



Appeal Decision

Site visit made on 13 October 2021

by J E Jolly BA (Hons) MA MSc CIH MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 October 2021

APP/D3830/W/21/3273696

45b Wood Ride, Haywards Heath RH16 4NL

- 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 Gruber (Vero Developments Ltd) against the decision of Mid Sussex District Council.
 - The application Ref DM/20/3539, dated 21 September 2020, was refused by notice dated 19 March 2021.
 - The development proposed is for the erection of one detached property and a pair of semi-detached properties with detached garaging and associated surface parking on land adjacent to 45b Wood Ride, Haywards Heath.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The *National Planning Policy Framework* represents the Government's up-to-date planning policies for England and how they should be applied. The Government published a revised Framework on 20 July 2021 and is a material consideration for development proposals. I note however, in this case, that the main parties have made no further comments in respect of these changes.

Main Issues

3. The main issues are the effect of the proposal on:
 - the character and appearance of the area, and;
 - the living conditions of neighbouring and future occupiers.

Reasons

Character and appearance

4. The appeal site is located in a residential area of brick and tile dwellings near to Haywards Heath town-centre. Wood Ride and the immediate surrounding area is typified by varied style properties set on plots that have proportionately sized gardens to the front and rear. The host dwelling No 45b Wood Ride is accessed via a shared driveway that runs from the main highway past No 47 Wood Ride on the right-hand side and towards the two-storey dwelling of No 45a Wood Ride. The driveway turns at a right-angle behind No 47 towards the host dwelling that is accessed via a small ungated pathway to the left-hand side of a modest older style detached garage associated with No 45b.

5. The pathway opens up onto a substantial 'wrap-around' garden within which the free-standing host dwelling is found to the side of the plot that is adjacent to the boundary with No 45a. In the other direction the appeal site slopes down towards the fenced boundary with No 68 Ashenground Road, and when viewed from the front of the host dwelling the site slopes towards the side boundary with No 47, while to the rear of No 45b a number of other properties can be seen beyond a hedged boundary.
6. The proposal is to construct 3 new 'Sussex Style' dwellings that include a pair of semi-detached properties and a two-storey detached house, all of which would share the access road from the highway with the host dwelling and No 45a. The existing garage would be demolished and a timber gate and post and rail fence would be constructed to the site access. Within the site a detached, hipped roof barn-type garage with 3 parking spaces would be constructed in addition to 7 new parking spaces. There would be new landscaping to the boundary and access road. The host dwelling would remain and is subject to a separate application to the proposal before me.
7. The appeal site is located in an established residential area with a range of house types. Therefore, notwithstanding objections from interested parties which are noted, the principle of 'windfall' development is accepted. However, while the Appellant has brought to my attention a number of 'backland' developments, such as those found on Coppice Way, Ryecroft, Courtlands, Selby Court, and Ashenground Road, I have limited details of those developments before me. As such, I cannot be certain if they were considered under the same development plan as the proposal before me or not. Therefore, as is correct, I have considered the proposed development on its own planning merits. Indeed, while I acknowledge that the development is in a sustainable location near to Haywards Heath town centre, and would be constructed in materials of a 'Sussex Style' appearance, the fact remains that the proposed 'arc-style' built form would extend across the width of the site where currently there is none, rather a spacious garden area. Therefore, while the Appellant contends that the proposal would not result in any noticeable changes, I find to the contrary; that the scale, mass and contrived layout of the 3 dwelling proposal, in combination with the host property, would represent a cramped form of development in this back garden location. Moreover, the development would be at odds with the neighbouring properties that are predominantly set on generous plots with relatively large and unfettered gardens to the rear. As such, in my view, and notwithstanding the average density in the surrounding area, the proposed development would be at odds with the character and appearance of the area.
8. Consequently, in respect of the character and appearance of the area, the proposal is contrary to Policy DP26 of the Mid Sussex District Plan 2018 (MSDP), Policies E9, E13 and H9 of the Haywards Heath Town Council Neighbourhood Plan 2016, (HHTCNP), as supported by the Mid Sussex Design Guide 2020, (SPD) which says, amongst other things, that the design of new development should respect the character of towns and villages as well as the character of the buildings.
9. For similar reasons, the proposal is contrary to Paragraph 130 (c) of the Framework which requires that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting.

Living Conditions

10. The proposal would meet *Nationally Described Space Standards* and have off-road parking. However, the two-storey style development would be in closer proximity to the appeal site boundary than the host dwelling, and hence as a result of the sloping topography, the scale, mass and immediacy of the proposal would be overbearing and overlook the neighbouring occupiers of Nos 68 and 47; for example, but not limited to, when spending leisure time in the garden or carrying out the normal activities associated with a residential dwelling. Indeed, I am not persuaded that the harm to the living conditions of neighbouring occupiers would be overcome by the Appellants' suggested landscaping scheme, particularly as the landscaping could not be guaranteed in perpetuity whether secured by condition or not.
11. I note the Council's highways department calculation for vehicular activity related to the proposal. However, the general noise and disturbance associated with motor vehicles, such as car doors opening and closing, engines starting, the access gate operation in addition to movements along the access track, is likely to erode the living conditions of the neighbouring occupiers, who thus far have had vehicular activity limited to that generated by the occupiers of the single dwelling on the appeal site. Irrespective of the proposed new landscaping in an attempt to soften the noise of vehicular activity, my opinion is reinforced by the fact that there would be the opportunity to park up to 10 vehicles on the proposed development at any one time.
12. In addition, while I accept in principle that the garden and other space associated with the dwellings would be likely to be adequate for the future occupiers who choose to live here for the purposes of sitting out, small scale gardening etc., the gardens would nonetheless be relatively short and the separation gaps between the new dwellings would be limited. As such, notwithstanding the Council's SPD, and even if the views from the windows were to be at an angle, some of the first floor windows of the new dwellings would nevertheless look onto the rear garden and windows of No 68, or the side elevations of 45b and Plot 3. Accordingly, the new spatial relationship created in the built environment in this specific location would harm the living conditions of No 68 and also the occupiers of the new dwellings, particularly during warmer periods of the year when the new windows, whether obscured by condition or not, are likely to be open and hence provide the opportunity to look onto the day to day activities of the neighbouring occupiers. I conclude therefore, that the proposal would harm the living conditions of future and neighbouring occupiers.
13. It follows then, in respect of living conditions that the proposal does not meet the aims of Policy DP26 of the MSDP, Policies E13 and H9 of the HHTCNP, which require that development does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, and Paragraph 130 (f) of the Framework which says that developments should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Other Matters

14. The Council has indicated that the proposal is subject to the Habitat Regulations which protect the Ashdown Forest Special Protection Area (SPA). If I had come to a different conclusion, it would have been necessary for me as a competent authority to undertake an 'Appropriate Assessment' and give further consideration to the likely effectiveness of any mitigation measures. However, as I have found against the Appellant on the main issues, and therefore planning permission is to be refused, this matter need not be considered any further in this case.

Conclusions

15. I therefore conclude that the proposal would be contrary to the development plan when taken as a whole, and that there are no material considerations which indicate taking a decision otherwise than in accordance with it.
16. For the reasons given above the appeal is dismissed.

J E JOLLY

INSPECTOR