

Appeal Decision

Hearing held on 22 January 2019

Site visit made on 22 January 2019

by Tom Gilbert-Wooldridge BA (Hons) MTP MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 12 February 2019

Appeal Ref: APP/C1435/W/18/3206889

Harecombe Manor Nursing Home, South View Road, Crowborough TN6 1HG

- 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 David Smith of Icon Design and Build Limited against the decision of Wealden District Council.
 - The application Ref WD/2017/0909/MAJ, dated 13 April 2017, was refused by notice dated 9 April 2018.
 - The development proposed is an extra care (Class C2) development comprising 40 individual apartments and associated communal and staff areas.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The original application form referred to the provision of 45 units. However, amended plans were submitted during the application process to lower the number of units to 40 through a reduction in the footprint and height of the development. These amended plans were consulted on and formed the basis of the Council's decision and so I have taken them into account.
3. The application was refused for three reasons. The second reason related to insufficient on-site car parking while the third reason related to insufficient drainage details. The appellant submitted updated transport and drainage reports with the appeal that sought to address these two reasons. These reports necessitated minor changes to some of the plans in terms of additional parking spaces and new drainage layout and section drawings.
4. These reports and amended plans were also submitted as a part of a second planning application (ref WD/2018/1585/MAJ) for a similar development on site. Therefore, I consider that there has been sufficient public consultation on these additional documents. In addition, the second planning application was refused in November 2018 without the second and third reasons for refusal as the Council was satisfied with the details. In its appeal statement, the Council indicated that it did not wish to contest the second and third reasons for refusal. Therefore, I have focused on the first reason for my main issues.

Main Issues

5. The main issues are:

- (a) The effect of the proposed development on the character and appearance of the area with specific regard to:
 - (i) The historic significance of Harecombe Manor; and
 - (ii) The design of the replacement building;
- (b) The effect of the proposed development on the living conditions of occupiers of neighbouring properties; and
- (c) The overall heritage and planning balance in light of the above considerations.

Reasons

Character and Appearance - Significance

- 6. Harecombe Manor was constructed around 1903 as a country house for the banker John Kirkwood. It is a large two-storey building with floorspace in the roof. It is sited on a ridge on the south side of South View Road with extensive grounds at the rear which drop down to suburban development on Southridge Rise. The house was used as an auxiliary hospital during the First World War and later in the 20th century became a nursing home. The nursing home closed in early 2016 and the building is largely vacant and unused.
- 7. At the hearing, Harecombe Manor was described as following an Arts and Crafts style that was popular in the decades around the turn of the 20th century. The building reflects local vernacular architecture based on examples in the Wealden Design Guide (WDG), with asymmetrical elevations and multiple gables and chimneys. External materials include stone facing on the ground floor with render and applied timber framing on the upper floors or clay tile hanging. Windows on the front elevation are largely timber casements while at the rear they are mostly uPVC. An octagonal stair-tower with conical roof is a particularly notable feature on the front elevation. A long modern two-storey extension projects along the site's north-western boundary.
- 8. Internally, the building contains a number of small rooms in both the historic and modern parts that were used as bedrooms and communal living space for the nursing home. From my site visit and photographic evidence, many of the rooms and spaces are plain with an institutionalised appearance. However, there are a number of historic features inserted in the early 20th century. This includes timber panelling in the entrance porch, hallway and ground floor communal rooms, a timber staircase with three wise monkeys carved into the newel posts, timber framing on some ceilings and walls, and stone/brick fireplaces. Such features are compatible with the overall architectural style and provide an insight into domestic interiors of the time.
- 9. The National Planning Policy Framework (NPPF) defines significance as the value of a heritage asset to this and future generations because of its heritage interest, which might be archaeological, architectural, artistic or historic. Significance derives not only from an asset's physical presence but also from its setting. The Planning Practice Guidance (PPG) advocates the identification of non-designated heritage assets which have a degree of significance meriting

consideration in planning decisions. NPPF paragraph 197 states that in weighing applications that affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

