
Appeal Decision

Site visit made on 14 June 2017

by N A Holdsworth MCD MRTPI

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

Decision date: 26 July 2017

Appeal Ref: APP/C1435/W/17/3171080

Land to east of Battle Road, Amberstone, Hailsham, BN27 1PE

- 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 G Good of Willow Homes Ltd against the decision of Wealden District Council
 - The application Ref WD/2016/1880/F, dated 27 July 2016, was refused by notice dated 27 September 2016.
 - The development proposed is 1 no. dwelling
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Decision

1. I dismiss the appeal.

Main Issues

2. The main issues are the effect of the development on
 - the character and appearance of the area, and
 - living conditions, with particular regard to the overlooking of surrounding residential properties.

Reasons

Character and appearance

3. The appeal building would occupy a rectangular parcel of land located between a recently built development of three detached dwellings now known as William Mews, and the A271 (also known as Amberstone). The plot was identified within the approved plans (WD/2014/2031/F) relating to the William Mews development as a soft landscaped area, with an additional parking space. Whilst the three buildings appear to have been completed, the Council dispute whether the development and in particular the access road have been built in accordance with the terms of the original planning permission, and at the time of the site visit, this part of the development had the appearance of a building site.
4. The William Mews development is in turn encircled by another housing estate, which I understand was granted planning permission in 2009. Both developments have been built to a high density, resulting in buildings being built in close proximity to one another. Within such an environment, pockets of open space and soft landscaping provide an important function to mitigate the effects of a dense, built up urban environment.

5. Whilst I observed that the neighbouring development has similar and in some cases smaller size plots, pockets of open space and soft landscaping provide relief and a degree of openness that counters the intense built form. Examples of such spaces can be found to both sides of the development site along Arrow Drive and Saxon Close, where soft landscaping shields the housing from the effects of the adjacent main road and provides welcoming access routes and common areas. I consider that these small pockets of open space and landscaped areas are an intrinsic and vitally important part of the character and appearance of the area, as they provide a balance to the intensity of the built form.
6. In response to the irregular, linear layout of the William Mews site the three detached dwellings are grouped to the east of the site, in very close proximity to one another around a shared hardstanding. The bulk of the new building would further enclose the three existing buildings within the development and diminish the relatively open setting they currently enjoy in relation the entrance to the site from Amberstone. Whilst I accept that the open space in question may have limited practical utility as amenity space it would nonetheless have an important aesthetic function through the creation of an open setting for the remainder of the development, providing relief from the intense built form. The absence of landscaping and open space would therefore result in a development that appears unduly cramped and out of character with the area that surrounds it.
7. The appellant contends that a high standard of residential accommodation would be provided by the development which would meet demand evident in the local market. I also recognise that the Council acknowledges that it does not currently have a five year housing land supply, and the provision of one additional residential unit would make a contribution to an established shortfall. However the National Planning Policy Framework (NPPF) places a great emphasis on the social and environmental benefits of a high quality built environment. For the reasons set out above I consider that the development would fail to improve the character and quality of an area and the way it functions. The resultant harm would significantly and demonstrably outweigh the benefits of the development.
8. Consequently I conclude that the development would result in harm to the character and appearance of the area, contrary to Policy SPO13 and WCS14 of the Core Strategy Local Plan (adopted February 2013) (WCS), saved Policy EN27 of the Wealden Local Plan (adopted December 1998) (WLP) and the relevant parts of the NPPF which, amongst other things, seek to achieve a high quality and attractive living environment for future residents.

Living conditions

9. The proposed dwelling would be built within the gap between the houses to Arrow Drive to the south and Saxon Close to the north. Its principal front elevation would face directly on the end elevation of the properties along Saxon Close, which is a blank flank wall. The rear elevation, facing Arrow Drive would not have any windows at all. Consequently I find that there would be no significant direct overlooking from the appeal building to the properties along Saxon Close and Arrow Drive.
10. The window in the south east facing first floor bedroom window would face towards an equivalent window in the first floor of plot one of the William Mews

development. In this case however the separation distance would be sufficient to prevent any significant loss of privacy. Windows on the appeal building at first floor level would also overlook the garden of plot one and to a lesser degree the gardens of properties in the wider surrounding area. In this case however, I consider that the overlooking of gardens and first floor windows resulting from the development would be consistent with the prevailing built form of the area, where there is substantial mutual overlooking between properties.

11. I have considered the concerns expressed by the Council and a third party regarding the proximity of the rear elevation of the building to the boundary with Arrow Drive, and its bulk in relation to other buildings within the William Mews development. However, I do not consider that the harm through loss of outlook or overshadowing that would occur to any individual property would be sufficient to withhold permission on the grounds of the effect of the development on living conditions. I consider this harm is of a more general nature and related to the character and appearance of the area, which I have considered above.
12. I therefore find that, having regard to the existing situation, any additional overlooking or sense of enclosure would not result in harm to the living conditions of surrounding residents. The proposal does not conflict with saved Policy EN27 of the WLP and WCS 14 of the WCS and the relevant parts of the NPPF which, amongst other things, requires developments to respect the privacy of neighbouring residential buildings.

Other matters

13. The Council express concern in its statement of case about the loss of the visitors parking space, and the inability of service vehicles to use the access road as built and reflected on the proposed plans. Whilst noted in the officers report these concerns were not reflected in the original reason for refusal. It is therefore unclear on the basis of the evidence provided how they would result in a conflict with the development plan. In any event, I do not consider that these matters would alter my conclusions in this case.

Conclusion

14. I have found that the appeal proposal would not harm the living conditions of surrounding residents. However it would result in harm to the character and appearance of the buildings that surround it and the wider area in which it is located. For the reasons given above and having regard to all other matters raised I conclude that the appeal should be dismissed.

Neil Holdsworth

INSPECTOR