
Appeal Decision

Site visit made on 16 October 2017

by Nicola Davies BA DipTP MRTPI

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

Decision date: 2 November 2017

Appeal Ref: APP/C1435/W/17/3180063
40 Framfield Road, Uckfield TN22 5AH

- 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 Robert Raymond of RR Development Finance Ltd against the decision of Wealden District Council.
 - The application Ref WD/2017/0671/F, dated 22 March 2017, was refused by notice dated 7 June 2017.
 - The development proposed is the demolition of existing commercial building and erection of 3no terraced dwellings and parking spaces.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues raised in respect of the proposed development are the effect on: -
 - (a) The character and appearance of the area; and
 - (b) The living conditions of existing adjoining occupiers.

Reasons

The character and appearance of the area

1. Policy EN27 of the Wealden Local Plan requires development to be of an appropriate scale, form, site coverage, density and design to respect the character of adjoining development, and where appropriate, promote local distinctiveness.
2. I observed that existing residential development to the west of the appeal site mainly comprises large semi-detached two storey dwellings with regularity to the separation between them. To the east the development is more mixed comprising semi-detached dwellings, terraces and single storey buildings with varying separation between buildings. There are also some commercial properties with residential accommodation above.
3. The appellant has submitted photographs providing examples of ground floor bays and canopy roof projections in the locality. Whilst I accept there are such design features in this area, none of the examples put forward appear to be fully reflective of the design proposed here.

4. The ground floor bay projection proposed to the front would extend across all three units under a pitched roof with hipped ends. The roof canopy would run uninterrupted the full width of the frontage. The refuse storage cupboards interspersed between entrances and windows would be flush with the front of the window bays. The design of the ground floor front projection would create horizontal emphasise to the frontage of the proposed development. In addition, the ground and first floor windows would not align. I do not consider the frontage design would be of sufficiently high quality appearance to positively contribute to the visual character and appearance of the area, even if vernacular materials are used. In addition, I observed that the frontage widths of the dwellings in the area are generally wider than those proposed here.
5. Further to the above, the proposed dwellings would be very deep. Although the depth of the development would be less than that of the existing extensions to the rear of the existing dwelling, it would be taller and have a greater width. I do not consider the proposed development would be of an appropriate scale and site coverage to reflect the character of development in the area. The proposed development would therefore be out of keeping with the general grain of development in the locality.
6. The Council is also concerned that the design, comprising lightwells to provide daylight to middle bedrooms and the large number of rooflights that would provide natural light to landings and bedrooms, would be a contrived and cramped form of development. I share this concern. I have not been directed to any other examples of this type of development locally and therefore consider that this form of development would not reflect the pattern or arrangement of development in the area.
7. Taking these matters together, I cannot conclude that the proposed development would satisfactorily assimilate with the pattern and appearance of development in the area.
8. The proposed development would increase the width of the frontage at its western end by extending up to the boundary of the site. As noted above the separation between buildings to the west of the appeal site has a general consistency to its spacing but this is not the case to the east. Although the proposal would reduce the frontage gap between it and No 38 Framfield Road, I do not consider this would appear out of place within the context of this streetscene. In reaching this view I have had regard to a recent planning permission at 57 Framfield Road (Planning ref: WD/2016/1047/F) highlighted by the appellant.
9. For those reasons set out further above, I conclude that the proposed development would be harmful to the character and appearance of the area. The proposed development would be contrary to Policy SPO13 of the Wealden Core Strategy and Policies GD1 and EN27 of the Wealden Local Plan. These policies seek proposals to be of a high quality design and promote local distinctiveness, amongst other matters.

The living conditions of existing adjoining occupiers

10. There is an existing residential unit above the takeaway at 42 Framfield Road (No 42) that is positioned in close proximity to the appeal site. That residential unit hosts four windows within the side elevation and a further window within the side elevation of the rear extension.

11. In the main those windows presently have outlook over the existing flat roofs providing views of the sky, although the flank window towards the front has outlook onto the gable of the existing building at the appeal site. Whilst the two second floor windows would maintain outlook over the roof of the proposed development, the first floor windows would have their outlook directed toward the side elevation of the proposed development which would be significantly higher than that of the existing rear extensions.
12. The proposed development by reason of its increased height and close proximity would therefore be significantly more dominant in the outlook from habitable rooms than that of the existing development. This would be the case despite the overall length of development at the rear of the appeal site being reduced. Those habitable living spaces within the flat at No 42 are places in which the occupiers are likely to spend a reasonable amount of their time. I therefore find that the proposal would have an increased harmful dominating and enclosing impact upon the living environment of the adjoining occupiers at No 42 and would diminish the residential enjoyment of their home. This harm would not be negated by the presence of other windows that provide alternative outlook from those habitable rooms.
13. For these reasons, I conclude that the proposed development would be harmful to the living conditions of existing adjoining occupiers. The proposed development would be contrary to Policy SPO13 of the Wealden Core Strategy and Policies GD1 and EN27 of the Wealden Local Plan. These policies require proposed development not to create an unacceptable adverse impact on the privacy and amenities of adjoining developments and the neighbourhood by reason of scale and height, amongst other matters.

Other Matters

14. The Council confirms that it does not have a 5-year supply of housing in place. The Council's policies that relate to the supply of housing are therefore out-of-date. Paragraph 14 of the National Planning Policy Framework (the Framework) is therefore engaged, which states that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Furthermore, I am mindful that the Framework and Policy WCS14 of the Wealden Core Strategy require decisions to be made with regard to the presumption in favour of sustainable development.
15. The new dwellings would support the social and economic dimensions of sustainable development, as set out in paragraph 7 of the Framework and construction costs would contribute to the local economy and provide employment during construction. The proposal would make beneficial use of a disused previously developed site and provide lower cost family homes within Uckfield. The appeal site would be in a sustainable location close to services and facilities. It would see the removal of an existing non-conforming land use and building in poor repair. The proposal could bring about a reduction in carbon emissions to that of sustained commercial use at the site. The proposal would contribute toward the District's targets for housing delivery and 5-year land supply in a location where there is policy support for additional houses but which is constrained by the Habitat Regulations that impact the Wealden area. However, given that the proposal is only for three dwellings, I attach moderate weight to these social and economic benefits.

16. I note the adjoining occupiers and other residents have not objected to the proposed development and that Uckfield Town Council supports the proposal. No concerns to the proposal are raised by the Council's Waste Management or Highway departments. The owner of No 38 Framfield Road has agreed the sale of land in his/her ownership and the boundary/flank wall design. I note that the internal living space within the proposed dwellings would be greater than that of other terraced properties along Framfield Road and that the proposal would incorporate south facing living rooms. However, these are largely matters of neutral weight.
17. Notwithstanding these matters, the proposed development would cause substantial harm to the character and appearance of the area and to the living conditions of the existing occupiers of No 42 Framfield Road. This places the proposed development in conflict with the environmental dimension of sustainability, as set out in paragraph 7 of the Framework and this weighs very heavily against the scheme. When the Framework is considered as a whole, I find the scheme does not constitute sustainable development. This is because the positive housing supply and other benefits set out above are significantly and demonstrably outweighed by the identified environmental harm. Furthermore, I conclude that the scheme conflicts with the development plan as a whole.

Conclusion

18. Having regard to the above findings, the appeal should be dismissed.

Nicola Davies

INSPECTOR