

Appeal Decision

Site Visit made on 23 February 2021

by Martin Small BA(Hons) BPI DipCM MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th March 2021

Appeal Ref: APP/C1435/W/20/3250169

52 Browns Lane, Uckfield, TN22 1UF

- 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 Standing Stones Development Ltd against the decision of Wealden District Council.
 - The application Ref WD/2019/2691/F, dated 19 December 2019, was refused by notice dated 4 March 2020.
 - The development proposed is a new dwelling within curtilage of 52 Browns Lane.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appeal site lies within 7 km of the Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC). During the appeal process the appellant submitted a signed and dated S106 agreement undertaking to pay contributions towards mitigation measures for the likely significant effects of the proposal on the integrity of these designated sites. I return to this matter below.

Main Issues

3. The main issues are:
 - i) the effect of the proposed development on the character and appearance of the area;
 - ii) the effect of the proposed development on the living conditions of the occupiers of the host property with regard to the garden area; and
 - iii) whether the proposed development would provide satisfactory living conditions for the occupiers of the proposed dwelling with regard to the garden area.

Reasons

Character and appearance

4. The appeal site is located within the Manor Park Estate, an established residential area originally dating from the 1960s / 1970s. The Estate primarily comprises semi-detached and terraced dwellings set back from the road. Many have extensive open plan front gardens which, together with grassed areas, give the Estate a predominantly spacious character.
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5. The appeal property, No 52, is semi-detached and one of the northernmost of four pairs of semi-detached dwellings fronting a small crescent set back from Browns Lane. Lawns and hardstandings to the frontages and spacious plots contribute to the crescent's open character. Nos 55, 58 and 59, Browns Lane, other properties within the crescent, have 2-storey side extensions.
6. The proposed dwelling would be of the same height and massing as No 52 and be of a largely similar design and appearance. In physical form, the dwelling would reflect the 2-storey extensions elsewhere in the crescent. Therefore, the proposed dwelling itself would not be harmfully incongruous in the streetscene.
7. However, the division of the existing frontage of No 52 would result in significantly smaller frontages for No 52 and the proposed dwelling than prevailing in the crescent. Moreover, the resulting site coverage of No 52 with a lack of space to either side would be incongruous given this pattern of more spacious plots. Consequently, the resulting terrace of 3 dwellings would be at odds with the semi-detached dwellings elsewhere in the crescent.
8. The provision of 2 parking spaces on each of the 2 frontages would leave little, if any, room for planting between the two properties. Whilst the entire existing frontage of No 52 could, potentially, be converted to hardstanding, the potential parking of 4 cars would further erode the characteristic spaciousness of the crescent. The combination of the resulting lack of space around No 52 and the parking area to the front would result in it appearing cramped on its remaining plot.
9. I therefore conclude that the proposal would be harmful to the character and appearance of the crescent. Accordingly, in this respect, it would conflict with saved Policy EN27(1) of the Wealden Local Plan 1998 (the Local Plan) and Spatial Planning Objective SPO13 of the Wealden Core Strategy Local Plan (2013)¹ (the Core Strategy), which, amongst other things, promote good design. It would also conflict with Policy WCS14 of the Core Strategy which promotes sustainable development, of which good design is a key aspect. Policy EN27 is consistent with the policies of the National Planning Policy Framework (the Framework) on design.

Living conditions of the occupiers of No 52

10. The proposal would result in a small remaining rear garden area for No 52 which would be its only private garden. Other rear gardens in the area may be smaller but the garden for No 52 is cut into the rising ground to the west and is effectively on two levels with retaining walls and a bank at its westernmost point. This arrangement substantially reduces the useability and quality of the rear garden.
11. Even with the removal of the existing outbuilding, the remaining lower level garden for No 52 would be hemmed in between the rear elevation of the property, the retaining wall to the west and the fences to No 53 and the proposed new dwelling to either side. The space immediately outside the patio doors would be particularly constrained by the existing single-storey extension. This degree of enclosure would be oppressive such that lower level would be an unattractive environment for sitting out or play. The upper level would be a little more open but would be of limited size.

