



Appeal Decision

Site visit made on 15 October 2019

by J E Jolly BA (Hons) MA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 December 2019

Appeal Ref: APP/D3830/W/19/3232625

Cambrian House, Upper St Johns Road, Burgess Hill RH15 8HB

- 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 Andrew Stephenson against the decision of Mid Sussex District Council.
 - The application Ref DM/19/1188, dated 21 March 2019, was refused by notice dated 14 June 2019.
 - The development proposed is the erection of a three-bedroom dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposal would preserve or enhance the character and appearance of the St John's Conservation Area and,
 - the effect of the proposal on the living conditions of the residents in Prescott Gardens with particular reference to outlook, noise and pollution.

Reasons

Character and Appearance of the Conservation Area

3. The appeal site is located on a single lane road in the St John's Conservation Area of Burgess Hill. The special character and significance of this area is derived from large period buildings of high architectural quality, representing a contrast with the more modern residential development on the surrounding streets. Buildings in this Conservation Area generally face directly onto roads and are set in substantial gardens, which provide a verdant and spacious setting for the buildings in question.
4. Most of the properties appear to be in use as residential dwellings, while Prescott Gardens, directly adjacent the appeal site, appears to be an extra-care sheltered scheme. The host dwelling forms part of a group of large buildings dating back to the 19th Century. The expansive, long gardens of similar depth establish a sense of spaciousness for these historic buildings, which together form a distinctive and attractive grouping within the Conservation Area.

5. The proposal is a back-land development that consists of a two-storey, 3-bedroom detached residential dwelling and triple garage with a parking and turning area in the rear garden of the host dwelling, Cambrian House. The current access to the garden would be retained and the driveway shared with the new dwelling.
6. The subdivision of the plot, along with the substantial bulk and scale of the new two-storey building and its large garage would diminish the spacious setting of the host building. It would also diminish the uniformity of the plot layouts of this visually coherent group of historic buildings and erode a positive characteristic of the Conservation Area.
7. Furthermore, the 'neo-classical' inspired design of the proposed building, which would sit relatively close to the host dwelling, would introduce features such as a Doric style porch, pediment and gable that would differ considerably from the architectural detailing in this part of the Conservation Area. Whilst it is argued that the Conservation Area exhibits a variety of building styles, there appears to be no established precedent for this type of design in the immediate surroundings. As a consequence of its scale and size, in combination with its detailed design, the new building would appear as an alien feature that competes with the original building and others that surround it for visual attention.
8. This combination of factors would result in an unacceptable degree of harm to the character and the appearance of the Conservation Area. Whilst the development would not be visually prominent in public views, the harm would be readily apparent in private views from neighbouring properties. Although the garden would be landscaped, and this could potentially be secured by condition, this would not overcome the harm arising from the siting, bulk and design of the proposed building.
9. The Council acknowledge that development has historically occurred beyond the eastern boundary of the site, which has compromised the setting of former historic buildings facing the road. However, this is not a good reason to permit development that would lead to further harm to the Conservation Area.
10. Overall, the proposal would fail to preserve or enhance the character and appearance of the St John's Conservation Area. Therefore, the proposal would be at odds with the prevailing character of the location, both in respect of its bulk and mass as well as its' architectural features. In combination these aspects of the proposal would fail to preserve or enhance the character and appearance of the St John's Conservation Area.
11. Accordingly, the proposal would result in 'less than substantial harm' to the Conservation Area as a designated heritage asset. It is important to note the 'less than substantial harm' does not equate to a less than substantial planning objection. Paragraph 196 of the National Planning Policy Framework (the Framework) requires that 'less than substantial harm' should be weighed against public benefits of the proposal. Whilst I acknowledge the proposal would result in some public benefit, i.e. the provision of a 3-bedroom dwelling house towards the Council's Housing Land Supply and efficient use of land, it does not outweigh the 'less than substantial harm' to the Conservation Area as a whole.

12. As such, the proposal is in conflict with Policies DP26 and DP35 of the Mid Sussex District Plan 2018, (MSDP) and H1 & H2 of the Burgess Hill Neighbourhood Plan 2015, (BHNP) which say amongst other things that development in a Conservation Area must conserve or enhance its special character, and Paragraph 127 of the Framework which indicates that planning decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment.

Living Conditions

13. The proposed dwelling and garage would be accessed to the side of Cambrian House using the existing access between Prescott Gardens. The driveway would pass close to the site boundary which, notwithstanding the proposed additional planting, consists of relatively sparse shrubs in front of the extended buildings of Prescott Gardens which face directly onto the back-garden of Cambrian House.
14. As such, there would be additional noise and pollution resulting from vehicles associated with the new dwelling accessing areas they currently do not. Further, the close proximity of the proposal behind limited boundary treatments in combination with its' bulk and the mass would cause harm to the outlook for residents living in Prescott Gardens.
15. As such, the proposal conflicts with policy DP26 of the MSDP which says that development should not cause significant harm to the amenities of existing nearby residents including taking account of the impact on outlook, noise and air and light pollution, and Paragraph 127 of the Framework that indicates that new development should promote health and well-being, with a high standard of amenity.

Conclusions

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

J E JOLLY

INSPECTOR