The Planning Inspectorate

Appeal Decision

Site visit made on 23 July 2019

by David Cliff BA Hons MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th August 2019

Appeal Ref: APP/C1435/W/19/3228758
1 Park Croft, Polegate BN26 5JT

- 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 Ms A Mitchell against the decision of Wealden District Council.
- The application Ref WD/2018/2605/F, dated 4 December 2018, was refused by notice dated 1 March 2019.
- The development is 'proposed new dwelling on land within curtilage of 1 Park Croft, Polegate'.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of area.

Reasons

3. The proposed dwellinghouse would be attached to an existing pair of semi-detached properties. Located on a prominent corner plot near to the vehicular access from Eastbourne Road, the existing space between the flank wall of 1 Park Croft and the road/footpath positively contributes to the overall character and appearance of the area.

4. Although the proposed dwellinghouse would be set back from the front elevation of 1 Park Croft, it would be located only a limited distance from the side boundary. Furthermore, the proposed set back of several metres would be out of keeping with the prevailing alignment of other residential properties in the vicinity of the site.

5. The development would utilise matching materials and the appellant has sought to mirror the design of other existing properties in the locality. However, located on this prominent corner plot at an elevated level from the adjacent road, the proposed development would result in considerable additional massing of built development at an elevated level. Taking account of prominent corner plot and the limited distance from the flank wall of the proposed dwelling to its side boundary, it would appear as being unacceptably cramped and visually intrusive within this part of the streetscene.

6. The elevated site and particular prominence of the appeal site would result in the proposed development having a greater impact on the streetscene that the residential development on the opposite side of Park Croft to the northwest of the appeal site.

7. Whilst the existing gap between 1 Park Croft and 2 The Thatchings would be largely retained, the effect on the openness between the side elevation of 1 Park Croft and the road/footpath would be harmful to the appearance of the area. I also note that the views of Polegate Windmill and the South Downs would not be adversely affected by the proposal. However, this does not override the overall harm that I have found to result from the proposal.

8. The proposed development would result in significant harm to the character and appearance of the area. It would be contrary to the design aims of saved policies EN18 and EN27 of the Wealden Local Plan 1998, policy BED1 of the emerging Wealden Local Plan January 2019 and the National Planning Policy Framework ('the Framework').

9. The Wealden Local Plan January 2019 is not currently adopted but I have not been made aware of any unresolved objections to policy BED1. Given the general conformity of this policy with the Framework, I have attached moderate weight to the conflict with it.

Other matters

10. The compliance with several other development plan policies and the accessible location of the development in respect of local shops, services and public transport are neutral matters which do not outweigh the harm I have found to result.

11. The Council's officer report states that the proposal in combination with other plans and projects would be likely to result in a significant effect upon the Ashdown Forest Special Area of Conservation (SAC) and also potentially the Lewes Downs SAC. The Council says that such effects would harm the conservation objectives of the two European sites in relation to increased nitrogen deposits. The Council goes on to note the lack of any mitigation from the appellant regarding such impacts. However, given my conclusion on the main issue, it is not necessary to consider this matter in respect of the Habitats Regulations 2017 in any further detail. It would not alter my overall conclusions in the determination of this appeal and so I have not sought any further information on this issue from the parties in this instance.

12. The Council also states that it is not currently able to demonstrate a five-year supply of housing land. Its Monitoring Report of December 2018 cites a 2.62 year housing land supply representing a substantial shortfall. However, even if the appellant was in a position to satisfactorily mitigate any potential effect(s) in relation to the Habitats Regulations, I consider that the adverse impacts upon the character and appearance of the area would significantly and demonstrably outweigh the benefits arising, including the minimal contribution of one new dwelling to the supply of housing and the modest contribution that would result in promoting strong, vibrant and healthy communities. It would therefore be contrary to policy WSC14 of the Wealden Core Strategy Local Plan 2013 which reflects the Framework's presumption in favour of sustainable development.

Conclusion

13. The development would be contrary to the development plan and material considerations do not indicate that the proposal should be determined otherwise than in accordance with the development plan.

14. Having had regard to all other matters raised, I conclude that the appeal should be dismissed.

David Cliff

INSPECTOR