

Appeal Decision

Site visit made on 1 February 2017

by C J Leigh BSc(Hons) MPhil MRTPI

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

Decision date: 14 February 2017

Appeal Ref: APP/D3830/D/16/3162485

Elkanah, Deanland Road, Balcombe, Haywards Heath, RH17 6LT

- 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 David Leech against the decision of Mid Sussex District Council.
 - The application Ref DM/16/2454, dated 7 June 2016, was refused by notice dated 2 September 2016.
 - The development proposed is construction of a detached garage.
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Decision

1. The appeal is dismissed.

Main issue

2. The main issue is the effect of the proposed development on the character and appearance of the Balcombe Conservation Area.

Reasons

Character and appearance

3. The Balcombe Conservation Area is an attractive, verdant and spacious residential area, focused on a small grouping of streets. The architecture and scale of the residential properties varies, but a consistent theme is the set-back of the properties from the road, which gives a predominant character of openness to the front of the buildings. Mature vegetation and tree cover add to this character.
4. The appeal property is a recent bungalow, replacing a former property on the site following the grant of planning permission by the local planning authority (ref. DM/15/3896). The scheme before me proposes a garage to the front of that new dwelling. It is the size and position of that new garage that give rise to me sharing the concerns of the local planning authority. The predominant character of the Area is one of spaciousness, and the consistent set-back building line along Deanland Road and consequential undeveloped front gardens forms an important element of this. The proposed garage would fill a notable proportion of the gap between the new dwelling and the front boundary: it is the scale of the garage when combined with this siting that is objectionable, as those elements would combine to seriously diminish the

sense of spaciousness and so intrude into the open character which exists along the road.

5. The appellant has drawn my attention to other garages in the Conservation Area. That at Cobo to the north is appreciably smaller in scale, being a single garage with catslide roof, set further away from the front boundary, and with an attached open car port. There is also more space surrounding that garage since it adjoins the side/rear garden to Cobo, and hence the feeling of openness is greater than that which would exist at Elkanah, where the proposed garage would be an entirely brick structure and sited close to the front elevation of the bungalow. I am also informed that the garage at Cobo was built before the designation of the Conservation Area.
6. I observed garages at properties along Stockcroft Road, but these appeared to me to be set either further back from their front boundaries than the garage proposed at Elkanah, or were not so wide as that proposed at Elkanah, and these matters reduce their visual impact.
7. The examples of garages at properties on Oldlands Avenue are more visible from the road, and I am informed the garages at Little Abingdon and at Stumble Ridge were recently permitted by the local planning authority (albeit the latter as a replacement for a former structure). I note the road is of a slightly different character to Deanland Road and Stockcroft Road as there are trees within the verges. Nevertheless, as some third party submissions have expressed, the existence of those garages does indicate the adverse impact garages forward of the building line can have on the open character of the road and on the Conservation Area. Thus, in a road such as Deanland Road where the predominant character is very much one where there are no garages forward of the building line, I do not see these examples as being good reasons to support a garage of the size and position proposed; there would be the harm to spaciousness, as identified earlier.
8. I acknowledge that the proposed garage is lower than that proposed previously at the appeal site. However, it is the siting and size of the garage when considered together that would lead to an impression of overdevelopment in the front garden area of the property, and so harm to the openness and spaciousness of the plot and the road. New planting along the front boundary would not mitigate the harm that arises from such permanent, built development. This harm would adversely affect the character and appearance of the Balcombe Conservation Area.
9. The proposed development would therefore harm the acknowledged character and appearance of the Conservation Area. Under s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 I have a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the Area. The proposals would be contrary to saved Policies B1 and B12 of the Mid Sussex Local Plan 2004, Policy 3 of the Balcombe Neighbourhood Plan 2016, and Policies DP24 and DP33 of the Mid Sussex Draft District Plan, the general objective of which is to seek a high quality of design in new development and the preservation or enhancement of conservation areas.
10. Less than substantial harm would be caused to the significance of the heritage asset, and I attach moderate importance and weight to such harm. I

acknowledge the appellant's wish to provide a garage and store for vehicles, equipment, etc, and that the previous appearance of the site included a somewhat overgrown hedge. But I must balance these points against other matters of acknowledged importance, and I consider the harm to the heritage asset would not be outweighed by any public benefits. Hence, there would be conflict with paragraph 133 of the National Planning Policy Framework.

Other considerations and conclusions

11. The proposed garage would be positioned sufficient distance from nearby properties to ensure no appreciable effect on outlook or levels for adjoining occupiers. Adequate parking provision would also be made. However, these matters do not outweigh the conflict with the development plan and the Framework identified above, and the appeal is dismissed accordingly.

C J Leigh

INSPECTOR