



Appeal Decision

Site visit made on 22 June 2020

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

an Inspector appointed by the Secretary of State

Decision date: 26 June 2020

Appeal Ref: APP/C1435/W/20/3246621
19 Manor Park Road, Hailsham, BN27 3AT

- 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 Benjamin Vine against the decision of Wealden District Council.
 - The application Ref WD/2019/1367/F, dated 21 June 2019, was refused by notice dated 13 September 2019.
 - The development proposed is a self-build dwelling to include three parking spaces to the front of 19 Manor Park Road one parking space associated with the new dwelling and two parking spaces associated with the existing dwelling including a new highway access and cycle storage.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. 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 have 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 (SPD). I have proceeded accordingly.
3. For clarity and accordance with the submitted drawings, the main parties have agreed a revised description for the proposal: 'Proposed self-build dwelling to include three parking spaces to the front of 19 Manor Park Road one parking space associated with the new dwelling and two parking spaces associated with the existing dwelling including a new highway access and cycle storage'. I have used the revised description above to reflect this change to the application Ref WD/2019/1367/F, dated 21 June 2019.

Main Issue

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

Reasons

5. Manor Park Road is located in a dense residential area of brick and tile dwellings facing the road and is typified by one storey bungalow style properties with gardens to the rear. No 19 Manor Park Road is setback from the highway with parking to one side and is partially screened by shrubs and planting. When viewed from the road there is a pathway to the right-hand side of No 19 that curves round its fenced side boundary line as it slopes towards Upper Horsebridge Road.
6. The back garden of the appeal site is accessed via a gate to the right-hand side of No 19. The garden is laid to lawn and is divided by a hedged section towards the tapered rear boundary. To the left-hand side of the host garden the neighbouring gardens can be seen, which include trees, hedges, shrubs and other soft landscaping.
7. The parties agree that the appeal site is located in an established residential area within the development boundary of Hailsham and that the principle of development is accepted. As such, the proposal is to construct a recessed, single-storey, two-bedroom dwelling within the rear part of the existing back garden of No 19. The triangular shaped site would be accessed through a gate from the adjacent footpath. Three parking spaces would be created to the front and side of the host property, one of which would be associated with the new dwelling.
8. I note the appellants reference to a previous application¹ on this site for a similar proposal to the one before me that was refused by the Council. However, whilst I acknowledge that the appellant has sought to reduce the height of the proposal and increase the outside space in comparison to the earlier scheme, the dwelling would nonetheless extend across the width of the host garden and sit close to the site boundary.
9. Moreover, while wider views of the proposed dwelling, by virtue of its recessed design and topography, would be lower than the existing landscaping, the scale and mass of the development would substantially erode the depth and breadth of the back-garden area of the host dwelling, which in combination with the neighbouring gardens, contributes to the character and appearance of the location, which is that of verdant back garden plots which help to soften the surrounding built environment. Therefore, I conclude that the proposal, in this specific location, would appear incongruous and cramped on the severed garden plot available.
10. I acknowledge that there are dwellings at Paul Close, that do not front a road, are accessed via a footpath and have allocated parking spaces that are remote from their respective homes, and that there are examples of back-garden development within the locality, such as those drawn to my attention by the appellant in a number of appeals and permissions.² However, I have limited details of those schemes before me. Therefore, I have considered the proposal in this case on the basis of its own planning merits.

¹ WD/2019/0643/F

² WD/2015/0157/F, WD/2015/2367/F, WD/2016/0307/F, WD/2016/1037/F, WD/2017/0271/F, WD/2017/1381/F, and WD/2018/2604/F

11. As such, notwithstanding the KISS Architecture character appraisal, and whether the land has been actively used as garden space by the occupiers of No 19 for a number of years or not, the back-garden location of the proposed dwelling would be at odds with the immediate surrounding area which is typified by properties facing onto the highway rather than footpaths.
12. Therefore, I conclude that the proposal is contrary to Policies EN27 of the WLP and Spatial Planning Objective SP013 and WCS14 of the CS which say, amongst other things, that the scale, form, site coverage, density and design of the development and the use of materials should respect the character of the adjoining development, and where appropriate promote local distinctiveness.
13. For similar reasons, the proposal does not meet the requirements of Paragraph 127 of the *National Planning Policy Framework*, which aims include that development must be sympathetic to local character and history, including the surrounding built environment and landscape setting.

Other Matters

14. The Council has indicated that despite the withdrawal of the NWLP that the proposal for one dwelling would not adversely impact the Ashdown Forest Special Protection Area. As such, I have not carried out a Habitats Regulations assessment related to the protection of European Sites.
15. Whether the positioning of the development adjacent the pathway would reduce crime and anti-social behaviour or not this does not outweigh the harm to the character and appearance to the area I have found above.

Conclusions

16. The main parties agree that the Council cannot demonstrate a five-year housing land supply, as such Paragraph 11 (d) of the Framework is engaged. However, while I acknowledge that the proposal would result in some public benefit, i.e. the provision of one new dwelling, I find the adverse impacts of the proposal significantly and demonstrably outweigh the benefits.
17. Therefore, for the reasons given above I conclude that the appeal should be dismissed.

J E JOLLY

INSPECTOR