



Appeal Decision

Site visit made on 27 August 2020

by N Holdsworth MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 September 2020

Appeal Ref: APP/C1435/W/20/3248894

Land rear of 94 Church Street, Willingdon, BN22 0HU

- 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 Julian Ledger against the decision of Wealden District Council.
 - The application Ref WD/2019/1139/F, dated 11 July 2019, was refused by notice dated 24 September 2019.
 - The development proposed was originally described as erection of a detached 3-bedroom, single storey modular home with associated parking, vehicular access, hard surfacing and landscaping, including the demolition of the donor property's double garage and an outbuilding which currently exists in the rear garden. The garage will be reinstated as an entrance drive-through for the new dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council have withdrawn the second reason for refusal, which relates to the impact of the development on habitats sites. The emerging planning policies, cited on the decision notice, have also been withdrawn.

Main Issue

3. The main issue in the appeal is the effect on the character and appearance of the Church Street, Willingdon Conservation Area.

Reasons

4. The Church Street, Willingdon Conservation Area is comprised of attractive older buildings of varying design. They form a historic village, which predates much of the surrounding built-up area. The large and spacious gardens are a particularly attractive feature, giving the Conservation Area a verdant character that can be distinguished from the nearby modern estate development.
5. In many respects this would be a sensitive sub-division of the wide plot associated with No.94 Church Street, following the historic precedent set by the site to the west. A large garden would be retained for No.94. The new building and access would be disguised in views from the road, through the sympathetic reconstruction of the garage. Because of its limited height, the building would be visually subservient to existing development including No.94. The contemporary, timber clad design would differ from older buildings but would complement the immediate garden setting. In all these respects, the proposal would have an appropriate appearance, in relation to the Conservation Area.

6. However, the footprint of the proposed building is too large. In combination with the large areas of stone coloured hardstanding, it would occupy a substantial proportion of the new plot. Consequently, the landscaped garden associated with the new property would appear tokenistic and unduly small. The development would therefore appear cramped and at odds with the prevailing spacious and verdant character of this Conservation Area, where residential properties typically have well-sized, landscaped gardens. In this respect, the spaciousness of the site and the verdant character of the Conservation Area would be significantly eroded.
7. The proposal would differ from neighbouring backland development, which is much less intensive in appearance. The harm arising from the unduly bulky appearance of this development would be clearly apparent from private views around the site, including from other properties within the Conservation Area. It would not be effectively disguised by the proposed hedging and the green roof. The identified harm cannot therefore be overcome through planning conditions, such as those requiring the installation and retention of landscaping features.
8. Consequently, the proposal would fail to preserve or enhance the character or the appearance of the Church Street, Willingdon Conservation Area. It conflicts with saved policy EN27 of the Wealden Local Plan (1998) and SPO2 of the Wealden District Core Strategy (2013) which require, amongst other things, that new development respects the character of adjoining development whilst protecting the intrinsic quality of the historic environment. Having regard to paragraph 196 of the National Planning Policy Framework, the harm to the Conservation Area would be less than substantial. This is a matter to which I will return in the planning balance section.

Other Issues

9. The first reason for refusal raises other issues to those specifically discussed above. The grade II listed building 'Rippingtons' is set well away from the new plot. Because of the separation distance and buildings within the intervening space, the works would not have any effect on the setting of this designated heritage asset.
10. It is also stated in the reason for refusal that the proposal falls outside the development boundary. However, it is clearly located in a built-up area, close to services and facilities which would be easily accessible from the site by a range of transport options, and contiguous with a longstanding settlement. There is no significant conflict with the other cited development plan policies, in relation to these or the other issues raised. However, the harm identified in the main issue means that the proposal conflicts with the development plan, when it is considered as a whole.

Planning Balance

11. The Council are unable to demonstrate a 5-year housing land supply. The Framework states that, in these circumstances the policies which are the most important for determining this application, which involves the provision of housing, are out-of-date. The presumption in favour of sustainable development, as set out in paragraph 11 d) of the Framework, is therefore engaged.

12. I have identified less than substantial harm to the Church Street Willingdon Conservation Area. The provision of an additional dwelling would be a public benefit of the scheme, providing good quality additional housing with high environmental performance, where there is an established shortfall. However, this is insufficient to outweigh the less than substantial harm to the Conservation Area. For the purpose of paragraph 11 d) i) of the Framework, this amounts to a clear reason to refuse the development proposed. As such, the weighted balance, as set out in paragraph 11 d) ii) of the Framework does not on this occasion apply.
13. There are also objections to the proposal from interested parties, citing other issues to those set out in the Council's reason for refusal and dealt with in my reasoning above. However, as the appeal is failing for other reasons, there is no need to address these.

Conclusion

14. The proposal conflicts with the development plan due to the harm identified in the main issue of this appeal. There are no other considerations, including national planning policy, that outweigh this finding. The appeal should be dismissed.

Neil Holdsworth

INSPECTOR