the comments from the appellant and third parties regarding the limitation on the number of tenants. However, if the number was restricted to 'supported tenants' it could result in an unacceptable increase in the number of other tenants. I consider it is necessary to restrict the occupancy of the building to a specific number of tenants, (irrespective of whether they are

supported or not). However, as other occupants will include both support staff and also some dependent children, I consider it is also necessary to restrict the maximum number of people who can live on the site at any one time. This will ensure a satisfactory standard of accommodation for future occupants and protect the living conditions of neighbours.

27. I have considered the appellant's desire to keep the use of the accommodation flexible. However, the proposed layout for the tenants appears to be the most effective way of using the space and providing suitable separation between them and the live-in support staff. In addition, the plans provide clarity for the Council in the event of any future concerns about the use of the building. I therefore consider the condition suggested by the Council is justified and have imposed it accordingly.
28. From details provided on the plans, in the design and access statement and on the application form, it appears that the intention is to construct the extension in materials to match the existing dwelling. I agree that this is essential in order to effectively integrate the extension into the existing dwelling, but consider the retention element is onerous. I have therefore imposed the standard condition securing matching materials.
29. At its meetings on 28 July 2016 the Planning Committee considered an amended plan, Drawing No 2016/717/PP002 Rev B, which showed how 10 parking spaces could be provided on the site. However, it does not include details of where or how secure cycle storage and parking would be provided. In my view this should be conveniently located in order to encourage cycle use by tenants, live-in residents and other support staff. I therefore consider that a revised plan showing a suitable layout for both vehicle and cycle parking should be submitted, agreed and implemented prior to the commencement of the use. The condition, suggested by the Council but with minor modification, is therefore necessary to ensure highway safety, the safety of the site and the provision of alternative means of transport for future occupants.
30. I have imposed a condition requiring information about cycle routes and public transport services to be displayed in the house where it can be seen by all residents and staff, in order to promote use of these modes of transport as an alternative to the car.
31. In responding to the application I note that the highway authority requested inclusion of a condition requiring a construction management plan. As the construction period is likely to generate additional traffic and delivery of materials, I consider this would be appropriate in the interests of highway safety.
32. A condition to ensure protection of the trees and hedges enclosing the site is required to safeguard the appearance of the development.

Conclusions

33. The Government requires local authorities to deliver a wide choice of high quality homes, including making provision for the needs of different groups, such as those with disabilities. Notwithstanding the location of the site, outside the settlement boundary of Wadhurst, the proposal would provide for individuals needing support on a site that is within walking distance of local facilities. These factors weigh in the scheme's favour.

34. I have found that the proposed extension would not be harmful to the character and appearance of the area, would preserve the Wadhurst Conservation Area and would not compromise highway safety. I have also considered the effect of the proposal on the living conditions of neighbours and found that there would not be unacceptable harms that would justify refusal of planning permission. I am satisfied that all other issues raised by third parties can be addressed through the imposition of appropriate conditions.
35. For these reasons, and having regard to all other relevant matters raised, I conclude that the appeal should be allowed, subject to conditions.

Sheila Holden

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin no later than three years from the date of this decision.
2. The proposal shall be carried out in accordance with the following approved plans: 2016/717/FS001 Rev A, 2016/717/PP001 Rev A.
3. The materials to be used in the construction of the external surfaces of the extensions hereby permitted shall match those used in the existing building.
4. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) and the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any Order revoking or re-enacting those Orders with or without modification, the premises shall be used solely as a co-housing community to accommodate supported and unsupported adults and associated staff, as defined within the approved amended Planning Statement (date stamped 21 June 2016) and for no other purpose. For the avoidance of any possible doubt, the approved use is considered to be a Sui Generis not falling within any Use Class within the Schedule of the Town and Country Planning (Use Classes) Order 1987 (as amended).
5. No more than 6 tenants out of a total of 13 persons shall reside at the site at any one time.
6. The annexe comprising the ground and first floors of the south-east wing, along with the two bedrooms annotated 'staff' on the ground floor of the main building, all shown on Drawing No 2016/717/PP01 Rev A, shall not be occupied at any time other than as staff accommodation ancillary to the use of Pond House hereby permitted.
7. No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;

- iii) storage of plant and materials used in constructing the development;
- iv) a scheme for recycling/disposing of waste resulting from construction works;
- v) delivery and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period of the development.

8. Prior to first operation of the use hereby permitted details of cycle routes and local bus services shall be displayed in Pond House in a location within the building that is accessible and visible to all residents. The information shall be updated annually.
9. Prior to first operation of the use hereby permitted a scheme for the parking and turning of vehicles and the secure storage and parking of bicycles shall have been implemented in accordance with details that have first been submitted to and approved in writing by the local planning authority. The scheme shall be retained thereafter as approved.
10. No trees or hedges along the north-western, north-eastern or south-eastern boundaries of the site shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped, other than in accordance with the prior written approval of the local planning authority. If any retained tree or hedge is removed, uprooted, destroyed or dies, a replacement of the size and species shall be planted at a time and in a position that has been agreed in writing with the local planning authority.

End of Schedule of Conditions