



Appeal Decision

Site visit made on 11 May 2020

by O S Woodward BA(Hons.) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 June 2020

Appeal Ref: APP/D3830/W/19/3242710

Land at the rear of 16 The Quadrant, Hassocks BN6 8BP

- 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 Gates against the decision of Mid Sussex District Council.
 - The application Ref DM/19/2946, dated 19 July 2019, was refused by notice dated 16 September 2019.
 - The development proposed is a pitched roof single storey front extension to existing double garage and conversion to form a 1-bedroom detached dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Hassocks Neighbourhood Plan, June 2019 (the NP) was approved at referendum on 5 March 2020. It has not yet formally been 'made' and become part of the Development Plan. However, it is at an advanced stage in preparation, all objections have been resolved, and no further modifications are proposed to be made. The NP therefore carries significant weight.

Main Issues

3. The two main issues are the effect of the proposal on:
 - the character and appearance of the area; and
 - flood risk, both to the proposed development and to the surrounding area.

Reasons

Character and appearance

4. The site is a plot of land containing a garage and surrounding landscaping. The existing garage is of non-descript appearance, of brick construction with a sloped tiled roof. It is proposed to extend the garage building with a projection to the north towards the road, and to change the use of the building from a garage to a 1-bedroom dwelling. A parking space, to be accessed from the road, is also proposed. Although now fenced off, it appears that the site was originally part of the side/rear garden of the bungalow 16 The Quadrant. There is a border fence or hedge to all sides, apart from a small section by the road. The site sits amongst a number of dwellings located in an island encircled by The Quadrant road.

5. There are a variety of bungalows and houses within the island inside The Quadrant and it is relatively densely developed. However, all the existing dwellings have a comfortable relationship to their own plot size, with reasonably sized gardens. The proposal to extend the existing structure would result in a building and hardstanding which would take up an uncomfortably high proportion of the footprint of the site, both in comparison to the existing garage and also to surrounding dwellings. It would feel cramped within its own plot. The proposal would therefore be out of character with the layout of existing development in the area.
6. There is a clear hierarchy to the layout of the properties in the island, with the south side of The Quadrant providing the front entrances to the dwellings, and the north side being the rear elevation with rear gardens lining the road only broken up by entrances to garages. On the opposite side of the road there is a stream and beyond that a set back before there are further dwellings. There is therefore no direct access to the front entrance of dwellings from this part of The Quadrant, and it has an open and fairly verdant character. The proposed bungalow would front onto this area, extending outwards and introducing a front elevation and entrance very close to the road. It would be unduly prominent and intrusive and would detract from the open and verdant character of the road, and would have a harmful effect on the street scene.
7. Consequently, the proposal would harm the character and appearance of the area, and would fail to comply with the relevant parts of Policies 6 and 26 of the Mid Sussex District Plan 2014-2031 (the DP), which, amongst other things, seek development of appropriate nature and character for the area. The proposal would also fail to comply with Chapter 12 of the National Planning Policy Framework (the Framework) which, amongst other things, seeks to achieve well-designed places. Lastly, the proposal would fail to comply with the relevant parts of Policies 9 and 14 of the NP, which seek, amongst other things, development of an appropriate nature, character and appearance in Hassocks.

Flooding

8. The evidence before me from the Council is that the site lies within Flood Zone 1 (low risk), albeit that it is adjacent to Flood Zone 2 (medium risk). However, a change of use from a garage (a 'less vulnerable' use) to a dwelling (a 'more vulnerable' use) is proposed, and the Council have confirmed that the site is identified as an area with possible surface water flood risk. A Flood Risk Assessment (FRA) is therefore required, as set out in Paragraph 163 of the Framework.
9. An FRA has been submitted by the appellant in support of the appeal. However, the FRA does not provide any mapping, level surveys, flood datasets, or other technical information. The finished floor level above ground level is provided, but not the relationship of this to any potential flooding. There is also no assessment of climate change and the potential effect of this, despite the proximity of the appeal site to Flood Zone 2. There is very limited assessment of surface water flooding. Insufficient information has therefore been provided in relation to flooding to enable a proper assessment of flood risk to the proposed development.
10. Attenuation crates are proposed to control surface water run-off. However, this is not related to information or assessment of existing and proposed surface water run-off rates or other technical supporting information. It is not therefore

possible for an informed conclusion to be made on the effectiveness of this proposed mitigation measure.

11. I have given consideration to whether condition(s) could overcome any of the above. However, due to the lack of information provided it is not possible for me to be certain that mitigation could successfully overcome any flood risks.
12. It has therefore not been demonstrated whether the proposed development would be acceptable in terms of the effect on flood risk both to the proposed development and to the surrounding area. This is in terms of fluvial flooding, surface water flooding, and surface water run-off. The proposal consequently fails to comply with the relevant parts of Policy DP41 of the DP, which, amongst other things, seeks development that reduces the risk of flooding and reduces surface water run-off rates. The proposal also fails to comply with Paragraphs 155 and 163 of the Framework, which, amongst other things, require that development should be made safe for its lifetime without increasing flood risk elsewhere. Lastly, the proposal fails to comply with Policy 4 of the NP, which, amongst other things, seeks to reduce existing run-off rates.

Other Matter

13. The Council have confirmed that the site falls outside of the Zone of Influence of the Ashdown Forest Special Protection Area. However, it is unclear from the evidence before me whether the site falls within the Zone of Influence for the Ashdown Forest Special Area of Conservation. Therefore, had the proposal been acceptable in planning terms, it would have been necessary for me to have undertaken an Appropriate Assessment (AA) as the competent authority. However, Regulation 63(1) of the Conservation of Habitats and Species Regulations 2017 indicates the requirement for an AA is only necessary where the competent authority is minded to approve planning permission, and I have not, therefore, considered this matter further.

Planning Balance and Conclusion

14. The proposed development would help to increase the supply of housing, in a sustainable location, and would contribute to economic growth, in accordance with the aims of the Framework. The Council conclude that the proposal would have a neutral effect on neighbouring living conditions and highways, and that the proposed dwelling would provide a satisfactory standard of accommodation for future occupiers. I see no reason to disagree with these conclusions.
15. However, the harm to the character and appearance of the area that I have identified, and the failure to demonstrate that the proposal would adequately mitigate flood risk, outweigh the positive and neutral effects of the proposal. I therefore conclude that the appeal be dismissed.

O S Woodward

INSPECTOR