



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/21/3273440

1 Wintons Close, Burgess Hill RH15 0FX

- 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 James Leighton against the decision of Mid Sussex District Council.
 - The application Ref DM/21/0361, dated 28 January 2021, was refused by notice dated 15 March 2021.
 - The development proposed is conversion of existing garage to form new dining room off kitchen. Erection of new double garage to front driveway area including new boundary planting.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect that the proposed development would have on the character and appearance of the surrounding area.

Reasons

3. Wintons Close is one of several culs de sac reached from Folders Lane within a suburban area towards the southern edge of Burgess Hill. The trees and planting that partly edge Folders Lane provide important leafiness, and most dwellings and outbuildings on the south side of the lane are set well back in their plots. The appeal dwelling, which includes an attached single width garage on one side, is similarly set back. Because its front garden narrows towards Folders Lane the dwelling can be seen in the wide gap where Wintons Close meets Folders Lane.
4. Policy DP37 of the Mid Sussex District Plan 2014-2031 (LP) aims to support the protection and enhancement of existing trees. Whilst the 2 deciduous trees within the site by Folders Lane have the form and character of an overgrown hedge, they contribute positively to the appeal dwelling's leafy setting and outlook, the Folders Lane street scene, and the character and appearance of the locality.
5. The Council has not raised concerns about converting the existing garage to a dining room, and as the wall and window that would replace the garage door at the front would harmonise with the character and appearance of the existing dwelling, I agree. However, the proposed double garage with its tall gabled roof would be nearly as wide as the tapering site. It would be close to Folders Lane, and very close to Wintons Close, leaving only a narrow strip for planting

by the close to partly screen it. Due to its substantial scale, bulky form and prominent siting, the garage would be unacceptably dominant in the nearby Folders Lane and Wintons Close street scenes. Because it would also harmfully intrude into the important verdant openness by the access into Wintons Close from Folders Lane, the garage would be unacceptably at odds with the character and appearance of the locality.

6. The Council raised concern that the garage would be within 15 m of the 2 trees by Folders Lane, but they are not ancient woodland and are not statutorily protected. There is little evidence to show that the trees would be protected from the development or during its construction. Even so, the appellant wants to keep the trees, and conditions to control existing and proposed planting could reasonably be dealt with by condition if the development were to be otherwise acceptable, which would satisfy LP Policy DP37. However, that would not overcome the harm that the garage would cause.
7. I saw most nearby garages or outbuildings in Folders Lane that were drawn to my attention by the appellant. However, the Folders Lane street scene changes beyond its roundabout to roughly east because much of the tree line is further from the south side of the road, so the circumstances at 54a, 54b and 56a are different, and 96 is a substantial distance from the site. The garage at 9 Wintons Close is sited away from the junction with Folders Lane, and screened by deep planting, so it can barely be seen from Folders Lane. The garage at 34 is set further back from Folders Lane on one side of its narrow drive, and views of 2 outbuildings by the single access to 32 and 32a are largely screened by the tall solid gates. Moreover, little information about them has been put to me. So, I have dealt with the proposal on its merits and in accordance with its site specific circumstances and relevant local and national policy and guidance. The appellant's concerns about the Council's handling of the application are not relevant to my findings.
8. I consider that the proposed development would harm the character and appearance of the surrounding area. It would be contrary to LP Policy DP26 which seeks high quality design and layout, guidance in the Mid Sussex Design Guide Supplementary Planning Document SPD, and the National Planning Policy Framework (Framework) which aims for development to be sympathetic to local character and to maintain a strong sense of place.

Conclusion

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

J Reid

INSPECTOR