



Appeal Decision

Site visit made on 27 August 2019

by Tim Crouch DipUD MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 September 2019

Appeal Ref: APP/C1435/W/19/3230340

143 & 145 London Road, Halsham BN27 3AN

- 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 & Mrs Wright against the decision of Wealden District Council.
 - The application Ref WD/2018/2473/F, dated 14 November 2018, was refused by notice dated 1 February 2019.
 - The development proposed is construction of a new 3 bedroom detached dwelling with attached single garage including associated off road parking in rear gardens.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on;
 - The living conditions of neighbouring occupiers;
 - The character and appearance of the area; and,
 - The safety of highway users.

Reasons

Character and appearance

3. The proposal lies in the rear gardens of properties fronting London Road, but would front to the west, accessed from Moray Walk. Whilst orientated differently, this would follow the now established urban grain of buildings between frontage dwellings to the east and west, and reflect the current building line of 137a and 137b and the similarly positioned buildings further to the south.
4. Therefore whilst 'backland' development to the host properties, given the surrounding development, access orientation, and as a result of buildings to the south establishing a linear built form in this area, I do not consider the proposal to be the form of 'unacceptable' backland development as resisted by saved Policy EN27 of the Wealden Local Plan (1998) (LP). The positioning in from the northern boundary, with careful design, height and layout proposed, and with sufficient garden, this would not appear cramped in the streetscene.
5. However, Moray Walk, which the proposal would front and be accessed from, has a linear built form of attached buildings creating a strong built form frontage north and south of the street. The mature hedging of the appeal site

creates a soft, green backdrop to this built form as you enter and look down the cul-de-sac. This combines with the long, open front gardens to the south side of Moray Walk to create a verdant character and break up the built form of the rear of properties accessed from London Road. This verdant backdrop also contrasts positively with the strong built form of Moray Walk, and the more urban garage court to the north of the appeal site.

6. The proposal would remove much of this backdrop, and increase the built form within the streetscene. This would be to the detriment of the strong verdant character of the area, despite the considered materials for the new building. I note that the supporting documents to the proposal note that trees and hedges will be kept and enhanced wherever possible, that the other boundaries will retain much of their planting, but this is a key boundary within the streetscene. I have had regard to the appellant's suggestion of having landscaping details to be subject to a condition, however the proposal would not provide sufficient space for replacement planting to establish.
7. Therefore, whilst I have found that the proposal would not represent unacceptable backland development or result in a cramped appearance, I have found that it would have a harmful effect on the character and appearance of the area through the loss of positive landscape features that contribute to the strong verdant character of the area. Consequently, the proposal is contrary to Core Objective SPO13 of Wealden Core Strategy Local Plan (2013) (CS), saved Policy EN1 of the LP, chapter 12 of the National Planning Policy Framework (2019) (the Framework) and guidance within the Wealden Design Guide Supplementary Planning Document (2008) (SPD). Cumulatively these require development to be of a high quality with attractive living environments, while promoting local distinctiveness through good design in all new development and consideration of layout and design of development.
8. The proposal would also be contrary to saved Policy EN27 of the LP insofar as its requirements for development to respect the character of adjoining development in terms of site coverage and use of landscaping to promote local distinctiveness. It also requires landscaping to be of a high standard.

Neighbouring occupiers

9. The proposal is for a two storey dwelling positioned in the rear gardens of Nos 143 and 145 London Road. The positioning would be alongside No 137a London Road which fronts to the east, with the front of the proposal orientated onto the side elevation of the property fronting Moray Walk, No 56.
10. The proposal would be positioned close to the boundary with No 137a, on its northern side. This would reduce the light to the side windows, which whilst smaller and some obscure, would have a detrimental impact on the living conditions of occupiers. It would also screen a significant proportion of this side access and setting which I saw on my site visit currently has an open and spacious outlook over the boundary.
11. The main element of the proposed building would extend beyond the rear elevation of No 137a. It would then further project beyond the property at two storey, although with a ridge line set down. This, whilst set away from the boundary and 'pulled down' partially containing the first floor within the roof line, would form a sense of enclosure on the rear garden of No 137a. This would restrict its outlook and remove the existing sense of openness to either

side, despite the hipped design. Given the existing two storey gable end of No 56 to the rear of the outdoor space of No 137a, the introduction of two storey built form in such proximity would be significantly detrimental to the living conditions of occupiers of this building, and exacerbated by the blank, featureless design.