10. It was common ground at the hearing that Harecombe Manor is a non-designated heritage asset, notwithstanding the lack of a local list or criteria to identify such assets within the district, and the relatively late identification of the asset at the application stage. The building was turned down for listing by Historic England in March 2018 based on the lack of innovative and consistent quality design and the alterations that have taken place. At the same time, Historic England noted that the building makes a contribution to the local character and history of this part of Crowborough.
11. While not particularly remarkable in terms of its architectural quality and materials, Harecombe Manor nevertheless is an attractive and imposing building when seen from the front or rear, and contains a number of features of interest both externally and internally as noted above. The front boundary wall does not completely obscure the building from view along South View Road, particularly the upper floors and roof. Properties either side of the building on this side of the road are of a similar age and architectural style presenting a consistent and pleasant street scene as far as Harlequin Lane. The large and tiered grounds at the rear provide a grand and verdant setting to the building and contribute positively to its significance. In terms of historic interest, Harecombe Manor reveals the approach to country houses around the turn of the 20th century.
12. Therefore, I attach reasonable weight to the significance of Harecombe Manor as a non-designated heritage asset. It makes a positive contribution to the character and appearance of the area. While it may not be the only Art and Crafts inspired building along South View Road, this strengthens rather than diminishes its contribution as it is a particularly large and striking property within this overall group.
13. The proposed development would result in the demolition of Harecombe Manor and the erosion of a significant part of the grounds which form part of the building's setting. As a consequence, the development would result in the total loss of significance of a non-designated heritage asset which would cause harm to the character and appearance of the area. In line with NPPF paragraph 197, this loss and harm needs to be balanced against other factors, including the design of the replacement building.

Character and Appearance - Design

14. South View Road is largely residential, although Crowborough Hospital lies opposite the appeal site. Aside from the group of historic properties either side of Harecombe Manor, properties along the road vary in age and architectural styles. However, most buildings are no more than two storeys with pitched roofs. The entrance building to the hospital immediately opposite has a flat roof, but most of the remaining hospital buildings utilise pitched roofs.
15. The proposed building would occupy no more than a third of the overall site area. It would be set further back from South View Road than the existing building with a series of blocks stepping down the slope. The illustrative street scene drawing submitted at the hearing indicates that despite being 3 storeys

along the front elevation, the set back and staggered roof heights would make the building little taller than its neighbours. The development has been reduced in footprint and height following amended plans, avoiding direct impacts on many trees and shrubs.

16. However, the use of a flat roof design would be at odds with the prevailing character and appearance of the area. Even with a mixture of materials and a varied building line and height, the design would be in stark contrast with many of the surrounding buildings. The current attractive grouping of pitched roof properties along this side of South View Road would be eroded. The flat roof on the hospital entrance opposite is only a small part of a larger complex and so does not justify the design approach. The width and depth of the building would be much greater than the existing building, taking up more space. Although no more than 3 or 4 storeys externally, the tiered effect of different blocks would result in a large and dominant development across the site.
17. From Southridge Rise to the rear of the appeal site as one travels down from Whitehill Road, it is possible to see glimpses of the roof and chimneys at Harecombe Manor set between buildings of similar design. Interested parties have provided artistic impressions of the proposed development seen from this location. It is not possible to verify the accuracy of these images. However, given the visibility of the existing building, it is likely that it will be possible to see the various blocks of development. As with views from South View Road, the design would contrast markedly with the surrounding buildings.
18. As a consequence, the design of the replacement building would have a negative effect on the character and appearance of the area. Therefore, the proposed development would conflict with Policy EN27 of the Wealden Local Plan 1998 (LP) which requires the scale, form, site coverage, density and design of the development and the use of materials and landscaping to respect the character of adjoining development and, where appropriate, promote local distinctiveness. There would also be conflict with Spatial Planning Objective (SPO) 13 of the Wealden Core Strategy 2013 (CS) which encourages the development of high quality, safe and attractive living environments for communities while promoting local distinctiveness through good design.
19. Moreover, the development would not achieve good design that responds to or improves local character as set out in NPPF paragraphs 124, 127 and 130. It would also not follow the advice in the WDG which seeks to maintain local distinctiveness with development that takes into account existing physical and visual features and provides appropriate architectural and landscaping details.

Living conditions

20. Due to the change in topography, properties on Southridge Rise to the rear of the appeal site are noticeably lower than the existing building at Harecombe Manor. I visited a number of these properties between 20 and 28 Southridge Rise at the end of my site visit. There is a dense screen of vegetation between the back gardens of these properties and the appeal site, with a number of attractive mature trees, a yew hedge, and bamboo, laurel, rowan, hazel and holly scrub. Even in midwinter, this limits views to and from the appeal site. Nevertheless, there are glimpses of Harecombe Manor from the back gardens and first floor rear bedroom windows due to gaps and the higher ground on which the building sits. Similar glimpses of the properties on Southridge Rise are possible from the rear terraces of Harecombe Manor.

