



Appeal Decision

Site visit made on 5 November 2019

by J E Jolly BA (Hons) MA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 November 2019

Appeal Ref: APP/D3830/W/19/3236156

Linden House, Birch Avenue, Haywards Heath RH17 7SL

- 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 Sean Reardon (Signature Prime Properties) against the decision of Mid Sussex District Council.
 - The application Ref DM/19/1881, dated 16 May 2019, was refused by notice dated 15 July 2019.
 - The development proposed is for a detached house including a garage and means of access.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. My attention has been drawn to a previous appeal, D3830/W/19/3220010, which was dismissed because of concerns related to the visually dominant appearance of the proposal. The appeal did however establish the principle of development in Birch Road and found that the proposal did not impact on the setting of the Lewes Road Conservation Area; both matters on which the main parties were in agreement. I have taken into account the comments made by the previous Inspector as part of the determination of this appeal.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

Character and appearance

4. Birch Avenue is typified by substantial brick and tile detached dwellings most of which appear to have large gardens to the rear. Linden House, like many dwellings on Birch Avenue, sits behind a deep set-back, that includes parking fronting the gravelled single-track lane and cul-de-sac. Development to the rear of Linden House can be seen nearby at 'Woodlands'. This older dwelling, despite its deeper location is also accessed by a large, wide drive that faces onto the lane and is set down between mature trees and landscaping.

5. The appeal site forms part of the large existing garden to the rear of Linden House and is accessed through a large gap to the side of the host dwelling. The garden, which is bordered by hedging, trees and ancient woodland, slopes downwards to the boundary with 'Littlehurst' and the properties beyond which helps to establish a sense of spaciousness in the surrounding area.
6. Following demolition of the existing garages, the proposal would be sited between the adjacent dwellings and generous gardens of 'Shepherd's Barn' and 'Littlehurst'. The traditionally designed proposal, a part single, part 1 1/2, part two-storey, 5-bedroom, 'L' shaped detached dwelling with an integral double garage, would have a rear garden area beyond which there would be a 15m buffer-zone to meet requirements related to ancient woodland as set down by Natural England, and to provide protection to Badgers and other wildlife.
7. However, the proposal is for a substantial property and whilst there are similarly sized dwellings nearby in this higher location its' height and mass would be overly prominent and would therefore appear out of place in its immediate setting. Indeed, my opinion is reinforced by the facts 'on the ground', namely the expansiveness and slope of the existing garden area which provides a subtle and gentle transition to the adjacent ancient woodland. As such, the proposal would unacceptably diminish the spaciousness of the area and harm the visual appearance of the surrounding area.
8. I accept that back-garden type development can be seen nearby at 'Woodlands'. However, this older dwelling benefits from a set down location behind a generous amount of soft-landscaping and represents a less intrusive form of development that could not be replicated through the imposition of a landscaping condition on the appeal site due to its higher location. Hence, the existence of this development does not alter my overall view that the proposed development would cause material harm to the character and appearance of the area.
9. I acknowledge the earlier appeal decision for the same site put forward by the main parties, and that the appellant has attempted to address concerns raised in that appeal decision. Nonetheless, and for the reasons described above, I conclude that the appeal proposal would not overcome the concerns raised by the previous Inspector.
10. Consequently, the proposal would not accord with policies DP6 and DP26 of the Mid Sussex District Plan 2018 and policies E9 and H8 of the Haywards Heath Neighbourhood Plan 2016, which state, amongst other things, that development should be of an appropriate height and scale that contributes to the character of an area, and Paragraph 79 of the Framework which requires development to be sensitive to the defining characteristics of an area.

Other Matters

11. The appeal site is located in close proximity to the Ashdown Forest Special Protection Area and Ashdown Forest Special Area of Conservation. However, it has not been necessary for me to undertake an appropriate assessment of the proposal under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 given my overall conclusion on the main issue.

12. I acknowledge that the traditional design of the proposal is acceptable, and includes a pedestrian friendly, parking compliant scheme. I also accept that privacy levels of the neighbouring occupiers would be retained. However, these matters are of neutral consequence to weigh in the overall planning balance. and do not therefore alter or outweigh my conclusion on the main issue.

Conclusion

13. For the reasons given above, I conclude that the appeal should be dismissed.

J E JOLLY

INSPECTOR