
Appeal Decision

Site visit made on 24 July 2017

by David Reed BSc DipTP DMS MRTPI

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

Decision date: 8 August 2017

Appeal Ref: APP/P1425/W/17/3168724

Land adjacent to Hillhead, Firle Road, Seaford, East Sussex BN25 2JD

- 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 Gary Brown against the decision of Lewes District Council.
 - The application Ref LW/16/0965, dated 16 November 2016, was refused by notice dated 20 January 2017.
 - The development proposed is a dwelling.
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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 protected trees.

Reasons

Character and appearance

3. The proposal is for a large chalet style dwelling at the end of the existing row of houses on the north western side of Firle Road. The new property would be situated next to Hillhead, a substantial two storey house, within one end of a woodland strip which wraps around behind the houses at the eastern end of Duchess Drive. The site plan shows the location of the proposed house and access point but other aspects of the proposal such as any surrounding garden and the parking/turning area in front of the house are not clearly shown.
4. It would seem that the woodland amenity strip was established as a result of a legal agreement between the developer of Duchess Drive and the Council in 1989. The strip was planted with trees with the apparent intention of establishing a long term landscape feature to mark the edge of the built up area and to separate the cul-de-sac of houses from the rural area to the north east. However, the agreement is not stated to be a planning obligation and its terms do not now appear to be enforceable.
5. The woodland strip is currently unmanaged and consists mainly of Sycamore up to 10-14 m high together with some Hawthorn, Blackthorn and other species. Many of the trees within the appeal site are low quality being multi-stemmed, ivy clad or suppressed. The understorey comprises seedling Sycamore, Buddleia, Ground Elder, Bramble and Nettles with some fly tipping in evidence. The woodland is protected by a Tree Preservation Order.

6. Whilst not prime woodland and in need of active management, the amenity strip forms an important landscape feature in the area and is highly visible from Firle Road, the adjacent public bridleway and the countryside to the north east. It also forms an attractive backdrop to the detached houses at the end of Duchess Drive, where it forms an enclosing feature on the rising land behind.
7. According to the arboricultural report submitted with the application the construction of the dwelling would require the removal of six individual trees and two groups of small trees. Using the BS5837:2012 categories these are either grade C – unremarkable trees of low quality – or U - poor quality trees that cannot realistically be retained. No category A or B trees would be lost. The tree protection plan indicates that protective fencing would be erected closely around the dwelling footprint to protect the other trees on the site.
8. However, the site plan does not include an accurate layout showing proposed parking/turning areas nor details of likely clearance around the house to avoid nuisance such as overshadowing and falling debris, or indeed a useable area of external amenity space. It does not therefore fully illustrate the likely impact of the proposal on the woodland and consequently the arboricultural report probably understates the tree losses that would actually be involved. Whilst the individual trees to be lost may be of low quality they contribute collectively to the overall value of the woodland.
9. In addition, the introduction of a dwelling within the woodland is likely to result in future pressure for further works to cut back or remove trees to reduce real or perceived nuisance from overshadowing, leaf fall etc. Whilst the appellant may plan to live with trees in close proximity, in the medium term applications for further works are likely and notwithstanding the controls available under the Tree Preservation Order the interests of the occupiers are likely to prevail.
10. In any event, the proposal would result in the introduction of a significant built development into one end of the woodland strip. In addition to the large chalet style dwelling the scheme would involve a new access onto Firle Road, an area of hardstanding for parking/turning in front of the property and in all likelihood the creation of an open garden around and/or behind the house. The overall result would be a fundamental change in the character of the site from an area of woodland, albeit unkempt, to a clearly residential property with parked cars and domestic paraphernalia such as refuse bins and garden furniture.
11. Although adjacent to an existing large house and only involving a proportion of the overall woodland strip this would, contrary to the views of the appellant, represent a substantial encroachment into one end of the treebelt. The new dwelling would be easily seen from Firle Road at the front and the view of the woodland from Duchess Drive to the rear would also be adversely affected due to the loss of tree cover. The integrity of the woodland strip as a whole would be compromised and its important contribution as a landscape feature in the area correspondingly reduced.
12. For these reasons the proposal would cause significant harm to the character and appearance of the area in conflict with Policy CP11 of the Lewes Joint Core Strategy 2016 and Policies ST3 and H12 of the Lewes District Local Plan 2003. These aim to conserve and enhance the high quality and character of the district's towns, preclude the loss of trees or other landscape features which make an important contribution to the character of the area and seek to retain the existing character of defined Areas of Established Character.

Conclusion

13. The proposal would provide an additional family size dwelling with important social and economic benefits for the area. Being located within the defined planning boundary for Seaford the site can be regarded as a sustainable location notwithstanding the distance from the town centre. The proposal would provide an attractive and convenient housing solution for the appellant and would also facilitate improved management of the remaining woodland strip. The Town Council do not object to the scheme and are apparently pursuing development on some other amenity spaces in the town. However, despite these points, the proposal would not satisfy the environmental role of sustainable development due to the conflict with the character and appearance of the area and consequently should not go ahead..
14. Having regard to the above the appeal should be dismissed.

David Reed

INSPECTOR