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## Appeal Decisions

Site visit made on 4 July 2017

**by AJ Steen BA (Hons) DipTP MRTPI**

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

**Decision date: 2 August 2017**

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### **Appeal A Ref: APP/D3830/W/17/3173177 68 Janes Lane, Burgess Hill RH15 0QR**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
  - The appeal is made by VC Property Limited against the decision of Mid Sussex District Council.
  - The application Ref DM/17/0320, dated 20 January 2017, sought approval of details pursuant to condition No 1 of a planning permission Ref DM/15/3931, granted on 8 January 2016.
  - The application was refused by notice dated 27 March 2017.
  - The development proposed is the erection of two dwellings.
  - The details for which approval is sought are: appearance, layout and scale for a single dwelling (Unit 3).
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### **Appeal B Ref: APP/D3830/W/17/3173180 68 Janes Lane, Burgess Hill RH15 0QR**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
  - The appeal is made by VC Property Limited against the decision of Mid Sussex District Council.
  - The application Ref DM/17/0325, dated 20 January 2017, sought approval of details pursuant to condition No 1 of a planning permission Ref DM/15/3931, granted on 8 January 2016.
  - The application was refused by notice dated 27 March 2017.
  - The development proposed is the erection of two dwellings.
  - The details for which approval is sought are: appearance, layout and scale for a single dwelling (Unit 4).
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## **Decisions**

### **Appeal A Ref: APP/D3830/W/17/3173177**

1. The appeal is allowed and the reserved matters are approved, namely layout, appearance and scale details submitted in pursuance of condition No 1 attached to planning permission Ref DM/15/3931 dated 8 January 2016.

### **Appeal B Ref: APP/D3830/W/17/3173180**

2. The appeal is allowed and the reserved matters are approved, namely layout, appearance and scale details submitted in pursuance of condition No 1 attached to planning permission Ref DM/15/3931 dated 8 January 2016.

## **Procedural Matters**

3. The original application for outline planning permission granted permission for the access to the development comprising two dwellings, reserving layout, appearance, scale and landscaping for future approval. The reserved matters approvals now sought are in respect of layout, appearance and scale for each of the two dwellings.
4. Reserved matters applications were submitted for the two dwellings separately and were considered by the Council as individual applications. However, they were refused for the same reason and, consequently, I will consider both appeals together in my reasoning below.

## **Main Issue**

5. The main issue in both appeals is the effect of the proposed dwellings on the character and appearance of the existing building and surrounding area.

## **Reasons**

6. Janes Lane is located on the outskirts of Burgess Hill and comprises large detached houses of mixed character and appearance within substantial gardens. The existing house at no. 68 is set back to the rear of other houses fronting Janes Lane, with a house currently under construction to the rear of nos. 64 and 66 that shares access with no. 68. The garden at no. 68 is substantial, with a steep slope down to a large pond at the furthest corner from the road and surrounded by mature tree and hedge planting that would be retained. To the rear is a large recently constructed housing estate, the closest dwellings comprising a mix of semi-detached and detached two storey dwellings, some with additional accommodation within the roof, with modest rear gardens beyond the trees on the shared boundary.
7. The distance from the road and surrounding planting, with the existing house in front of the proposed and facing directly down the access, such that it would be the most prominent dwelling served by this access. Given the layout and set back into the site, the proposed dwellings to the rear would not be easily visible from the road. Plot 4 is located around a corner, further reducing its visibility from the road.
8. The lack of visibility of the proposed dwellings, combined with the mixed character and appearance of the substantial houses fronting Janes Lane, means that they would reflect the character and appearance of that road. Development to the rear is of more modest dwellings, although many are semi-detached such that they remain large buildings. That development is divided from the site by a substantial tree screen with no direct link between the two developments, such that it would be viewed as a different development of different character and appearance.
9. The proposed dwellings are of similar footprint to those previously granted permission, which had the appearance of large chalet bungalows. However, the current proposals would be larger by reason of their substantial first floor and rooms in the roof of plot 3. This reflects the character and appearance of the existing two storey dwelling, albeit the proposals are larger, and the mixed character and appearance of other development on this side of Janes Lane.

10. For these reasons, I conclude that the proposed development would not harm the character and appearance of the existing building or surrounding area. As such, the proposed developments would comply with Policy B1 of the Mid Sussex District Local Plan and the National Planning Policy Framework that seek a high standard of design from development that respects the character of the locality and neighbouring dwellings. In addition, it would comply with Policy DP24 of the emerging Mid Sussex District Plan that seeks well designed development reflecting the character of the area. Whilst this plan is currently undergoing examination such that limited weight can be attached to that policy, it adds weight to my conclusions on the main issue.

### **Conditions**

11. The Council have suggested that no additional conditions are required should this appeal be allowed as those on the outline planning permission are sufficient. I see no reason to disagree with their conclusion.

### **Conclusion**

12. For the above reasons and taking into account all other matters raised I conclude that the appeal should succeed.

*AJ Steen*

INSPECTOR