

Appeal Decision

Site visit made on 3 May 2017

by C Jack BSc(Hons) MA MA(TP) MRTPI

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

Decision date: 22nd May 2017

Appeal Ref: APP/D3830/W/17/3166868

Meadcroft, Church Lane, Ardingly RH17 6UR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mr Canice Fleming against the decision of Mid Sussex District Council.
 - The application Ref DM/16/3560, dated 9 August 2016, was approved on 20 October 2016 and planning permission was granted subject to conditions.
 - The development permitted is described as 'To change the location of the approved garage from northwest of the Meadcroft site to the southeast, with some modification to the approved design'.
 - The condition in dispute is No 6 which states that: Notwithstanding the approved plans, no development shall be carried out until details of the garage doors (which shall be of side hung timber) have been submitted to and approved in writing by the Local Planning Authority and the works shall be carried out in accordance with the approved details.
 - The reason given for the condition is: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality and to accord with Policies B1 and B12 of the Mid Sussex Local Plan, Policies DP24 and DP33 of the Mid Sussex District Plan 2014 - 2031 Submission Version and Policies ARD5 and ARD9 of the Ardingly Neighbourhood Plan.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal form indicates the reason for the appeal to be that the Council has refused permission to vary a condition. However, it is apparent from the evidence before me that there has been no formal application to the Council to vary a condition to planning permission DM/16/3560. Accordingly, it has been clarified by email exchange with the appellant and the Council that the intended reason for the appeal is that the Council has granted planning permission for the development subject to a condition to which the appellant objects. I have determined the appeal on this basis.
 3. Planning permission was initially granted for a dwelling with a garage situated to the rear of the house. The garage was proposed to have wood-effect up and over doors. The house has been constructed, and planning permission Ref DM/16/3560 has been obtained to relocate the garage building to the front of the site. The application specified oak effect steel up and over doors. However, the Council imposed a requirement in condition 6, following advice from its conservation officer, that the garage should have side hung timber doors to be more in keeping with the character of the area. Details of side hung timber doors submitted pursuant to condition 6 have been agreed by the
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Council, Ref DM/17/0670. The foundations of the garage had been laid by the time of my site visit.

4. Notwithstanding approval Ref DM/17/0670, the appellant objects to the side hung timber requirement specified by condition 6 and seeks to vary the condition to remove this requirement. It is clear that he does not object to the requirement for the submission of details.

Main Issue

5. Taking the background above into account, the main issue is whether the condition is reasonable or necessary in the interests of the character and appearance of the area, including the Ardingly Conservation Area (ACA) and the setting of the nearby listed buildings.

Reasons

6. In the vicinity of Church Lane the ACA has a verdant, semi-rural character. It features a Grade I listed church near the junction with Street Lane, and a series of predominantly large, detached houses in generous plots including Old Croft, which lies diagonally opposite the appeal site and is Grade II listed. The houses are of mixed styles and materials but are typically fairly traditional in nature. A significant proportion of properties have attached or detached garage buildings, some of which are set close to the road and others are set well back. Trees and hedges, particularly along the roadside boundary are a particular feature of the area. These features contribute to the special established character and appearance of the ACA, and therefore to its significance as a designated heritage asset.
7. Meadcroft is a recently constructed house of traditional design and materials, including an oak front door and timber windows in various finishes. The apparent purpose of varying condition 6 to remove the requirement for side hung timber is to enable the appellant to pursue his original intention for steel up and over garage doors in golden oak 'decograin' finish. This would introduce a less sympathetic, non-traditional, material at Meadcroft, where the use of timber in the house is evident. While the garage would be set well into the site from the point of access onto Church Lane, it would be positioned very close to the front hedge, where public views along the drive from the road, at a point where it intersects the adjacent footpath, would be possible.
8. I note that the existing garage doors visible in Church Lane range from traditional side hung timber doors to typical steel up and over doors in a variety of colours and finishes. The ages and planning histories also apparently vary in each case. Nonetheless, in an area in which traditional designs and materials clearly predominate, the up and over doors are generally much less sympathetic to the host properties and to the ACA, albeit some examples are well set back from the road and some are also more successful in mimicking traditional styles and materials than others. Indeed some examples make no attempt to do so. As a result, the effect of the removal of the requirement for side hung timber doors, which are generally in keeping with the prevailing character of the ACA, would be to introduce a small but significant degree of harm to the character and appearance of the area, and therefore to the ACA.
9. The appeal site has a relatively close relationship to Old Croft and forms part of the wider setting of that listed building. Preserving the setting of a listed