¹ Wealden District (Incorporating Part of the South Downs National Park) Core Strategy Local Plan

12. There are formal playing pitches at Uckfield Rugby Club and, from the evidence before me, public footpaths within reasonable walking distance of the appeal site. However, these would not offer the same opportunities as a private garden. Consequently, they would not be an adequate substitute for an unsatisfactory private garden for day to day use by the occupiers of No 52.
13. I therefore conclude that the proposal would result in unsatisfactory living conditions for the occupiers of No 52. Accordingly, in this respect, the form of the proposal would conflict with saved Policy EN27(2) of the Local Plan which seeks to protect the living conditions of the occupiers of adjoining properties. It would also conflict with Spatial Planning Objective SPO13 as not providing a high quality living environment and with Policy WCS14 of the Core Strategy.

Living conditions of the future occupiers of the proposed dwelling

14. The plot of the proposed dwelling would be triangular, tapering to a point at its western end. Together with the changes in ground level to the north and west, this would result in a tightly constrained and largely impractical garden to the rear and immediately to the side of the proposed dwelling. The parking spaces to the front of the dwelling would encroach into the existing area of garden to the north-east of No 52. Overall, the configuration and topography of the garden for the proposed dwelling would not be satisfactory.
15. I therefore conclude that the proposal would result in unsatisfactory living conditions for future occupiers of the proposed dwelling. Accordingly, in this respect, it would conflict with saved Policy EN27(3) of the Local Plan which seeks to ensure a satisfactory environment for future occupiers including adequate provision for garden space. It would also conflict with Spatial Planning Objective SPO13 and Policy WCS14 of the Core Strategy.

Other Matters

Ashdown Forest

16. Ashdown Forest is an extensive area of heathland and woodland. It is designated as an SPA and an SAC because of its biodiversity interest, including breeding populations of Dartford warbler and European nightjar, North Atlantic wet heaths with *Erica tetralix*, European dry heaths and the presence of Great crested newts. Ashdown Forest is also a Site of Special Scientific Interest.
17. The designated sites are vulnerable to disturbance from recreational activities and atmospheric pollution. Recreational disturbance is associated with new residential development within 7 km of Ashdown Forest. The proposal would result in an additional dwelling and consequently, in combination with other plans and projects, it would lead to a likely significant effect on the Forest.
18. The Conservation of Habitats and Species Regulations 2017 (as amended) require the decision maker to undertake an Appropriate Assessment (AA) before giving any permission where there are likely significant effects on the integrity of a designated site, either alone or in combination with other plans and projects. I return to this matter below.

Other considerations

19. Permission has been granted for a 2-storey extension to No 52 of the same scale and footprint as the appeal proposal; although this has not been

implemented it remains extant². However, this approved scheme does not include the division of the plot. Consequently, it would not result in the harm I have identified from the proposal before me.

Planning Balance

20. The Council cannot demonstrate a 5-year supply of deliverable housing land. The Planning Officer's Report indicates the supply as at December 2019 to be 3.67 years. The shortfall is therefore significant. Consequently, because of the provisions of footnote 7, paragraph 11 d) of the Framework is engaged.
21. I have identified significant harm to the character and appearance of the area and to the living conditions of the occupiers of the existing dwelling. I have also found that the external garden area for the future occupiers of the proposed dwelling would be unsatisfactory. The Framework sets out that the desirability of maintaining an area's prevailing character should be taken into account. Planning decisions should ensure that developments are sympathetic to local character and create places with a high standard of amenity for existing and future users. Consequently, the proposal would result in both environmental and social harm.
22. Set against these harms, the Framework recognises that small and medium sites can make an important contribution to meeting the housing requirement of an area. Great weight should be given to the benefits of using suitable sites within settlements for homes and planning decisions should support development that makes efficient use of land. However, whilst the development of under-utilised land should be supported, I see no reason why the appeal site should not be fully utilised as a garden within the limits of its shape and topography. Moreover, an additional dwelling and household would make a minimal contribution to the overall supply of housing and the local economy. The combined social and economic benefits would therefore be very limited.
23. I therefore consider that the adverse impacts of the proposal would significantly and demonstrably outweigh the very limited benefits of the proposal when assessed against the policies of the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply in this case. In these circumstances it is not necessary for me to undertake an AA in respect of the effects of the scheme on Ashdown Forest.

Conclusion

24. I have found that the proposed development would be contrary to the development plan taken as a whole. There are no considerations, including the provisions of the Framework, that indicate that a decision should be made other than in accordance with the development plan. Accordingly, the appeal is dismissed.

Martin Small

INSPECTOR

² WD/2019/1841/F