



Appeal Decision

Site Visit made on 30 September 2021

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

an Inspector appointed by the Secretary of State

Decision date: 07 October 2021

Appeal Ref: APP/D3830/W/21/3274883

Walstead House, Birchwood Grove Road, Burgess Hill RH15 0DL

- 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 Mrs Julia Pyper of Principal Homes against the decision of Mid Sussex District Council.
 - The application Ref DM/21/0555, dated 9 February 2021, was refused by notice dated 15 April 2021.
 - The development proposed is Detached dwelling and associated gardens and access.
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Decision

1. The appeal is allowed, and planning permission is granted for Detached dwelling and associated gardens and access at Walstead House, Birchwood Grove Road, Burgess Hill RH15 0DL, in accordance with the terms of the application, Ref DM/21/0555, dated 9 February 2021, subject to the conditions set out in Schedule A at the end of this decision.

Preliminary Matter

2. The appellant has confirmed that the reference to 'dwellings' in the Description of the Proposal given on the application form should be 'dwelling'. So, I have used the corrected description in the banner heading and the Decision above.

Main Issue

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

Reasons

4. The appeal site is situated in a mainly residential area towards the roughly north east end of Birchwood Grove Road, on its north west side, opposite Woodlands Mead college and Birchwood Grove primary school. It is between Walstead House to roughly south west and Cherry Tree House to roughly north east, and it backs onto 66 Ferndale Road. The dwellings on the north west side of Birchwood Grove Road beyond the far side and back of Bramwell, which is next door to Walstead House, are within the Silverdale Road/Birchwood Grove Road Conservation Area. Due to the gently sloping topography, the site is a little lower than much of the land at Walstead House.
5. Most of the narrow Birchwood Grove Road is edged by grass verges, but at about Cherry Tree House the public highway widens and leads into the modern estate of mainly detached houses close by in Wykeham Way. The Conservation Area includes historic and more recent dwellings spaciouly sited on good-sized

verdant plots, but north eastwards outside it, the plot depths decrease from Bramwell through to Cherry Tree House, and there are some dwellings west of the school and college on relatively shallow plots. Even so, whilst the scale, age, style and spacing between dwellings varies, the surrounding area has a largely spacious suburban character.

6. The proposed 3 bedroom 2 storey dwelling would be narrower than Walstead House and Cherry Tree House, but it would be similarly deep, and it would align with their fronts and backs. So, the dwelling would be sufficiently set back from the road, and its back garden would be deeper than the back garden at Cherry Tree House and a similar depth to that at Bramwell. Its broken gabled form would reflect the front facing gables in the neighbouring dwellings at Walstead House and Cherry Tree House and, due to its siting, form, scale and massing, the dwelling would maintain the important spaciousness that contributes positively to the sense of place.
7. The suburban character is leafier to roughly west and south west. Even so, due to the deep grass verge in front of the site, the tall hedgerows by most of its boundaries, the backdrop of trees and planting in nearby gardens, and the ample space by and around the dwelling, the suitably verdant setting of the dwelling would respect the verdant street scene in Birchwood Grove Road, and the important greenery and leafiness close by. Moreover, because the well-designed proposal would be sympathetic to the character and appearance of its surroundings, it would not harm the setting of the Conservation Area.
8. Regarding my colleague's appeal decision ref APP/D3830/W/19/3239677, as that proposed dwelling would have been sited behind 2 dwellings in an area with a strong linear character, it differs from the proposal before 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.
9. Therefore, I consider that the proposed development would not harm the character and appearance of the surrounding area. It would satisfy Policy DP26 of the Mid Sussex District Plan 2014-2031 which seeks high quality design and respect for context, Core Objective CO1 of the Burgess Hill Neighbourhood Plan 2015-2031 which aims to promote sustainable and well-designed development in the right location taking into account the character and amenity of the local area, and to preserve and enhance existing residential neighbourhoods, and the National Planning Policy Framework (Framework) which, amongst other things, seeks to achieve well-designed places. It would also satisfy the advice in the Mid Sussex Design Guide Supplementary Planning Document SPD and the National Design Guide.

Other Matters

10. Interested parties have raised several concerns including overlooking and loss of privacy, overshadowing and loss of daylight, impact on outlook, noise and disturbance during construction, the dwelling's private outdoor space, and highway safety. However, they were not concerns of the Council in its reasons for refusal, and having regard to the topography at the site and its surroundings, the relationships between the proposal and nearby dwellings, and the responses of the Council's consultees, I agree. Also, as the site is within a mainly residential area, harmful noise and disturbance from the future occupiers or their neighbours would not reasonably be expected.

11. Therefore, as the proposal would be acceptable, planning permission should be granted subject to the imposition of suitable conditions.

