



Appeal Decision

Site visit made on 5 June 2019

by A Thompson BSc BTP MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 12th July 2019

Appeal Ref: APP/D3830/D/19/3226066

69 West Street, Burgess Hill, RH15 8NY

- 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 Phillip Twitchen against the decision of Mid Sussex District Council.
 - The application Ref DM/18/4221, dated 17 October 2018, was refused by notice dated 18 January 2019.
 - The development proposed is demolition of existing garage block and construct new garage block with loft store over.
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Decision

1. The appeal is dismissed.

Main Issues

2. There are two main issues. The effect of the development on: (a) the character and appearance of 69 West Street (the host building) and the surrounding area; and (b) the living conditions for the occupiers of No.67 West Street, with particular reference to outlook and privacy.

Reasons

Character and Appearance

3. Whilst the existing garage has a relatively large footprint and it needs repair, its single storey low profile height with shallow mono pitch roofs means that it has a subordinate scale in relation to the host property and a limited visual presence in the wider area.
4. In stark contrast, even though the width of the new garage would be unchanged, it would be nearly twice as high and, in part, considerably deeper, thus having a much greater bulk. Its overall scale would be significantly at odds with the predominantly much smaller size of the other garden buildings. Akin to the size of a small house, its excessive mass would make it unduly prominent and it would look out of place with the ancillary buildings of its rear garden setting and in relation to the host building.
5. I appreciate there is a bungalow at the rear of 51 and 53 West Street. However, it is several gardens away from the appeal site and it has a low-pitched roof. It does not therefore define the character and appearance of the area and thus justify the proposed garage. The new garages at The Jays are in

a cul-de-sac of relatively modern development where the layout of development is different. As such, it is not comparable with the appeal scheme. Therefore, I accord it little weight.

6. In view of the above, the proposed development would harm the character and appearance of the host building and the surrounding area. Consequently, it does not accord with Policy DP26 of the Mid Sussex District Plan 2014-2031 (2018) (the District Plan) which, amongst other things, seeks to ensure that new development is well designed and reflects the distinctive character of its locality.

Living Conditions

7. Notwithstanding the existing landscaping, given the closeness of the proposed building to the two gardens areas to No. 67 and its near doubling in height, in my view, it would have an unacceptable overbearing effect on the outlook from next door.
8. The proposed development would also extend much further to the rear than the existing garage and store room. It would be in close proximity to No.67's main area of garden, which like the rest of the garden is only a few metres wide. The increased depth of the building and its greater height would create a sense of overbearing enclosure that would materially diminish the enjoyment of the rear garden for occupiers of the property.
9. Moreover, there would be clear views down into the rear garden to No. 67 from the proposed external staircase and rooflight that would adversely affect the privacy of this area. I accept that planning conditions could be imposed which might address the issue of overlooking/privacy, however, this would not fully overcome my concern about the impact of the development on this area of garden.
10. I find that the development would significantly harm the living conditions for the occupants of No.67, in particular, their outlook from the rear of the property and their two areas of garden. The development would therefore not accord with Policy DP26 of the District Plan, which amongst other things, seeks to ensure that new development does not cause significant harm to the amenities of nearby residents.

Other Matters

11. I acknowledge that the proposed development would improve the quality, security and convenience of the accommodation available for the appellant to continue to undertake his long term hobby of classic car restoration. The replacement building would also be less unsightly than the current one and be built using better materials. Whilst these factors add support in favour of the proposals, they do not outweigh the harm that I have identified.

Conclusion

12. For the reasons given above and having regard to all other matters raised, I dismiss this appeal.

Anthony Thompson

INSPECTOR