
Appeal Decision

Site visit made on 13 June 2017

by David Reed BSc DipTP DMS MRTPI

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

Decision date: 25 July 2017

Appeal Ref: APP/D3830/W/17/3171478

Backwoods House, 44 Backwoods Lane, Lindfield RH16 2EN

- 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 R Mellett, Nova Developments (Haywards) Ltd against the decision of Mid Sussex District Council.
 - The application Ref DM/16/3964, dated 16 September 2016, was refused by notice dated 19 December 2016.
 - The development proposed is the demolition of an existing dwelling, annexe and outbuildings, and erection of 2 pairs of semi-detached dwellings and 1 detached dwelling with associated landscaping.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area, including the effect on trees.

Reasons

Character and appearance

3. The proposal is for two pairs of semi-detached houses and a single detached house on a wedge shaped site on the north-western side of Backwoods Lane, currently occupied by an early Victorian house, separate two storey annexe and associated outbuildings. The semi-detached houses would line the road frontage with an access drive between the pairs leading to the detached house at the rear which would include a single garage and turning space.
4. The semi-detached houses would be in line with the two detached houses on either side, Birch House and No 42 Backwoods Lane, thus respecting the building line along the road. The basic form of this part of the scheme, pairs of semi-detached houses, would also reflect the pairs of semi-detached houses opposite the site and further along the Lane.
5. However, the nearby semi-detached houses have fully hipped roofs, No 42 on one side a pyramidal roof and Birch House on the other a low, L-shaped fully hipped roof with dropped side eaves on the front projection. In contrast, the proposed semi-detached houses would have more prominent half hipped roofs with higher level eaves on each gable end and a longer top ridgeline.

6. The detailed design means the floor level and front eaves of the nearest pair of houses would be lower than that of No 42, but the relatively long ridgeline would be about the same height as the top of its pyramidal roof. In addition, whilst No 42 lies behind a frontage wall which screens it to a degree, the semi-detached houses would have pairs of parking spaces in front opening them to full view. As a result of these factors and despite the wide separation distance, the frontage and roof of the new houses would appear prominent and bulky in the street scene when seen alongside No 42¹.
7. The contrast would be particularly noticeable in relation to Birch House at the other end of the frontage where the separation distance from the nearest pair of semi-detached houses would be quite narrow. Here the long ridgeline of the new houses would be significantly higher than the top of the modest roof of Birch House, and the side eaves line well above that of the existing house. With the appearance of Birch House softened behind a frontage hedge and the new properties open to full view behind parking spaces, the development would appear jarring and discordant in the street scene.
8. The area in the vicinity of the appeal site is characterised by properties set back from the road behind gardens with frontage hedges and/or walls. The appellant draws attention to a number of instances where front gardens have been converted to hardstanding for parking purposes, but the screening hedges/walls have been retained alongside a single width access. In contrast, the four semi-detached houses would each have two parking spaces in front together with two further visitor spaces. Whilst a strip of landscaping with a series of semi-mature trees is proposed between the pairs of spaces the result would be a more open frontage featuring hard surfacing and parked cars, at variance with the prevailing character of the surrounding area and increasing the visual impact of the scheme.
9. The detached house to the rear would be sited well away from the houses in Beckworth Lane with their long rear gardens. Whilst situated behind the semi-detached houses and thus not prominent in Backswood Lane, the access drive would draw some attention to the house. Those passing by would briefly see the large property immediately behind the frontage houses, an unusual relationship unlike the access to the single storey garages behind Beech Cottages around the corner in Appledore Gardens. This access leads to parking at the rear which allows an attractive hedge along the front of the cottages.
10. The detached house would also be close to three trees T05-T07 on the rear boundary, but these are not prominent in the wider area unlike the larger tress just to the north-west. They are not protected, would not be affected by construction, and two are ornamental rather than native species. Even if there were to be pressure from future occupiers for their removal due to shading and perceived/actual nuisance, their loss would not be unacceptable and suitable replacement planting would compensate.
11. On the other hand the Sweet Gum tree T08 on the south west boundary is more prominent, being visible between the houses from nearby roads, and its retention would be important to screen the large detached house from Beech Cottages. Although only a small part of the patio would lie within the root protection area, and this could be constructed by manual excavation, the crown would be reduced by 20% and raised to 3 m to allow for the house. Although

¹ The rear extension, although large, will not materially affect the appearance of the house from the front.

the tree overhangs the single storey garages and could potentially be pruned by others, these works would reduce the amenity value of the tree and further periodic pruning would be required. The tree would lie only about 2 m from the southern side of the house, shading both the patio and living room patio doors for much of the day. This is likely to lead to pressure from future occupiers for complete removal of the tree which would be a significant loss to the visual amenity of the wider neighbourhood.

12. For these reasons the proposal would cause significant harm to the character and appearance of the area and may in due course result in the loss of tree T08, adding to the harm caused. This would be contrary to Policies B1, H3 and B7 of the Mid Sussex Local Plan 2004 which require new housing to demonstrate a sensitive approach by respecting the character and form of the locality in which they take place, especially to neighbouring buildings, and resist the loss of trees of significant public amenity value. It would also be contrary to Policies 1 and 2 of the Lindfield and Rural Neighbourhood Plan which require development to be appropriate in scale, massing and character and to respect the built environment. These parts of the policies accord with the National Planning Policy Framework and are not out of date.

Other matters

13. All the other arguments in favour of the appeal have been carefully considered. These include the favourable pre-application advice (although this was without prejudice to the final decision of the Council) and the comments of the Parish Council. The appellant draws attention to other developments with similar or higher densities, but only the Beech Cottages site is in the same context and this has been designed to fit comfortably in the street scene. The current buildings on the site are disjointed, a large part of the frontage is currently hardstanding and part is close boarded fencing behind the footway, but these factors do not justify the proposal.
14. The Council accept that they cannot demonstrate a five year supply of deliverable housing sites. The proposal would deliver a net increase of four units of attractive and much needed family housing in a sustainable location which would make a useful contribution to housing land requirements. It would also provide important social and economic benefits for the area which would be a significant advantage of the scheme. However, as explained above, the proposal would harm the character and appearance of the area and because of this would not satisfy the environmental dimension of sustainable development. The adverse impacts of the proposal would significantly and demonstrably outweigh the benefits and therefore the presumption in favour of sustainable development does not apply in this case.

Conclusion

15. Having regard to the above the appeal should be dismissed.

David Reed

INSPECTOR