Conditions

12. The main parties have suggested conditions, but they have not given reasons for them. I have considered the suggested conditions, including those of the Council's consultees, in the light of Framework paragraph 56 and the Planning Practice Guidance (PPG).
13. The condition identifying the approved plans is necessary to give certainty. The condition for the construction management plan, the access, and car parking are necessary in the interests of highway safety. Conditions to control the finished ground floor level, tree protection, external materials, and hard and soft landscaping and boundary treatment, are reasonable and necessary to protect the character and appearance of the area. The condition to control the hours of demolition or construction is necessary to protect the living conditions of nearby occupiers, and the conditions for foul and surface water drainage and means of disposal, and hard landscaping, are necessary in the interests of public health and to avoid flooding. Conditions for the cycle parking area, which is shown on the approved plans, and an electric vehicle charging scheme are reasonable and necessary to encourage travel by sustainable modes.
14. Because the conditions for the finished ground floor level, foul and surface water drainage works, and tree protection, affect works below ground, and because the construction management plan is necessary for highway safety from the start, these need to be pre-commencement conditions.
15. As there is an established procedure to deal with changes to conditions, most tailpieces are not necessary, so they have been removed. However, as plants are living organisms that could be affected by planting seasons or unsuited to conditions at the site, the tailpiece in the hard and soft landscaping and boundary treatment condition is reasonable and necessary. The suggested conditions for car and cycle parking have been combined, but as bulk movements of materials could be dealt with in the construction management plan, that condition has not been imposed.
16. There is insufficient evidence to show that the appellant's suggested conditions for hedge protection, the refuse storage area, an energy and water efficiency statement, and high speed broadband connection infrastructure, would satisfy the 'tests' in Framework paragraph 56 and the PPG, so they have not been imposed.

Conclusion

17. I have found that the proposed development would satisfy the Development Plan when taken as a whole. The other considerations in this case, including the Framework, do not indicate a determination otherwise.
18. For the reasons given above, the appeal should be allowed.

J Reid

INSPECTOR

Schedule A

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 2930/1F, 2930/2, 2930/2E, 2930/3D, and 2930/4C.
- 3) No development shall take place until details of the finished level, above ordnance datum, of the ground floor of the development hereby permitted, in relation to existing ground levels, has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 4) Notwithstanding the details given on the approved plans, no development shall take place until details of the foul and surface water drainage and means of disposal have been submitted to and approved in writing by the local planning authority. The development hereby permitted shall not be first occupied until the foul and surface water drainage works have been carried out in accordance with the approved details.
- 5) No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The Construction Management Plan shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials;
 - iv) programme of works (including measures for traffic management);
 - v) vehicle routing;
 - vi) measures to prevent the deposit of materials in the highway.

The approved Construction Management Plan shall be adhered to throughout the construction period for the development.
- 6) No development shall commence until a tree protection plan in accordance with the recommendations in the Phillip Ellis Tree Care Consultant arboricultural report dated 30 November 2020 has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved tree protection plan until the development has been completed.
- 7) Demolition or construction works shall take place only between 0800 hours and 1800 hours on Mondays to Fridays and between 0900 hours and 1300 hours on Saturdays and shall not take place at any time on Sundays or on Bank or Public Holidays.
- 8) Notwithstanding the details given on the approved plans, no development above ground floor slab level shall take place until details and samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and samples.
- 9) No development above ground floor slab level shall be carried out until details of hard and soft landscaping works and boundary treatments have been submitted to and approved in writing by the local planning

authority. The approved hard and soft landscaping works and approved boundary treatments shall be carried out prior to the occupation of any part of the development or in accordance with a programme previously submitted to and approved in writing by the local planning authority. Any trees or shrubs which, within a period of five years from the completion of development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of the same size and species unless the local planning authority gives written approval to any variation.

- 10) No part of the development hereby permitted shall be first occupied until the vehicle access serving the development has been constructed in accordance with the details shown on the approved plan titled 'Site Plan' and numbered 2930/2E.
- 11) No part of the development hereby permitted shall be first occupied until the car parking spaces, and the cycle parking area within the integral garage, have been constructed in accordance with the approved plans numbered 2930/2E and 2930/3D. These car parking spaces and the cycle parking area shall be retained thereafter solely for their respective designated purposes.
- 12) The development hereby permitted shall not be occupied until at least one of the approved car parking spaces has been provided with a fast charge electricity point (current minimum requirement: 7kw Mode 3 with Type 2 connector – 230v AC 32amp single phase dedicated supply) in accordance with an electric vehicle charging scheme to be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved electric vehicle charging scheme, and thereafter the fast charge electricity point/s shall be maintained in accordance with the manufacturer's instructions and made available to occupants of the development hereby permitted.

End of Schedule A