
Appeal Decision

Site visit made on 27 June 2017

by J Ayres BA Hons, Solicitor

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

Decision date: 26th July 2017

Appeal Ref: APP/D3830/W/17/3172414

Down Park House, Down Park, Turners Hill Road, Crawley Down RH10 4HQ

- 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 Tuppen against the decision of Mid Sussex District Council.
 - The application Ref DM/16/3592, dated 11 August 2016, was refused by notice dated 14 October 2016.
 - The development proposed is the construction of a new 3 bedroom, one and a half storey dwelling.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issues are;
 - (i) the effect of the proposal on the character and appearance of the surrounding area,
 - (ii) the effect of the proposal on the holm oak tree, and
 - (iii) whether the site represents an appropriate location for housing having regard to the overarching strategy for development in the District, and planning policies relating to the countryside.

Reasons

Character and appearance

3. Down Park was a substantial country estate, which historically was subdivided to form a number of residential dwellings. Down Park House is an attractive, traditional Victorian dwelling which sits comfortably within its garden and the envelope of Down Park, and the appeal site currently appears and functions as part of the garden of the property. The proposal would introduce a significant built form, in the design of a bespoke Scandia-Hus house, to an area that is currently laid to grass with trees and vegetation. It would result in the intensification of built form within this cluster of properties, which would harm the general sense of openness that the garden contributes to, and which currently enhances the character and appearance of the area.
4. I do not agree with the Appellant that the hiving off of part of the curtilage of Down Park House would not harm its setting or character. The extent of glazing in the proposal would be more prominent than the traditional design of

Down Park House, and the materials used in the construction would be different to the surrounding built form. The scale and mass of the dwelling would dominate the plot, and it would appear cramped in comparison to the current generous setting of Down Park House. I acknowledge that the appellant has sought to design a more modest dwelling, and the proposal would be one and a half storeys. However, this does not overcome the harm to the character and appearance of the locality that the proposal would cause by introducing development at this location, and in a style of house that would be at odds to its surroundings.

5. I appreciate that the extension to The Corbeys, which is adjacent to Down Park House and the appeal site, is a more modern construction. However, views of the The Corbeys are limited by the garden wall, the holm oak tree, and the existing vegetation. I also note the more modern dwelling at Down Park Place, which is reported to be a Scandia-hus. However, in my view, the proposal would be seen in the context of the traditional Victorian dwelling, to which it fails respond in terms of design. Accordingly, the proposal would not respect the overall character and appearance of the locality.
6. As such, I find that the proposal would conflict with Policy B1 of the Mid-Sussex Local Plan 2004 (MSLP) and Policy DP24 of the Pre-Submission District Plan 2016 (PSDP)¹ in so far as these policies seek to ensure development respects the character of the locality, uses appropriate materials, and addresses character and scale of the surrounding buildings and landscape. The proposal would fail to accord with the general design principles in Policy CDNP05 of the Crawley Down Neighbourhood Plan 2015 (CDNP).

Effect on holm oak tree

7. The main amenity space would be located to the side of the proposal, adjacent to the holm oak tree. I have considered the evidence and find that, provided measures were taken to protect the tree, construction of the proposal itself would have a negligible impact on the health of the tree. The tree would be a prominent feature of the garden. However, in my view the proposal would provide adequate outdoor amenity space to avoid future pressure on the tree with respect to significant pruning, or felling. Moreover, the tree would provide screening for the future occupiers in respect of privacy, which would make it worthy of retention. In addition, the Council has the option of protecting the tree by way of a tree preservation order if appropriate.
8. Accordingly, I find that the proposal would comply with Policies C6 and B7 of the MSLP, and Policy DP36 of the PSDP in respect of the protection of trees.

The overarching strategy for development within the district

9. Down Park is set back considerably from Turners Hill Road and the residential properties at Down Park are relatively contained due to its previous form as single entity. Beyond Down Park Place the land is predominantly open countryside, as such Down Park appears as a small cluster of development which is within the countryside and clearly outside of the built up area boundary. Although the proposal would retain the development within the envelope of Down Park, the scale and mass of the proposal would have a negative effect on the open nature of the immediate surroundings.

