



Appeal Decision

Site Visit made on 17 June 2021

by J Reid BA(Hons) BArch(Hons) RIBA

an Inspector appointed by the Secretary of State

Decision date: 29 June 2021

Appeal Ref: APP/D3830/D/21/3275482

Birchways, Keymer Road, Burgess Hill RH15 0AL

- 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 Simon Bellm against the decision of Mid Sussex District Council.
 - The application Ref DM/21/0018, dated 23 December 2020, was refused by notice dated 5 March 2021.
 - The development proposed is Pitched / flat roof double garage.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposed development would preserve or enhance the character or appearance of the Silverdale Road/Birchwood Grove Road Conservation Area.

Reasons

3. The Conservation Area is mainly characterised by substantial Victorian and Edwardian style villas, some of which are now in other uses, which are mostly set back from the streets within spacious grounds. Their historic architecture, including their styles, forms and details, and the mature trees that have flourished in their gardens, are important to its appearance. Together, the character and the appearance of the Conservation Area are important to its special interest and to its significance as an area of historic townscape.
4. Close by, on the east side of Keymer Road, between its junctions with Ferndale Road and Folders Lane, the Conservation Area includes some later infill buildings, and parts of the historic front gardens now include parking. However, as the scale and siting of most infill buildings respect their surroundings, and as the parked vehicles come and go, the general lack of built form between the front building line of the historic villas and their boundaries with Keymer Road provides important spaciousness that enables the significance of the heritage asset to be appreciated.
5. Birchways and Millstone, which is next door to roughly north, have been built between 2 historic villas that are now the Firgrove Nursing Home and the Hilgay Care Home. These later infill dwellings are set back from Keymer Road similarly to the historic villas, and as there is mostly low key boundary treatment between their 2 front gardens, much of the open character of the historic garden has been preserved in views from the street.

6. The proposed part hipped part flat or 'crown' roofed double garage would be sited towards the south side of the front garden of the traditional style dwelling at Birchways, closer to the dwelling than to the road. The Council has not raised concerns about the existing trees. As the garage would be sited some distance from them, I agree.
7. However, due to its discordant siting, in front of the historic front building line in Keymer Road, the garage would look incongruous and would harmfully intrude into the generally spacious front garden. The damaging bulk of its built form would be seen by neighbouring occupiers and passers-by in Keymer Road. Also, due to its detailed design, including its 'crown' roof and modern style garage doors, the garage would be unacceptably unsympathetic to the appearance and character of the nearby historic villas.
8. Some hardstanding in the front garden could be replaced with lawn, and bird boxes, planting and the like could be provided, without the need to allow the proposal, so they attract little weight. The appellant's personal circumstances have also been considered, but as the proposal would be likely to endure long after they have ceased to be material, they would not outweigh the harm that the proposal would cause. The town council's view has also been considered, but as the garage set forward of the dwelling at Millstone was permitted before the Conservation Area was designated, it provides little support for this damaging proposal, and little information has been put to me about other nearby buildings including the attached garage at Millbrook and the 'Building' at 2 Ferndale Road. So, I shall deal with the proposal on its merits and in accordance with its site specific circumstances, my statutory duty, and relevant local and national policy.
9. In the terms of paragraph 196 of the National Planning Policy Framework (Framework) the proposal would cause 'less than substantial harm' to the significance of the Conservation Area. As the heritage asset is the Conservation Area it is not appropriate to consider its optimum viable use, and as there would be almost no public benefits, they would not be enough to outweigh that harm. Moreover, insufficient clear and convincing justification has been put to me to show that the proposal would be necessary to preserve or enhance the asset's special interest and significance as an area of historic townscape.
10. Therefore, I consider that the proposed development would fail to preserve or enhance the character or appearance of the Conservation Area. It would be contrary to Policy DP35 of the Mid Sussex District Plan 2014-2031 (LP) and Policy H1 of the Burgess Hill Neighbourhood Plan 2015-2031 which reflect the thrust of the statutory duty, and LP Policy DP26 which, amongst other things, seeks high quality design and layout.

Conclusion

11. I have found that the proposed development would be contrary to the Development Plan when considered as a whole. The other considerations, including the Framework, do not outweigh that conflict.
12. For the reasons given above, the appeal should be dismissed.

J Reid

INSPECTOR