12. Whilst containing a fully imperforate design on the southern elevation, the western elevation of the main building does contain a large window. This would be orientated down the garden of 137a from an elevated height and, although serving the stairs, would increase the perception of overlooking, adding to the overall harm.
13. Therefore, the proposal would harm the living conditions of occupiers of No 137a London Road. Consequently, it would be contrary to Core Objective SPO13 and Policy WCS14 of the CS, saved Policy EN27 of the LP, chapter 12 of the Framework and guidance within the SPD. Cumulatively, and amongst other objectives, these require development to be high quality, attractive living environments, improving environmental conditions of an area and should not create an unacceptable adverse impact on the privacy and amenities of adjoining neighbours.
14. Emerging Policy BED1 of the submission Wealden Local Plan (2019) requires development to avoid unacceptable harm to the amenity of occupiers of nearby property. However, this is an emerging policy yet to be fully examined, and whilst aligned with the Framework, I give this policy limited weight.

Highways users

15. Paragraph 109 of the Framework states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. There would be no severe impacts on the road network from the addition of a single new dwelling due to its scale.
16. The proposal would be accessed from Moray Walk, via a connection to the private parking area to the north. This would result in a sharp right turn when entering the site. However, vehicle manoeuvring and movement is a well established part of the existing garage court use. Vehicle movements would be slow and the proposal includes an area for parking and turning within the site.
17. I recognise that the access has local objection and that it is relatively tight. I am also aware that a previous Inspector in 1999 described the access as 'tortuous'¹. However, given the likely low speeds and existing garage court use, I do not consider this would result in an unacceptable impact on highway safety, the test set by modern guidance within paragraph 109 of the Framework.
18. I saw on my site visit that cars are parked in the street on Moray Walk, reducing the carriageway width. However, there still appeared sufficient space available for access and I do not consider that the addition of a single unit of accommodation would lead to a significant increase in larger vehicles within the cul-de-sac for the lifetime of the development. I recognise that the construction period would have potential to be more disruptive, but this would be for a temporary period and could be subject to conditions.

¹ Appeal Ref APP/C1435/W/99/1028501

19. I am aware that the access would be along a private drive for which residents have identified that no permission has been granted, although I note that the appellant states that there is an agreement in principle, and a letter has been submitted to this effect. Either way, my consideration is of the planning merits of the proposal, not of any legal impediments of implementation, given the scale of the proposal.
20. Consequently, I do not consider that the proposal would result in an unacceptable impact on highway safety, therefore it would not be contrary to chapter 9 of the Framework.

Other matters

21. The Council has confirmed that it cannot currently demonstrate an up to date 5 year housing supply, as required by the Framework. The appellant has identified that this amounts to 2.62 years and the Council has not challenged this figure. This is very well short of requirement, plus appropriate buffer. I recognise that the proposal would provide a new family home make a contribution to housing supply. However, given the scale of the development, this would only make a very limited contribution whilst the harm related to the current proposal would be significant and long lasting. Therefore I consider that the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits in this case.
22. The Council has highlighted that the proposal is in proximity to the Ashdown Forest, Pevensey Levels and Lewes Downs Special Areas of Conservation and that the proposal may result in adverse impacts on these European conservation designations. The appellant has indicated that they would be willing to enter into a legal agreement to secure mitigation measures should the appeal be allowed, and are actively working on the document with a view to having it engrossed within one month of any decision.
23. However, given my findings on the main issues I have not considered this matter further, including whether an appropriate assessment is required or the necessity of a legal agreement. Also, with or without an obligation or other mechanism to secure any mitigation, if required, my overall conclusion on the acceptability of the development would remain unchanged.

Conclusion

24. Whilst the proposal would contribute to housing land supply, and I have found it not to be unacceptably harmful to highway safety, it would harm the character and appearance of the area and result in harmful impacts on the occupiers of the neighbouring property, No 137a London Road. It is considered that these adverse impacts of the proposal would significantly and demonstrably outweigh the benefits in this case.
25. For the reasons given above, I conclude that the appeal is dismissed.

Tim Crouch

INSPECTOR