¹ I can give only moderate weight to the policies of the PSDP in light of its progress towards adoption.

Furthermore, the intensification of development at this location would be detrimental to the general open nature of the countryside.

10. Crawley Down is the nearest village to the appeal site, and provides a range of facilities and services. Access to Crawley Down would be via either Turners Hill Road or Worth Way. Both routes have a distinct lack of lighting and, despite Turners Hill Road being a main route, feel quite isolated, partly due to the absence of pedestrian traffic. I accept that there are a number of bus stops located along Turners Hill Road, and that these serve three different bus routes. However, the journey to and from these stops is accessed via a relatively narrow track which is heavily wooded, and does not provide footpaths or lighting. The Appellant has referred to the commercial use of the Coach House Business Park. The increase of traffic on this access way could, with no footpath, be dangerous for those on foot. Accordingly, not only would the walk into Crawley Down be unattractive for families, the elderly, or those with limited mobility, the walk to the bus stop itself could also be quite difficult. As such I take the view that the occupiers of the proposal would be heavily reliant upon private transport to access services and facilities.
11. It is clear that the development limitation in Policy C1 that applies to the appeal site is designed to achieve sustainable levels of development within the District by directing development towards the built up area boundary. The rationale being that development should be positioned in accessible locations to encourage sustainable methods of transport, and to protect the countryside. Accordingly, I find that the proposal would not comply with Policies C1 and T4 of the MSLP as occupiers of the proposal would be heavily reliant on private transport to access services and facilities. The proposal would conflict with Policies DP10 and DP19 of the PSDP insofar as these policies seek to protect the countryside and encourage alternative forms of transport to the private vehicle. The proposal would not comply with Policy CDNP10 of the CDNP in respect of promoting sustainable transport.
12. The Council acknowledges in its decision notice that it is unable to demonstrate a five year supply of deliverable housing sites. As such, relevant policies for the supply of housing should not be considered up-to-date according to paragraph 49 of the Framework. Therefore in these circumstances, paragraph 14 of the Framework, which establishes the presumption in favour of sustainable development, should be applied as the appropriate context for decision making. Planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole.
13. The Framework makes clear that sustainable development comprises economic, social and environmental dimensions and that the planning system performs a number of mutually dependant roles. The appeal proposal would contribute to the housing shortfall although the benefit would be limited bearing in mind that only a single dwelling is proposed. There would also be some economic benefits provided by employment during the construction period and spending within the local economy by new occupiers thereafter.
14. On the other hand the development would be within an isolated location, with an unattractive journey to access Crawley Down either on foot, bicycle, or bus. Accordingly, occupiers would be likely to use private transport to access

services and facilities. Furthermore, the proposal would cause harm to the character and appearance of the area with regards to its scale, mass, and appearance. These are matters of considerable importance. When assessed against the policies in the Framework taken as a whole the adverse impacts would significantly and demonstrably outweigh the benefits. Therefore the proposal would not be a sustainable form of development and the presumption in its favour would not apply. The conflict with the development plan, including Policy C1, is not outweighed by other considerations, including the Framework.

Other Matters

15. I have been referred to a number of decisions in the area by the appellant. However, I do not have full details of the circumstances that led to these proposals being accepted and so cannot be sure that they represent a direct parallel to the appeal proposal. In respect of the decision to grant permission at Cuttinglye Lane², this was a larger development with a very different relationship to the village of Crawley Down and I consider the proposal before me to be materially different in respect of its location and nature of development. In any case, I have decided the appeal on its own merits.
16. The new dwelling would sit on slightly lower ground, adjacent to the boundary wall of Down Park House. The proposed windows in the upper floor would allow views over the garden space of Down Park House. I note the Appellant has provided an alternative plan, which would relocate the window to bedroom two from the north elevation to the west elevation. This would go some way towards resolving the issue of overlooking in respect of occupiers using that room. However, it does not lead me to come to an alternative decision based on the other issues in respect of the harm to the character and appearance and the proposal being unsustainable.

Conclusion

17. For the reasons given above, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

J Ayres

INSPECTOR

² Ref DM/16/2893