
Appeal Decision

Site visit made on 1 February 2021

by **S J Papworth DipArch(Glos) RIBA**

an Inspector appointed by the Secretary of State

Decision date: 09 February 2021

Appeal Ref: APP/C1435/W/20/3254855

**Land adjacent to 1 Bellbanks Bungalows, Bellbanks Road,
Hailsham BN27 2AL**

- 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 Richard Mower against the decision of Wealden District Council.
 - The application Ref WD/2019/0297/F, dated 6 February 2019, was refused by notice dated 6 March 2020.
 - The development proposed is 1 bedroom bungalow.
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Decision

1. I dismiss the appeal.

Main Issues

2. These are:
 - The effect of the proposal on the character and appearance of the Bellbanks Road area of Hailsham.
 - Whether the proposal would provide acceptable living conditions for prospective occupiers with particular regard to outdoor amenity space.

Reasons

3. The Appeal Form was against the failure of the Council to determine the application within the appropriate period and was dated 22 March 2020. As noted above, the Council issued a Refusal Notice on 6 March 2020. Nothing in the merits of the case turns on this matter and in view of the existence of a Notice of Refusal, the heading to this Decision has been set out as a refusal case.
4. Saved Policies EN27 and HA1 of the Wealden Local Plan set out respectively, design criteria for development and the principle of development through infilling and redevelopment, the supporting text stating that the future incidence of unidentified sites within the development boundary will depend on the extent to which proposals satisfy normal planning criteria and conform with the policies in the Plan. Spatial Planning Objective SPO13 of the Core Strategy encourages the development of high quality, safe and attractive living environments with good design. Policy WCS14 states the presumption in favour of sustainable development.

5. The most up-to-date version of that presumption is contained at paragraph 11 of the National Planning Policy Framework, and the three overarching objectives for achieving such development are set out in paragraph 8. Paragraph 124 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.
6. The Hailsham Neighbourhood Plan has reached an advanced stage, although the referendum has been postponed to some date to be determined, after May 2021 due to the Covid-19 pandemic. Policy HAIL D1 sets out detailed requirements with the aim of high-quality design, while Policy HAIL D2 supports small scale residential development within the built-up area of Hailsham. Active travel is promoted in Policy HAIL AT1 including the use of footpaths to access facilities. Whilst not yet part of the Development Plan, the Council acknowledge that this post-examination Plan is a material consideration, and the policies stated appear in-line with the District-wide policies.
7. The Council have published the Wealden Design Guide as a Supplementary Planning Document and Chapters 5 and 7 concern site and character appraisals, and new residential development.
8. Bellbanks Bungalows is a terrace set within a triangle of 2 roads and a footpath and it appears that at the west end, where the footpath and Bellbanks Road converge, number 1 benefited from a wide side garden into the point of that taper. To the rear a further line of detached dwellings fronts the north edge of the footpath, seen across the side garden.
9. The appeal site has been separated off from what garden land remains associated with number 1, with a tall timber fence on the boundary. The resulting triangle has a mature hedgerow on the other 2 sides. Whilst the interior of the site appears unused and untended, the hedge softens the appearance of unuse, and allows the dwelling to the rear, a chalet shown as Swans View, to address the street-scene. The site is prominent and provides a vegetated edge to the road, complementing the wide, open spaces and pond opposite.
10. The proposed dwelling would be sited tight to the boundary fence and the main south façade would sit close to the rear of the road verge, the projecting porch being on that line, and hence well forward of the general line of the adjoining terrace. To the rear, the stepped elevation would follow the line of the footpath with only a narrow gap at the corners. The remainder of the site where it tapers would be occupied by parking and turning, shown as hardstanding, but even if it were such as 'grasscrete', it would dominate the view from the road where the hedge would need to be removed.
11. The effect would be of a cramped and unattractive form of development due to the size and nature of the site, and the size and siting of the proposed dwelling, which would detract from the street-scene and cause harm to the wider urban landscape of Bellbanks Road and the Common Pond, and would be poorly related to both the terrace at Bellbanks Bungalows and the chalet at Swans View. The proposal would not reach the standard of design sought in Policies EN27, HA1 and SPO13, or in the Design Guide, the emerging Neighbourhood Plan and the Framework.

Living Conditions

12. Paragraph 127f) of the Framework seeks a high standard of amenity for existing and future users, and the provision of useable and attractive private outdoor space is a measure of good residential design, a matter sought in local and national policy.
13. The shortcomings identified in the previous main issue result in a limited amount of amenity space, fragmented by the parking and stepping to the rear of the building and unduly open to public view from both sides. Any attempt to make the spaces more private would likely result in unattractive and visually intrusive boundary treatments.
14. As such the layout does not represent good design as sought in the policies, guidance and national policy previously cited. It is acknowledged that the Common Pond opposite provides a large area of amenity space that would be readily accessible to the occupiers of the small dwelling, which limits the degree of harm, but this would not fully make up for the poor quality and open space provided on-site.

Planning Balance

15. The Council have provided details of the housing land supply situation as required by paragraph 67 of the Framework, and this stood at 3.75 years, and therefor below the 5 years with buffer sought. The 2020 Housing Delivery Test Results published on 19 January 2021 show 83%, the same as in 2019.
16. As a result of the 5-year supply situation, the 'tilted' balance in paragraph 11 of the Framework is engaged. This states that in those circumstances, permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
17. The site is within the development boundary of Hailsham and within walking distance of facilities, and hence residential development would be acceptable in principle. However, whilst policies may be deemed out-of-date those that seek to achieve good design are in line with Government policy in the Framework. The proposal would provide a dwelling to assist the supply of housing in a sustainable and accessible location.
18. The proposal would further the economic objective listed at paragraph 8 of the Framework in the short-term provision of employment in the building process and in further occupiers supporting the town centre facilities, and that would also aid the social objective in providing a small dwelling close to the centre, but that objective also seeks a well designed environment, which this proposal fails to do. The environmental objective would not be met due to the harm caused to the street-scene and the wider environment of the pond area.
19. To conclude, the identified harm is such that the adverse impacts from the scheme would significantly outweigh the benefits, when assessed against the policies in the Framework taken as a whole, and this has been demonstrated in this Decision.

Conclusions

20. The proposal would cause harm to the character and appearance of the area and fails to provide an adequate amount or quality of private amenity space on the site. The housing land situation and the proximity of the open space to the south do not outweigh these considerations and the failure to accord with Development Plan Policy and guidance indicate that permission should be withheld. For the reasons given above it is concluded that the appeal should be dismissed.

S J Papworth

INSPECTOR