The Planning Inspectorate

Appeal Decision

Site Visit made on 16 March 2021

by S M Holden BSc(Hons) MSc CEng MICE CTPP FCIHT MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 March 2021

Appeal Ref: APP/C1435/W/20/3257873
5 Blackness Road, Crowborough TN6 2LY

- 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 Oliver Beswick of The Goldeneye Group against the decision of Wealden District Council.
- The application Ref WD/2020/0652/F, dated 25 March 2020, was refused by notice dated 26 June 2020.
- The development proposed is the erection of detached bungalow in the back garden of 5 Blackness Road, along with associated parking at the front of 5 Blackness Road with pedestrian access down the left hand side of the main property.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on the:

   a) character and appearance of the area;

   b) living conditions of occupants of surrounding properties.

Reasons

Character and appearance

3. No 5 Blackness Road is one of a group of semi-detached houses set in good-sized, long plots. Planning permission has been granted for it to be extended and sub-divided. Works to implement this scheme were in progress at the time of my site visit.

4. The proposed dwelling would be sited in the rear garden immediately adjacent to the rear-boundary fence. It would occupy almost the full width of the plot. This would be out-of-character with the surrounding development, which is characterised by dwellings with direct street frontage and rear gardens. By contrast the proposal would be sited to the rear of existing development and its only amenity area would be in front of it. This layout is not comparable with other properties which have smaller plots nearby, including those along Luxford Lane. In this case the plot would not only be significantly smaller but would also be insufficient to provide space around the building. This unsatisfactory relationship between the dwelling and its plot would be at odds with surrounding development.

5. There are some ancillary buildings in other nearby rear gardens. However, these are all considerably smaller than the appeal proposal. The outbuilding at No 4 is a shed constructed of timber and is not comparable with the scale, size or character of a separate dwelling. The presence of outbuildings elsewhere in the vicinity has not resulted in any sub-division of the plots. These buildings provide additional accommodation and storage that functions in connection with the host property. They are therefore not analogous with the appeal scheme. This combination of factors would result in a cramped form of development that would fail to respect the regular and spacious arrangement of properties in this part of Blackness Road.

6. For all these reasons, I conclude that the proposal would result in significant harm to the character and appearance of the area, contrary to saved Policy EN27 of the Wealden Local Plan 1998 (Local Plan) and Policy SPO13 of the Wealden Core Strategy Local Plan 2013 (Core Strategy). These policies seek to resist unacceptable backland development and require schemes to be of a high quality that respects the scale, form, site coverage and character of adjoining development, in order to create distinctive places to live.

Living conditions

7. The sub-division of the plot would result in an insufficient amounts of space to provide suitable external amenity areas for the proposed bungalow and, most particularly, for the newly created Nos 5 and 5a. The back-to-back relationship between these restricted spaces would be unsatisfactory, significantly reducing their usability and increasing the likelihood of noise and disturbance for the occupants. This would give rise to inadequate living conditions for future occupiers of all 3 dwellings.

8. The properties in Luxford Lane have shallow rear gardens. The eaves of the proposed dwelling would project above the boundary fence, above which would be an expanse of pitched roof. This would appear overbearing from the rear rooms within Luxford Cottages and introduce a sense of enclosure into their gardens. This would result in a loss of outlook and make their gardens less pleasant places to be.

9. This leads me to conclude that the proposal would result in unsatisfactory living conditions for future occupants due to inadequate external amenity space. It would also adversely affect the living conditions for neighbours in Luxford Lane arising from its overbearing appearance. The scheme would conflict with saved Policy EN27 of the Local Plan and SPO13 of the Core Strategy which, amongst other things, require development to provide a satisfactory environment for future occupants and to protect adjoining occupants from unacceptable adverse impacts.

Planning Balance

10. Policies EN27 of the Local Plan and SPO13 of the Core Strategy are consistent with the National Planning Policy Framework's (the Framework) approach to design. The Framework advises that developments should be sympathetic to local character, using streets, spaces and buildings to create attractive, welcoming and distinctive places to live whilst optimising the potential of sites. Conflict with these policies therefore carries full weight in my assessment. The harms that I have identified means that the proposal conflicts with the development plan as a whole.

11. The government is seeking to significantly boost the supply of housing. As the Council is only able to demonstrate a 3.67-year supply of deliverable housing sites paragraph 11d) of the Framework is engaged and planning permission should be granted unless the adverse impacts of so doing would significantly and demonstrably outweigh the benefits, when assessed against the Framework taken as a whole.

12. The proposal would provide the social and economic benefits arising from the construction of an additional home. However, the Framework states that good design is a key aspect of sustainable development and advocates the creation of a high-quality built environment. In this case, I have concluded that the proposal would fail to do so. It would therefore not accord with the Framework's objective of achieving a well-designed place.

13. I therefore consider that the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits of a single dwelling, when assessed against the policies in the Framework taken as a whole. The presumption in favour of sustainable development therefore does not apply.

Conclusion

14. The proposal conflicts with the development plan and there are no other considerations, including the provisions of the Framework, which outweigh this finding.

15. For this reason, I conclude that the appeal should be dismissed.

Sheila Holden

INSPECTOR