
Appeal Decision

Site visit made on 8 September 2020

by S J Papworth DipArch(Glos) RIBA

an Inspector appointed by the Secretary of State

Decision date: 11 September 2020

Appeal Ref: APP/D3830/D/20/3252622

Maytrees, Fox Hill, Haywards Heath RH16 4QT

- 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 Marc Kaya against the decision of Mid Sussex District Council.
 - The application Ref DM/20/0355, dated 27 January 2020, was refused by notice dated 25 March 2020.
 - The development proposed is demolition of single garage and erection of a detached triple garage with studio flat above (ancillary accommodation to main dwelling), loft conversion with new dormers.
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Decision

1. I dismiss the appeal insofar as it relates to demolition of single garage and erection of a detached triple garage with studio flat above (ancillary accommodation to main dwelling). I allow the appeal insofar as it relates to the loft conversion and grant planning permission for loft conversion with new dormers at Maytrees, Fox Hill, Haywards Heath RH16 4QT in accordance with the terms of the application, Ref DM/20/0355, dated 27 January 2020, so far as relevant to that part of the development hereby permitted and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans so far as relevant to that part of the development hereby permitted: 2019_92/002.P1, /004.P1, /005.P1, /006.P1, /007.P1 and /008.P1.
 - 3) the materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Reasons

2. The main issue in this appeal is the effect of the proposals on the character and appearance of the Fox Hill area of Haywards Heath. Policy DP26 of the District Plan on character and design sets out a list of requirements with which development is to demonstrate compliance. Policy H9 of the 'made' Haywards Heath Neighbourhood Plan requires extensions to existing dwellings to meet criteria in order to be permitted. Paragraph 124 of the 2019 National Planning Policy Framework states that good design is a key aspect of sustainable

- development, creates better places in which to live and work and helps make development acceptable to communities.
3. The site is within the built limits of Haywards Heath and residential development would be acceptable in principle subject to the effects. Whilst reference has been made to District Plan Policy DP6 and Neighbourhood Plan Policy H8 on windfall sites and the acceptability of new dwellings in this location, the application is for 'ancillary accommodation to the main dwelling' and hence the reference in the Reason for Refusal to Policies DP26 and H9 appears correct.
 4. As set out in the bullet points above, there are 2 parts to the proposal and the Council do not object to the loft conversion with new dormers to the south-east and south-west roof slopes, and from observations at the site inspection that conclusion is concurred with now. The dormers would be well-integrated with the original roof form and would satisfy the District and Neighbourhood Plan requirements on design.
 5. Turning to the proposed garage, this would replace an existing detached single garage which is just discernible in views from the footway, bus shelter and car park opposite on Fox Hill, although the growth of vegetation above the fence could reduce this in time, but is clearly seen in approaching views through the wide driveway entrance at the corner, albeit fleeting for many road users.
 6. There had been a previous permission granted in 2007 for a replacement garage under the description '*first floor extension to enlarge bedrooms. Alterations and extension to existing garage to form garage and utility room. Demolition of existing single garage and construction of double garage*' (Ref HH/07/00640/FULL) and the appellant claims this to be extant. It appears from the drawing supplied that some of the other items of development granted permission have been carried out and the permission to build a 6m by 7m garage, with a full pyramid roof shown on drawing 84403/10.07.04B, should be considered extant and a viable 'fallback' position.
 7. That garage is shown to abut the south corner of the house and the relationship of the furthest extent with the footprint of the removed single garage is shown on drawing 04B. It appears that the 7m dimension would have been in the direction away from the house and separated by only a single gate between the two buildings with the veranda-style low roof along the front of the house almost touching the eaves of the pyramid roof. The pyramid roof would have reached its highest extent as a point approximately level with the ridge height of the semi-dormers that formed part of that scheme and which were constructed.
 8. The proposed garage is dimensioned at the same 7m in the direction away from the house, but would be separated from the house by a dimensioned 3.25m, shorter than at present but resulting in the south-east edge of the garage being substantially outside the footprint of both the existing garage and the extant permission.
 9. In order to control the height of the ridge, a flat area is now proposed with slopes on either side, but the span of the roof as seen from the entrance view would be the same, while the increase in length of a stated 1.5m would not affect that view. The device chosen does however result in an incongruous appearance alongside a fully pitch-roofed house and the relationship of the

front window with the barge boards is too close and hence weak and is poorly integrated with the opening below for the garage door.

10. That is not to say that a full pitch as permitted would be acceptable in this more forward position, and that is not proposed in any event. But, the roof arrangement now proposed would risk being visible from the same locations on the far side of Fox Hill and would be plainly in view from the corner through the driveway opening. The incongruous roof design together with the forward location would appear poorly related to the existing house and the house as acceptably enlarged, and would cause harm to the character and appearance of the area. These conclusions do not alter whether considering the same proposals as were before the Council or the appellant's submitted amendments to the access arrangements to the upper floor.
11. The garage as proposed would not be of the standard of design sought in the Framework and would be contrary to the first and third bullet points of Policy DP26 on high quality design and how it addresses the character and scale of the nearby building, nor the first bullet point of Policy H9 on scale, height and form.
12. To conclude, the garage is unacceptable, and permission should not be granted, while the loft conversion with new dormers is acceptable, and being physically and operationally separate, may be granted permission in a split Decision. The additional conditions requested by the Council do not apply to this part of the development and only those regarding materials and naming the 'as proposed' drawings for the avoidance of doubt, are required in addition to the standard time condition. With those provisions and for the reasons given above it is concluded that the appeal should be allowed in part and dismissed in part.

S J Papworth

INSPECTOR