21. The proposed development would be situated near to properties on Southridge Rise with a rearmost block of 3 storeys on levels 1-3 and a 3-4 storey side wing projecting southwards on levels 2-5. It is unlikely that anyone in the back garden or upstairs rooms of the properties would see the entire development through to the front as the height of the rearmost block and side wing would obscure views. However, there would be glimpses of 3-4 storey development on rising ground through existing gaps in vegetation.
22. Habitable rooms on the rear elevations of the rearmost block and side wing risks intervisibility between the development and adjoining properties. The roof terrace on level 5 of the side wing also risks intervisibility in the same direction, although the roof terrace on level 6 would be obscured by the rearmost block. There would be less intervisibility from external balconies as most of these features would be located towards the front of the development and so largely screened by the rearmost block. Based on the topography and existing vegetation gaps, the height, bulk and positioning of the development would have a negative effect on the living conditions of occupiers of properties on Southridge Rise in terms of outlook and privacy.
23. The appellant has indicated that vegetation screening would be retained and enhanced along the rear boundary of the appeal site. This would help to reduce negative effects on outlook and privacy, although would take time to establish, while the screening effect would vary depending on the season. The existing yew hedge provides a thick if somewhat overgrown screen and the appellant stated that this hedge could be retained and tidied up notwithstanding the landscaping plans. The retention and enhancement of planting would help to mitigate negative effects on living conditions while also sustaining wildlife.
24. However, while the rearmost block would be set sufficiently far back from the existing boundary trees, the south side wing would be close to the yew hedge as well as a large oak (T17) and cedar (T18) in the back garden of 24 Southridge Rise. The canopy of the oak in particular overhangs into the appeal site by a considerable distance and would be close to habitable rooms on the rear elevation of the side wing. There is a reasonable chance that pressure to reduce the oak tree and yew hedge would arise due to shadowing, damage and leaf litter effects. Four trees in a similar position on the northern side of the site are proposed for removal for similar reasons although they have less of a screening function. Works to the oak and the yew hedge would diminish the quality of the boundary vegetation and lessen the screening it provides. Therefore, it is not possible to conclude that the proposed development would be adequately screened to prevent negative effects on living conditions.
25. Concluding on this main issue, based on the likely pressure to reduce vegetation along parts of the site boundary, the proposed development would have a negative effect on the living conditions of occupiers of neighbouring properties. Therefore, it would conflict with LP Policies EN12 and EN27. Amongst other things, these policies seek to resist the loss of trees which make a valuable contribution to the character of a settlement and avoid unacceptable impacts on the privacy and amenities of adjoining development by reason of scale, height and form.

Planning and Heritage Balance

26. It is common ground between the main parties that the Council cannot currently demonstrate a 5 year housing land supply. The extent of supply

stands at around 2.6 years. The PPG states that accommodation for older people including Class C2 developments counts towards housing requirements. The NPPF in paragraph 11(d) and footnote 7 explains that for applications involving the provision of housing, policies which are most important for determining the application are out of date where a 5 year housing land supply cannot be demonstrated.

27. In such circumstances, planning permission should be granted unless one of two exceptions apply in NPPF paragraph 11(d)(i) or (ii). The exception in paragraph 11(d)(i) does not apply as there are no areas or assets of particular importance as specified in NPPF footnote 6. Harecombe Manor is not a designated heritage asset or a heritage asset of archaeological interest of equivalent significance to a scheduled monument. The exception in NPPF paragraph 11(d)(ii) states that the adverse impact of granting permission would significantly and demonstrably outweigh the benefits when assessed against NPPF policies taken as a whole. In terms of the heritage balance, NPPF paragraph 197 also applies.
28. Although LP Policies EN12 and EN27 and CS SPO13 are rendered out of date for the purposes of this appeal, this does not mean that they carry little or no weight. These policies focus on landscape and design matters and are broadly consistent with the NPPF. Therefore, I afford them significant weight.
29. The main parties agree that there is a need within Wealden for older persons' accommodation. The LP and CS are broadly silent on this issue and the emerging Local Plan has yet to be examined. The lawful use of Harecombe Manor is Class C2, albeit a nursing home with 51 bedspaces rather than an extra care facility for 40 flats. There would be benefits in the provision of an up-to-date facility that meets modern care standards compared to the existing building where current bedrooms are small and lack proper en-suite facilities. The existing building is largely redundant and vacant and suffering from some maintenance problems. NPPF paragraph 118 promotes the development of under-utilised land and buildings.
30. However, it has not been adequately demonstrated that the condition and layout of the existing building is so poor that it is beyond refurbishment and re-use. From photographic evidence and my site visit, it is conceivable that much of the internal space could be adapted to suit modern requirements, especially in the more institutionalised parts of the building. The appellant has indicated that only 34 bedrooms could be achieved based on current standards, but insufficient evidence has been provided that re-use of the existing building would be unviable. Again, the evidence is lacking in terms of there being no interest in or potential buyers for the existing site and building.
31. While the proposal would provide a different form of C2 use, there is an existing lawful C2 use. This moderates the overall benefit in terms of the provision of specialist housing accommodation. Given the lack of housing land supply, the development would free up some existing market housing, but this applies in a similar way with the existing lawful use. The site is relatively close to Crowborough town centre with bus services a short walking distance away. This might reduce the reliance on the private car, although would depend on the mobility of occupants.
32. The proposed development would generate economic and employment benefits through construction activities, staffing of the new facility, and investment into

