



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: 08 October 2021

Appeal Ref: APP/D3830/W/21/3272565

1 Mountfield Court, Lion Lane, Turners Hill, West Sussex RH10 4NU

- 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 Tracy Mugridge against the decision of Mid Sussex District Council.
 - The application Ref DM/20/2292, dated 29 October 2020, was refused by notice dated 26 February 2021.
 - The development proposed is “change of use from open amenity land to private garden space together with two storey side extension, boundary treatments and new retaining wall to western and northern boundaries”.
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Decision

1. The appeal is dismissed.

Preliminary Matters and Main Issues

2. The appeal site is situated within the Turners Hill Conservation Area, and it is near The Hollies and The Red Lion Public House, which are listed in Grade II.
3. The main issues are whether the proposed development would preserve or enhance the character or appearance of the Conservation Area, and whether it would preserve the settings of The Hollies and The Red Lion Public House.

Reasons

4. The Conservation Area is mainly characterised by its historic settlement pattern by a crossroads and small green that extends roughly south west into Church Road, roughly north east into East Street, and roughly north into North Street and Lion Lane. The varied mix of building styles and ages, attractive grouping of buildings, grassed areas and verges, and the elevated position of several houses with raised front gardens in Lion Lane, contribute positively to its character. The verdant leafiness, open outlook over the surrounding countryside, historic and traditional building forms, and use of local materials, are important to its appearance. Together, the character and the appearance of the Conservation Area contribute positively to its significance as a historic rural settlement.
5. The site is situated on the east side of Lion Lane, which, close by, is deeply cut into the surrounding topography, and which slopes down to roughly north. It is roughly south of the narrow footpath that links Lion Lane with North Street to roughly east, and a public right of way to roughly west. The Hollies is on the same side of Lion Lane but on the north side of the intervening footpath, and The Red Lion Public House is broadly opposite The Hollies in Lion Lane.

6. The mainly hipped roofed roughly C18 2 storey dwelling at The Hollies is set back from Lion Lane, and it is partly screened by vegetation by its partly walled boundary by the lane and by vegetation by the low fence by the footpath. The Red Lion Public House is more prominent in the Lion Lane street scene and includes roughly C18 fronted earlier buildings. Both listed buildings can be seen from the site, and from the nearby parts of Lion Lane. Their historic forms, architectural features, use of local materials, and their setting within the verdant semi-rural Lion Lane, are important to their special architectural interest and to their significance as historic rural buildings.
7. The end of terrace appeal dwelling is sited side on to, and well above, Lion Lane. Its narrow broadly level side garden and short back garden are separated from the lane and the footpath by steep partly vegetated banks at its side and back, which are important to the semi-rural character and verdant appearance in the Conservation Area close by. Due to its set back siting, the spaciousness in the present side garden, and the partial screening effect of the nearby vegetation on the banks, the appeal dwelling has little visual impact in the Lion Lane street scene and in most views from the nearby footpath.
8. The proposal includes a slightly lower ridged hipped roofed 2 storey side extension, which at first floor would be set back a little from the front and back of the existing dwelling, over a deeper and wider hipped roofed 'wraparound' single storey extension at the front and side with a partly glazed roofed canopy at the back on the ground floor. To make space for the extension and the path by its side, the garden would be increased in width by replacing the steep bank and part of the adjoining verge with a steeper gabion retaining wall and by extending the garden at the higher ground level into the space by the side of the lane. So, the side of the extension would be much closer to the hard surfaced edge of the lane than the side of the present dwelling.
9. Due to its scale, form and prominent siting, the extended dwelling and its enlarged grounds would harmfully intrude into the Lion Lane street scene. Moreover, the proposal would cause the loss of the diverse vegetation that has become established over many years and the present largely natural character and appearance of the bank and verge. Due to its replacement with a tall close boarded fence and narrow native species hedge on steeper gabion retaining walls with a narrow verge by the lane and footpath, and due to the scale, bulk and siting of the side extension, the proposal would be harmfully dominant. So, the semi-rural character and verdant appearance in the lane and in the nearby footpath would be unacceptably eroded. Thus, the proposed development within their settings would be detrimental to the significance of the nearby listed buildings, and its built-up character, and suburban appearance, due in part to the loss of important vegetation on the east side of Lion Lane, would harmfully damage the character and the appearance of the Conservation Area.
10. Because the proposed retaining wall and fence would be incongruous, they would not be a public benefit. Moreover, whilst nearby occupiers did not object, and matters including planting and materials could be dealt with by condition, they would not overcome the harm that the proposal would cause. As the upper floor of the modest 2 storey dwelling at Topside is partly within its roof space, and its ground floor is only a little higher than the nearby Lion Lane, it differs from the proposal. So, I must deal with the proposal on its merits and in accordance with its site specific circumstances, my statutory duties and relevant local and national policy and guidance.

11. In terms of the National Planning Policy Framework (Framework) the proposal would cause 'less than substantial harm' to the significance of the Conservation Area. However, as almost no public benefits have been put to me, they would not be enough to outweigh the harm that the proposal would cause. Moreover, insufficient clear and convincing justification has been put to me to show that the proposal would be necessary to conserve the Conservation Area in a manner appropriate to its significance as a historic rural settlement.
12. Furthermore, because the present semi-rural character of the lane contributes positively to the significance of The Hollies and The Red Lion Public House as a historic rural dwelling and a historic rural public house respectively, the proposal would cause less than substantial harm to their settings. As there would be almost no public benefits in respect of each listed building, they would not be enough to outweigh that harm. Furthermore, there is barely any clear and convincing justification to show that the proposal would be necessary to conserve each of their settings in a manner appropriate to their significance.
13. Therefore, I consider that the proposed development would fail to preserve or enhance the character or appearance of the Conservation Area, and that it would fail to preserve the settings of the listed buildings at The Hollies and The Red Lion Public House. It would be contrary to Policy DP26 of the Mid Sussex District Plan 2014-2031 (LP) which seeks high quality design and respect for context, LP Policies DP34 and DP35 which reflect the thrust of the statutory duties in respect of listed buildings and conservation areas respectively, and LP Policy DP37 which aims to protect and enhance trees and hedgerows, and to resist their loss where they contribute to the character of an area. It would also be contrary to Policy THP7 of the Turners Hill Neighbourhood Plan 2014-2031 which aims for extensions to fit unobtrusively with surrounding buildings and the street scene, and, amongst other things, to preserve or better reveal the significance of heritage assets.

Conclusion

14. I have found that the proposed development would be contrary to the Development Plan when taken as a whole. The other considerations in this case, including the Framework, do not outweigh that conflict.
15. For the reasons given above, the appeal should be dismissed.

J Reid

INSPECTOR