



Appeal Decision

Site visit made on 2 June 2020

by J E Jolly BA (Hons) MA MSc CIH MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 June 2020

Appeal Ref: APP/C1435/W/20/3245859

The Old Fire Station, Fletching Street, Mayfield TN20 6TB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr C Besant against Wealden District Council.
 - The application Ref: WD/2019/1305/F, is dated 26 June 2019.
 - The development proposed is the demolition of a redundant fire station building and erection of three dwelling houses.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr C Besant against Wealden District Council. This application will be the subject of a separate Decision.

Procedural Matters

3. In January 2019 the Council submitted Stage 1 of the new Wealden Local Plan (NWLP) for examination. However, in December 2019 the Council was informed that the submission failed to meet a number of requirements for legal compliance. As a result, in February 2020 the Council decided to withdraw the NWLP with the intention to produce a new Plan. As such, the Council do not wish to contest the appeal on the grounds of harm in relation to the impact of the proposal upon the Ashdown Forest and Lewes Downs Special Areas of Conservation, and have in other matters relied upon Policies from the relevant adopted plans, which are the Wealden Local Plan, 1998 (WLP), the Wealden Core Strategy Local Plan, 2013 (CS) and the Wealden Design Guide Supplementary Planning Document, 2008 (WDG). I have proceeded accordingly.

Main Issues

4. The main issues are:
 - whether the proposal would preserve or enhance the character or appearance of the Mayfield and Coggins Mill Conservation Area,
 - the living conditions of neighbouring occupiers, and;
 - highway safety.

Reasons

Character and appearance of the Conservation Area

5. The appeal site is located in the High Weald Area of Outstanding Natural Beauty and within the Mayfield and Coggins Mill Conservation Area (Conservation Area). 'The Old Fire Station' faces the highway and a footway which runs in both directions along Fletching Street which slopes down the hill from 'Maynards' in the direction of 'Carpenters Cottages'. The existing building on the appeal site is a simple, one-storey structure, that is set down behind a hardstanding in front of an elevated tree-lined boundary to the rear and is flanked by rough open ground.
6. The village of Mayfield is characterised by a variety of building types and styles that include, brick and tile, or weather-boarded dwellings, many of which are set back from the highway. The area directly surrounding the appeal site is further typified by two storey dwellings, other than the nearby 'Maynards' which is approximately four storeys high.
7. The proposal is to demolish the former fire-station and to construct three detached dwellings facing onto the road. The properties would have light weather-boarded, 'gable-end' elevations facing the street, slate roofs, and there would be parking and rails to the front of each dwelling. The two and a half storey development would slope down one side of Fletching Street and have a ridge line that would be subordinate to 'Maynards', but in excess of the ridge line seen at 'Carpenters Cottages'.
8. The parties agree that the appeal site is located within the development boundary of Mayfield, and that the principle of development on the site is accepted. However, despite the weather-boarded elevations and slate roofs the proposal would be a development of considerable scale and mass that would extend across the majority of the width and depth of this relatively tight plot.
9. Moreover, whether 'Maynards', as a comparable sized dwelling, is unique in this location or not, the fact remains that the bulk and height of the proposal, which would include parking spaces, railings and gable ends facing the road frontage, would be overly prominent in the street-scene, and hence appear out of place in this specific location within the Conservation Area.
10. Indeed, notwithstanding the trees to the rear and any conditioned landscaping that would help to soften the built form, or the relative subordinate position in relation to 'Maynards', the gable-end frontage and height of the proposal is at odds with the immediate dwellings in the Conservation Area, including 'Carpenters Cottages', which are two-storey dwellings with elongated style elevations and casement windows.
11. I conclude therefore, that the above combination of factors would result in an unacceptable degree of harm to the character and appearance of the area. As such, the proposal would fail to preserve or enhance the character and appearance of the Conservation Area. Accordingly, the proposal would result in 'less than substantial harm' to the Conservation Area as a designated heritage asset. It is important to note that 'less than substantial harm' does not equate to a less than substantial planning objection.

12. 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. Whether the site could be included as a 'windfall' site or not, I acknowledge that the proposal would result in some public benefit, i.e. the provision of 3 dwelling houses and the utilisation of an underused site. However, the provision does not outweigh the adverse impacts of the proposal that would result in 'less than substantial harm' to the Conservation Area as a whole.
13. Therefore, the proposal is contrary to Policy EN27 of the WLP which says, amongst other things, that the scale, form, site coverage, density and design of the development and the use of materials and landscaping should respect the character of adjoining development, and where appropriate, promote local distinctiveness, and Policy SP013 of the CS which encourages development of high quality, safe and attractive living environments for communities in both towns and villages, while promoting local distinctiveness through good design in all new development, which is supported by Chapter 7 of the WDG.
14. For similar reasons, the proposal is contrary to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area, and Paragraphs 127 and 200 of the Framework, which aims include that planning decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment.

Living conditions

15. While there would be a relatively short distance between the development and the neighbouring dwellings, the limited fenestration to the side elevations of the proposal would be unlikely to affect the privacy of neighbouring occupiers. However, the close proximity and bulk of the development, in combination with the higher topography and ridge height of the proposal, in comparison to that of 'Carpenters Cottages', would be overbearing, and hence compromise the living conditions for the occupiers of the cottages.
16. As such, the proposal is contrary to Policy EN27 of the WLP which requires that the proposed development should not create an unacceptable adverse impact on the privacy and amenities of adjoining developments, and Paragraph 127 of the Framework which requires that proposals create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Highway safety

17. I noted at my site visit that Fletching Road, that is signed as being unsuitable for wide vehicles, has a regular traffic flow that is impeded by parked vehicles, or vehicles emerging from the sloped junction with 'The Avenue'. As such, any vehicles emerging from or entering the three-property development across the sloping footway would obstruct the flow of traffic and harm highway safety, including those travelling on foot.

18. Moreover, East Sussex County Council Highways department has indicated that they cannot be certain whether the parking spaces shown on the submitted drawings would meet published space standards, or whether the associated visibility splays would be acceptable or not, and from the evidence before me I see no reason to disagree. Furthermore, the five spaces proposed for the family sized dwellings is likely to result in some additional on-street parking. As such, the additional vehicle parking is likely to further compromise highway safety along this section of Fletching Street.
19. Accordingly, the proposal does not meet the requirements of Policy TR3 of the WLP which requires that the proposed development does not create or perpetuate unacceptable traffic conditions, and Paragraph 109 of the Framework which says that development should be refused on highways grounds if there would be an unacceptable impact on highway safety.

Conclusions

20. The main parties agree that the council cannot demonstrate a five-year housing land supply, and as such, Paragraph 11(d) of the Framework is ordinarily engaged. However, Paragraph 11(d)(i) requires that designated heritage assets must be protected, which include the Mayfield and Coggins Mill Conservation Area, and that in such cases there is a clear reason for refusal. Furthermore, I have found that the adverse effects of the proposal do not outweigh the benefits, including the provision of three new dwellings.
21. Therefore, for the reasons given above I conclude that the appeal should be dismissed.

J E JOLLY

INSPECTOR