



Appeal Decision

Site visit made on 27 June 2017

by Grahame Gould BA MPhil MRTPI

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

Decision date: 26th July 2017

Appeal Ref: APP/C1435/W/17/3172308

43 Harebeating Crescent, Hailsham BN27 1JH

- 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 S Holden against the decision of Wealden District Council.
 - The application Ref WD/2016/3030/F, dated 15 December 2016, was refused by notice dated 23 February 2017.
 - The development proposed is described as 'new dwelling land adjacent to 43 Harebeating Crescent'.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The second reason for refusal identified a concern with respect to waste water treatment capacity at the North and South Hailsham Waste Water Treatment Works (the water works) and the potential for there to be an adverse effect on the integrity of the Pevensey Levels Ramsar site and Special Area of Conservation. However, the Council in making its appeal case has stated that it has determined that it will not now be making an allocation for 700 dwellings via its emerging Local Plan at Hailsham and Polegate and that decision has created headroom capacity at the water works to accommodate the drainage needs of the appeal development. The Council has therefore advised that it no longer wishes to defend the second reason for refusal and I have treated it as being withdrawn.

Main Issues

3. The main issues are the effect of the development on: the character and appearance of the area; and highway safety.

Reasons

Character and Appearance

4. The development would involve the construction of a two bedroom, detached house within the side garden of 43 Harebeating Crescent (No 43). No 43 occupies a corner plot and Harebeating Crescent is characterised by a mixture of two storey detached houses and bungalows, set within fairly generous plots. Although there is some variation amongst the design of the dwellings in this street the plot widths are fairly consistent

5. No 43 occupies a comparatively large plot, which is a by-product of its corner position. However, the width of the new house would, in relative terms, be quite narrow for Harebeating Crescent and that would mean that this dwelling would be uncharacteristically narrow. There would also be very little space about the new house and its north eastern corner would have a very tight relationship with the back edge of the highway, something that would be accentuated by the absence of a footway on the western side of Harebeating Crescent at this point. I therefore consider that the new house would have a very cramped appearance, in what is a comparatively prominent position within Harebeating Crescent's streetscene, and that this development would not be respectful of its surroundings. The uncharacteristic nature of the development would be further emphasised by the fact that it would occupy a slightly elevated position relative to the adjoining road level.
6. I therefore conclude that the development would cause unacceptable harm to the character and appearance of the area. The development would therefore be in conflict with saved Policy EN27 of the Wealden Local Plan of 1998 (the Local Plan) because its scale and density would not be respectful of the surrounding development. I also consider that there would be conflict with paragraphs 17 (the fourth core planning principle), 56, 58, 60 and 64 of the National Planning Policy Framework (the Framework) because the development would not secure high quality design and it would fail to add to the overall quality of the area or reinforce local distinctiveness.

Highway Safety

7. The application plans show the pedestrian ingress and egress to the house and its rear parking area would be directly from the carriageway in Harebeating Crescent, given the absence of a footway in the public highway at this point. I consider the pedestrian access arrangements for the house would be potentially dangerous for its occupiers and those visiting this house. That is because all pedestrian movements would necessitate the use of the carriageway in a location where drivers would not be expecting pedestrians to be using the road as the means of gaining access to and from a house. However, that inadequacy of the development could be overcome by realigning the pedestrian path within the house's front garden so that it would connect with the footway in Harebeating Crescent. That is a matter that could be addressed through the imposition of a planning condition.
8. There is potential for the visibility of drivers emerging from the rear parking area to be impaired by any means of enclosure along the site's boundary with Harebeating Crescent. However, vision splays could be secured by the imposition of a planning condition and I am therefore not persuaded that the visibility for the users of the new house's parking area would be unacceptable.
9. For the reasons given above I conclude that with the imposition of appropriately worded conditions there would be no harm to highway safety. With the imposition of such conditions there would be no conflict with Policy TR3 of the Local Plan and paragraph 32 of the Framework because safe and suitable access would be available.

Other Matters

10. The absence of an objection from the Town Council or internal consultees of the Council does not persuade me that the harm that I have identified should

be disregarded. I accept that the development would not give rise to any unacceptable overlooking and that there would be adequate garden space provision for the occupiers of No 43 and the new house. However, those matters do not outweigh the harm that I have identified. I do not accept that this site constitutes previously developed land for the purposes of the Framework because garden land in built up areas is expressly excluded from the definition for such land set out in Annex 2 to the Framework.

11. Given my conclusion on the first main issue there is no need for me to consider the development's implications for the Ashdown Forest Special Protection Area and Special Area for Conservation.

Planning Balance

12. There is no dispute that the Council cannot currently demonstrate the availability of a five year supply of deliverable housing sites (HLS). In the absence of an HLS paragraph 14 of the Framework indicates that planning permission should be granted unless '... any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted'.
13. The construction of one house would make a very modest contribution to the supply of housing in the area and there would therefore be some very limited economic and social benefits arising from the development. However, I have found that the development would be harmful to the character and appearance of the area. I therefore consider that the adverse impact to the area's character and appearance would significantly and demonstrably outweigh the development's benefits. I therefore find this development cannot be considered to be a sustainable one, with there being conflict with the Framework, when it is read in the round, and Policy WCS14 of the Wealden District (Incorporating Part of the South Downs National Park) Core Strategy Local Plan of 2013.

Conclusions

14. While I have found that the development would not be harmful in highway safety terms with the imposition of appropriate planning condition, I conclude that it would give rise to unacceptable harm to the area's character and appearance. The appeal is therefore dismissed.

Grahame Gould

INSPECTOR