local services once the building is occupied. Council Tax revenues would be generated by the proposed development which may not be the case with a nursing home. However, the construction activities would be short-term, while the staffing and local investment benefits would apply to the existing lawful use to a similar extent. For the above reasons, I do not consider that the cited benefits, either individually or cumulatively, carry more than moderate weight.

33. The development would avoid impacts on the High Weald Area of Outstanding Natural Beauty and the main parties consider that there would be no significant effect on the integrity of European-designated sites at Ashdown Forest in terms of traffic movements and air quality. The drainage details submitted with the appeal indicate that management of surface and foul water would greatly limit the risk of flooding. However, these are neutral matters rather than benefits.
34. The current redundant and deteriorating condition of Harecombe Manor does not affect my findings that it is a non-designated heritage asset of reasonable significance. Its loss would have a negative effect on the character and appearance of the area and the design of the replacement building is lacking. This is not to say that a contemporary design approach would be inappropriate or that any replacement building would need to be a pastiche of an Arts and Crafts style. However, the design would need to be of sufficient quality to justify the loss of Harecombe Manor and have a positive effect on the character and appearance of the area. It would also need to have an acceptable effect on the living conditions of adjoining occupiers given the concerns I have identified.
35. Taking these adverse impacts as a whole, and mindful of the conflict with LP Policies EN12 and EN27 and CS SPO13, I therefore consider that the adverse impacts of the proposed development carry significant weight. In terms of NPPF paragraph 197, the balance tips against the development, while in terms of NPPF paragraph 11(d)(ii), the adverse impacts would significantly and demonstrably outweigh the benefits. Thus, the presumption in favour of sustainable development would not apply and the conflict with the development plan would not be outweighed by any material considerations.

Other Matters

36. Interested parties have raised concerns with a number of other matters including parking and drainage. However, given my findings on the main issues, it has not been necessary to consider these matters in any detail.

Conclusion

37. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Tom Gilbert-Wooldridge

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Duncan Chadwick	David Lock Associates
Katrina Hordern	David Lock Associates
Matthew Morgan	The Environmental Dimension Partnership Ltd
Clive Mayhew	The Mayhew Consultancy Ltd
David Smith	Icon Design and Build Ltd
Matthew Adams	Icon Design and Build Ltd
Patrick Batehup	Icon Design and Build Ltd
Andrew Rimmington	Arc Engineers Ltd
Chet Khera	St Matthews Healthcare

FOR THE LOCAL PLANNING AUTHORITY

Stacey Robins	Wealden District Council
Kirstin Roberts	Wealden District Council

INTERESTED PARTIES WHO SPOKE AT THE HEARING

Cllr Jeannette Towey	Wealden District Council
Graham Clampin	Local resident
Catherine Rockliffe	Local resident
L W Bray	Local resident
Carl Wilford	Local resident
Georgina Wilford	Local resident
Mark Toulson	Local resident
Gohar Ritchie	Local resident

DOCUMENTS SUBMITTED AT THE HEARING:

1. Written representation from L W Bray dated 19 December 2018, submitted by L W Bray.
2. Section 5 of the Wealden Design Guide Supplementary Planning Document, submitted by the local planning authority.

3. Additional visual material showing size reduction, site section, existing floor plans, existing building condition, comparable local development, and local vernacular, submitted by the appellant.
4. Additional visual material showing artist's impressions and images from Southridge Rise, submitted by Catherine Rockliffe.