
Appeal Decision

Site visit made on 13 December 2021

by J Davis BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th January 2022

Appeal Ref: APP/D3830/D/21/3282010

Appledore Cottage, Lewes Road, Lindfield, RH16 2LG

- 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 Lewry against the decision of Mid Sussex District Council.
 - The application Ref DM/21/0161, dated 13 January 2021, was refused by notice dated 17 June 2021.
 - The development proposed is new driveway together with external alterations.
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Decision

1. The appeal is allowed and planning permission is granted for a new driveway together with external alterations at Appledore Cottage, Lewes Road, Lindfield, RH16 2LG in accordance with the terms of the application, Ref DM/21/0161, dated 13 January 2021, subject to the conditions set out in the attached schedule.

Main Issue

2. The main issue is whether the proposed development would preserve or enhance the character or appearance of Lindfield Conservation Area.

Reasons

3. The appeal site falls within Lindfield Conservation Area (CA). The CA has a core centred around the high street, where there are many buildings of architectural interest. Although representative of a variety of periods, there are a number of buildings of medieval origin and the Georgian period. Towards the periphery of the CA the pattern of development is more spacious with more established landscaping.
4. The appeal property is located on Lewes Road, only a short distance from the junction of Lewes Road with the High Street. Whilst the appeal property is set back from Lewes Road, there are other buildings in the immediate vicinity that have little or no set back from the road frontage resulting in the area having a more built-up character. Whilst the property opposite the appeal site has a high hedge adjacent to the road frontage, boundary treatments along this stretch of Lewes Road typically comprise of low walls, some with fence panels above and landscaping beyond. At my site visit I also noted that several nearby properties benefit from accesses and off-street parking, particularly where they are set back from the road frontage.

5. Policy DP35 of the Mid Sussex District Plan (2018) (DP) states (among other things) that development in a conservation area will be required to conserve or enhance its special character, appearance and the range of activities which contribute to its. It also seeks to protect gardens, landscaping and boundary features that contribute to the special character of the area. Any new landscaping or boundary features should be designed to reflect that character.
6. Furthermore, Section 16 of the National Planning Policy Framework (the Framework) is concerned with preserving and enhancing the historic environment. The Framework at paragraph 199 requires that the decision taker should give great weight to the conservation of heritage assets.
7. The front boundary of the appeal site currently comprises a low, relatively newly planted hedge along most of its frontage, together with brick piers adjacent to the pedestrian access. Other than for the path, most of the front garden is laid to lawn. I note from the representations that historically there was a high hedge along the front boundary although the appellant clarifies that this was removed over two years ago.
8. The site is already relatively open and exposed to Lewes Road. The proposed new driveway would be centrally located within the width of the frontage, with a low brick wall proposed on either side as well as a new palisade pedestrian entrance gate between the brick piers. In my view, a low brick wall and pedestrian gate in this part of the CA would be in keeping with other boundary enclosures in the vicinity of the site. Moreover, the proposed site plan indicates that a generous amount of landscaping would be provided adjacent to the front wall and around the driveway. This planting would soften the visual appearance of the new driveway such that I am satisfied that the proposal would preserve the character and appearance of the CA.
9. The statutory duty in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is a matter of considerable importance and weight. I am however satisfied that proposed would not have a harmful effect on the character and appearance of the surrounding area and that the character or appearance of Lindfield Conservation Area would be preserved. The proposal would therefore comply with Policy DP35 of the DP which reflects the thrust of the statutory duty, as well as Section 16 of the Framework.

Conditions

10. I have had regard to the Council's suggested conditions. In addition to the standard implementation conditions, the plans condition is imposed for clarity. A condition relating to materials is required in order to ensure a satisfactory external appearance in the CA. Further conditions relating to the construction of the access and visibility are necessary in the interests of highway safety.

Conclusion

11. For the reasons given, and having regard to all of the matters raised, the appeal is allowed.

INSPECTOR

J Davis

Schedule of Conditions

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plan: 213.PL.01/A Rev D - Proposed plans, elevation, location & block plan; Existing Elevations; and Topographic Survey.
3. The use of the access and parking area shall not commence until such time as the vehicular access serving the development has been constructed in accordance with the details shown on drawing no. 213.PL.01/A Rev D.
4. The use of the access and parking area shall not commence until the car parking area has been constructed in accordance with the approved drawing no. 213.PL.01/A Rev D. These spaces shall thereafter be retained at all times for their designated purpose.
5. The use of the access and parking area shall not commence until visibility splays of 2.0 x 30.5 metres south and 2.0 x 60.3 metres north have been provided at the proposed site vehicular access onto Lewes Road in accordance with the approved drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.
6. No development shall be carried out unless and until samples and a schedule of materials and finishes to be used for the walls and gates of the proposed development have been submitted to and approved by the Local Planning Authority. The works shall be carried out in accordance with the approved details unless otherwise agreed with the Local Planning Authority in writing.
7. Prior to the commencement of construction, full details of a hard and soft landscaping scheme shall be submitted to and approved by the Local Planning Authority. These works shall be carried out as approved prior to the occupation of any part of the development or in accordance with the programme agreed by the Local Planning Authority. Any trees or plants 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 similar size and species, unless the Local Planning Authority gives written consent to any variation.