



Appeal Decision

Site visit made on 30 July 2019

by C Osgathorp BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 August 2019

Appeal Ref: APP/C1435/D/19/3229081

Applecroft, Stone Quarry Road, Chelwood Gate RH17 7LS

- 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 Mrs Claire Eversden against the decision of Wealden District Council.
 - The application Ref WD/2019/0046/FR, dated 7 January 2019, was refused by notice dated 10 May 2019.
 - The development proposed is conversion and extension of pre-existing area of hard standing into a driveway with a turning area and new vehicular crossover onto Stone Quarry Road, to become the sole vehicular access for the property.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. During my site visit I observed that the new driveway (including steps to the rear) has been constructed. The railings shown on the plans had not been installed. I cannot be certain that what I have seen on site is exactly the same as that shown on the plans before me. As I cannot be certain that the driveway has been constructed in accordance with the plans, I have considered the proposal as presented upon the plans that are the subject of the appeal and not in regard to what has actually been built. The proposed vehicular crossover had not been installed at the time of my site visit and so I shall consider the proposal based on the plans.

Main Issues

3. The main issues are:
 - The effect of the proposed development on highway safety; and,
 - The effect of the proposed development on the character and appearance of the street scene.

Reasons

Highway safety

4. Stone Quarry Road is a Class C classified road with a speed limit of 30mph. Most of the residential properties in the area have a vehicular access from the road and there is no pavement in the vicinity of the appeal property.

5. The Council is concerned that the proposed access would result in the provision of an additional vehicular access to the property as the existing access cannot be adequately closed off being a shared access. I have also had regard to the objection response from the Highway Authority. However, any increase in vehicle movements from the property as a result of the proposed development would be negligible and so there would not be significant additional slowing, stopping, turning and reversing of traffic. In particular, the driveway would provide turning space for vehicles, which is not provided by the existing access. The number of vehicular movements to the garage and the driveway to the front of it is likely to be minimal due to the parking spaces and turning that would be provided by the new driveway.
6. The Council is also concerned that the proposed vehicular access would have substandard visibility. The section of the road where the appeal site is located is fairly straight and there is good forward visibility. At my site visit, I observed that there are hedges to each side of the proposed vehicular access. The appellant has stated that the hedges are within her ownership. I am satisfied that the provision of appropriate visibility splays to each side of the proposed access could be secured by a condition. For these reasons, I conclude that the proposed vehicular access would not be harmful to highway safety. The proposal therefore complies with saved Policy TR3 of the Wealden Local Plan 1998, which, amongst other things, seeks to ensure that a satisfactory means of access is provided and proposed development does not create unacceptable traffic conditions.

Character and appearance

7. The ground floor level of the dwelling is set down from the level of the highway and the front garden slopes down from the highway to the dwelling. I observed driveways at other properties in the street scene, which generally respect the natural gradient of the land.
8. The proposed driveway would have a jarring and awkward relationship with the dwelling when viewed from the street due to the marked difference in levels and its short separation distance to the dwelling. The driveway would partially obscure views from the street of the ground floor of the dwelling and it would appear prominent in relation to the dwelling. This uncomfortable visual relationship would be exacerbated by the parking of vehicles on the driveway, which would be parked in close proximity to the dwelling at a noticeably higher level. The proposed development would therefore be harmful to the character and appearance of the street scene, contrary to saved Policy EN27 of the Wealden Local Plan 1998, which states, amongst other things, that the design of the development should respect the character of adjoining development.

Other matters

9. The appeal site is within the High Weald Area of Outstanding Natural Beauty (AONB). I have had regard to the statutory purposes of the AONB designation and paragraph 172 of the National Planning Policy Framework to give great weight to the conservation and enhancement of the landscape and scenic beauty of the AONB. Whilst I have found that the appeal scheme would be harmful to the character and appearance of the street scene, the appeal site is fairly contained from the wider landscape and so the proposed development would conserve the natural beauty and character of the landscape. The proposed development therefore complies with saved Policy EN6 of the

Wealden Local Plan 1998, which seeks to conserve or enhance the natural beauty and character of the landscape of the High Weald AONB.

10. The Council has cited Policy WCS12 (Biodiversity) of the Wealden Core Strategy Local Plan 2013 (CS) in the reason for refusal, which, amongst other things, seeks to avoid the adverse effect on the integrity of the Ashdown Forest Special Protection Area and Special Area of Conservation. The officer report states that *"the development will not result in an increase for the potential of disturbance to the Dartford Warbler and Nightjar by humans and recreational activities such as dog walking. Therefore it is concluded that the proposal will not have a likely significant effect on the Ashdown Forest SPA either alone or in combination"*. I have no evidence to the contrary and I see no reason to disagree. In any case, I find the appeal scheme unacceptable for other reasons. As such, I find that Policy WCS12 of the CS is not relevant to the Council's objections. Furthermore, Policy WCS14 of the CS sets out the Council's approach to decision making and so it is not relevant to the Council's objections.
11. The Council has referred to Policies INF4 (site access), EA5 (High Weald AONB), and BED1 (Design) of the emerging Wealden Local Plan 2019 in the reason for refusal. These policies have not been adopted and so they do not have the same statutory force accorded to adopted policies under s38(6) of the Planning and Compulsory Purchase Act 2004. In respect of the matters that are relevant to the appeal, the emerging policies do not significantly change the approach from those in the adopted plan and so they do not have any significant bearing on my decision.
12. I have had regard to the representation of support from the Parish Council, however no considerations have been raised that would alter my decision. I have had regard to the concerns raised by an interested party, which, in addition to the above matters, relate to overlooking, lighting of the area, noise and disturbance. However, as I find the proposed development unacceptable for other reasons, these considerations would not alter my decision.

Conclusion

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

C Osgathorp

INSPECTOR