building is a matter of considerable importance and weight and I am mindful of my duty under Section 66(1) of the planning (Listed Buildings and Conservation Areas) Act in this regard. Ensuring the use of appropriate sympathetic materials is an important factor in seeking to ensure that new development in the immediate environment of Old Croft would preserve its setting.

10. While the new garage doors would be positioned on the other side of the road from Old Croft, and partially screened and softened by the existing front hedge, for the reasons set out above the degree of harm that would result would fail to preserve the setting of Old Croft. Other listed buildings nearby are less closely related to the site and the effect on those properties would be neutral.
11. I note that the original planning permission for a garage building in the northwest of the site specified up and over doors, which despite being located at the rear of the house would have been visible from the adjacent footpath. Notwithstanding, I must determine the appeal on the case before me and while the proposed oak effect steel up and over doors would conform to some other examples in the general range in the vicinity, they would fail to also enhance the distinctiveness of traditional building materials and styles nearby in the ACA. I also consider the front location to be more prominent in the ACA than the previously permitted location. My findings in this case are therefore not diminished by the specifications of the garage in its previously proposed form and position. Furthermore, I saw that the door sample provided, while similar to the front door of Meadcroft in colour, has a different grain, texture and lustre and, while it may be more durable than timber, it would not take on a patina in a non-uniform manner in the way that timber doors would.
12. I therefore conclude that condition 6 is reasonable and necessary in the interests of the character and appearance of the area, including the Ardingly Conservation Area and the setting of the nearby listed buildings. The proposed variation of condition 6 would conflict with saved Policy B1 of the Mid Sussex Local Plan 2004 (LP) which seeks a high standard of design, including through sensitive design that respects the character of the locality and the use of materials of a quality, type and colour appropriate to the site and its surroundings. It would also conflict with saved Policy B12 of the LP, which among other things requires that within conservation areas special attention should be given to the desirability of preserving or enhancing the character or appearance of the area and to safeguard the setting of any listed building. Furthermore it would conflict with adopted Policies ARD 5 and ARD 9 of the Ardingly Neighbourhood Plan 2013 - 2031, which respectively have similar aims to the aforementioned LP policies.
13. I quantify the extent of the harm to the ACA as being less than substantial in the context of paragraphs 133 and 134 of the National Planning Policy Framework (the Framework). Such harm needs to be balanced against any public benefits the development might bring. I note the appellant's opinion that the intended up and over doors would be capable of being more secure and more accessible due to the types of locking mechanisms and electronic openers available for such doors compared to side hung doors. I accept that there would be public benefits arising from enhanced security and accessibility. However, such benefits would be very modest in relation to one garage building and I am not persuaded that the enhanced level security and

accessibility that may be achievable is sufficient to outweigh the harm that would arise to the designated heritage assets.

14. The Council has also referred to Policies DP24 and DP33 of the Submission Mid Sussex District Plan August 2016 in its reasons for imposing condition 6. These policies have similar aims to the relevant LP policies but I have afforded them only moderate weight, having regard to their emerging status.

Conclusion

15. For the reasons given above, I conclude that condition 6 is reasonable and necessary, having regard to relevant development plan policies and the relevant requirements of the Framework, including the six tests set out in paragraph 206. Therefore, the appeal should be dismissed and condition 6 unaltered.

Catherine Jack

INSPECTOR