
Appeal Decision

Site visit made on 21 January 2020

by **L McKay MA MRTPI**

Inspector appointed by the Secretary of State

Decision date: 26th March 2020

Appeal Ref: APP/C1435/W/19/3237709

28 Anglesey Avenue, Hailsham BN27 3BH

- 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 Saiby Alphonse against the decision of Wealden District Council.
 - The application Ref WD/2019/1119/F, dated 22 May 2019, was refused by notice dated 2 August 2019.
 - The development proposed is a two storey dwellinghouse and associated alterations to existing dwelling house.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. During the course of the appeal, the Council withdrew the draft Wealden Local Plan 2019 from Examination. The Council has therefore withdrawn its evidence relating to the impacts of the proposal on the Ashdown Forest and Lewes Downs Special Area of Conservation (SAC) and has provided an updated position on the likely effects of the proposed development on the SAC. Consequently, the policies of the draft Plan have had no bearing on my decision.

Main Issue

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

Reasons

4. Anglesey Avenue and cul-de-sacs off it predominantly comprise pairs of semi-detached houses or chalet bungalows of simple form with largely unaltered pitched roofs over brick elevations, with some tile hanging and cladding. Although there is no consistent building line, properties are generally set well back from Anglesey Avenue, many with parking in front. Walls and hedges form strong boundaries between the public realm and private gardens. Verges and open spaces, particularly at road junctions, give the area an open and spacious character.
5. Although there is some variety through various extensions and alterations, properties in the vicinity nevertheless retain a high degree of uniformity. An exception to this is 1 Rockall Drive, which has gables to the front, rear and

side. However, that is a detached dwelling in a sizeable corner plot and although its extensions give it a somewhat different appearance to surrounding dwellings, the plot retains a spacious character. Consequently, it is not typical of the consistent appearance of the surrounding area.

6. The modern development around Lundy Walk comprises close-knit and higher density housing of a variety of designs and types, including steeply pitched gables and terraces. Consequently, it has its own distinct character, which contrasts with the simpler forms and more spacious layout of Anglesey Avenue. A public footpath creates a clear physical and visual separation between the two areas.
7. The materials, height and design of the front elevation of the proposed dwelling would be similar to those of the host property, however it would be noticeably wider. Although the appellant contends that it has been designed to fit the existing space, it would nevertheless encroach beyond the existing garden wall into the grass verge. The overhanging first floor with void beneath and the use of decorative blocks similar to those of the garden wall would highlight the projection of the dwelling out towards the road. The large, shallow pitched gable at the rear would further emphasise the bulk of the proposed dwelling in comparison to the modest scale of the existing pair.
8. Consequently, the proposal would detrimentally alter the symmetry of the pair of dwellings, the simple form and design of which are characteristic of those in the immediate area. The design and siting of the proposed dwelling would make it an incongruous feature in the street scene and result in a significant increase in built form in this prominent corner location. Although only part of the verge would be lost, the spaciousness of the junction which is characteristic of this estate would nevertheless be diminished. Accordingly, the proposal would not respect the character of the adjoining development or the established character of the area.
9. The proposed internal accommodation would be comparable to the existing dwelling and larger than others in the area. However, the plots for the existing and proposed dwellings would be significantly smaller than those of other corner properties in the vicinity. The relatively low boundary wall would enable the subdivision of the gardens to be seen from the public realm. Although there are other similarly sized plots nearby, they are not in such prominent locations and their modest size is not apparent from the public realm. In contrast, the appeal site and other similar corner plots have wider gardens with grass verges adjacent. While these corner plots do vary in size, and many have garages and other outbuildings, they retain a sense of spaciousness. The proposed plots would appear cramped in comparison and would further diminish the spacious character of the area.
10. The appeal site is not in a conservation area or an Area of Outstanding Natural Beauty, nor is there an Article 4 direction restricting development. Nevertheless, design remains an important consideration and the proposal would fail to respect the distinctive character of the area.
11. Accordingly, the proposal would result in significant harm to the character and appearance of the area. It would therefore conflict with Saved Policy EN18 of the Wealden District Local Plan 1998 (LP) which seeks to resist the loss of open areas or undeveloped gaps within settlements which contribute to the character of the locality; and with LP Policies EN27 and HG4 which, amongst other things,

require high quality design which protects the established character of existing residential areas and promotes local distinctiveness. Consequently, I find that the proposed development would conflict with the development plan when read as a whole.

12. Furthermore, it would fail to achieve good design or to take the opportunities available for improving the character and quality of the area, contrary to the provisions of the National Planning Policy Framework (the Framework).

Planning Balance

13. The permitted development fallback positions that the appellant advances would not occur, as permitted development rights for side extensions have been removed on this estate. Furthermore, permitted development for 2-storey rear extensions would not allow the scale of development proposed here. In any event, the effects of such developments would not be comparable to the harm that I have identified.
14. The appeal site is within the zone of influence of the Ashdown Forest and Lewes Downs Special Area of Conservation (SAC). Based on the evidence before me, I find that the proposal would be unlikely to have a significant effect on the internationally important features of the site, either alone or in combination with other permitted and planned development in the area. As such, it is not necessary for me to undertake an appropriate assessment.
15. Sustainable construction methods are proposed, however these are stated to comply with, not go beyond, current Building Regulations. The proposal would also preserve the visibility splay at the junction. However, these matters are of neutral consequence in the overall planning balance.
16. The latest figures from the Council show that it can only demonstrate a 2.62 year supply of housing land, therefore paragraph 11d) of the Framework is engaged.
17. The proposal would contribute to the Framework objective of boosting the supply of homes and would provide a family dwelling which would contribute to the mix of housing. It would also generate economic benefits through construction and occupation, with future residents likely to contribute to the local economy. However, while all new dwellings contribute to housing supply, even in the context of the Council's significant shortfall the small scale of development proposed means that the benefits of one additional dwelling carry only limited weight.
18. The proposal would comprise higher density infill development in a built-up area with good access to sustainable transport modes, services and facilities. It would therefore accord with the Framework objectives to make more effective and efficient use of land, provide different types of housing and support the development of small sites and windfall sites in existing settlements. As the site is a residential garden in a built-up area it is however excluded from the Framework definition of previously developed land.
19. The proposal would also conflict with Framework policies which promote good design. As the Framework makes it clear that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve, I afford this conflict substantial weight.

20. Consequently, even with the extent of shortfall in housing land supply, the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits of providing one additional dwelling, when assessed against the policies in the Framework taken as a whole.
21. I have found that the proposal would result in significant harm to the character and appearance of the area. I give substantial weight to this harm and to the resulting conflict with the policies of the development plan and the Framework. Overall, taking account of the Framework and the above considerations, including the benefits of the development, I conclude that there are no material considerations that would indicate that the decision should be taken otherwise than in accordance with the development plan.

Other Matters

22. The submitted plans show the creation of a new parking area and vehicular access for the host property, to replace the existing parking which would be allocated to the proposed dwelling. These are not mentioned in the description of development however, and it is therefore unclear whether they form part of the proposal before me. There is also some dispute between the main parties as to whether they require planning permission, which has not been resolved through the appeal submissions. However, as the harm that I have identified to the character and appearance of the area is sufficient to dismiss the appeal irrespective of this matter, I have not considered this further.

Conclusion

23. For the reasons given above, the appeal is dismissed.

L McKay

INSPECTOR