



Appeal Decision

Site visit made on 31 January 2022

by Robin Buchanan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th February 2022

Appeal Ref: APP/C1435/W/21/3281614

9 Horam Park Close, Horam TN21 0HW

- 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 Lawrence Adams against the decision of Wealden District Council.
 - The application Ref WD/2021/0214/F, dated 27 January 2021, was refused by notice dated 22 July 2021.
 - The development proposed is construction of a single storey dwelling adjoining 9 Horam Park Close, construction of a new vehicular access and formation of frontage parking.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council has referred to the Ashdown Forest Special Protection Area (the SPA) and the Ashdown Forest Special Area of Conservation (the SAC). I deal with these considerations in 'other matters' below.

Main Issue

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

Reasons

4. The appeal property is a semi-detached bungalow. In design and appearance, it is typical of the other bungalows beyond the entrance into Horam Park Close, which is a short, curving cul-de-sac within the built-up area of Horam. The pairs of bungalows are largely unaltered, generally closely spaced next to each other and mostly arranged in opposing rows along either side of the road and around the turning head. The front elevations are well set back from the road, behind landscaped open plan front gardens and grass verges. This provides visual and spatial separation between the facing bungalows and a broadly uniform sense of openness along this road corridor that is locally distinctive.
5. The proposed bungalow would replicate the form of the appeal property and be attached to it to create a short terrace. The large corner plot would be subdivided into two, with gardens similar in size to many others in the Close.
6. However, the siting of the bungalow would occupy a substantial part of the existing garden and bring built form significantly closer towards facing bungalows. Despite the relatively low eaves and shallow pitched sloping roof, the taller vertical gable end of the building would visually and spatially reduce

the gap between these bungalows and unduly erode openness, at odds with the prevailing existing pattern of development in the Close. Furthermore, its prominence, jutting out, would be overly conspicuous and jar in the streetscene.

7. The resulting off-street parking for the appeal property would be sited directly in front of it. This would be out of keeping with the general arrangement of resident parking in the Close, which is mostly to the sides or rear of the bungalows. It would, therefore, erode the open plan nature of the front garden, detract from the appearance of nearby front gardens and be visually intrusive in the streetscene.
8. The gable end of the appeal property is arranged perpendicular to the front elevations of the facing bungalows, occurring also at the plot behind the appeal site. However, while the grass verge at the side is narrow, the boundary fence is moderate in height and less than half the height of this bungalow to ridge. Consequently, the tallest, upper part of the appeal property is currently set well back from the road, comparable in distance to the 'front to front' facing aspect of many other bungalows in the Close. This 'end to front' orientation and siting, though unusual, nevertheless maintains visual and spatial separation between these particular bungalows, openness along this part of the road corridor and the overall integrity of the Close in these respects.
9. I have been referred to the potential use of permitted development rights at the appeal site. Even if there was a firm intention to erect an outbuilding, and notwithstanding its possible siting and floorplan dimensions, a building 2.5m in height would be significantly lower than the proposed bungalow, which would be 5m to ridge height. Accordingly, the bungalow would have appreciably greater height, scale, massing and overall built form and there is, therefore, no comparable fall-back position.
10. Taking all of the above into account, I find that the development would harm the character and appearance of the area. Consequently, it would not comply with Policy EN27 of the Council's Local Plan¹ or with Policy SPO13 of its Core Strategy². These policies include that development should respect the character of adjoining development, where appropriate promote local distinctiveness and create attractive living environments having regard to scale, form and site coverage. In these respects, it would also conflict with the Council's Wealden Design Guide supplementary planning document.

Other matters

Ashdown Forest

11. The appeal site is not within a zone of influence of the SPA. It is, though, within a zone of influence of the SAC which is designated due to the presence of European dry heath, North Atlantic wet heath and great crested newts. In essence, the conservation objectives for the SAC are to ensure the favourable conservation status of its qualifying features by, amongst other things, maintaining or restoring its qualifying habitats.
12. The heathland is vulnerable to atmospheric pollution, including vehicle emissions. A significant effect on the heathland would be likely to occur from

¹ Wealden District Council – Wealden Local Plan, December 1998

² Wealden District (incorporating part of the South Downs National Park) Core Strategy Local Plan, February 2013

the proposed increase in residential development alone, or in combination with other plans and projects, in an area where increased traffic flows associated with new development would occur on roads which go through, or run adjacent to, the SAC. The Council explains that Natural England was satisfied that development proposed under its now withdrawn local plan³, which sought to deliver approximately 14,000 homes and 22,500m² of business floorspace, would not adversely affect the integrity of the SAC due to air quality impacts. I return to the SAC below.

Additional interested party comments

13. The availability or capacity of public services for the development would be a matter between the appellant (or developer) and the relevant statutory provider. The effect of development on property values is not a material planning consideration. New windows would be at ground floor level, so not result in overlooking or loss of privacy across existing or proposed boundary fences, and suitable provision could be made for the storage of refuse and recycling. There are a number of on-street parking spaces in Horam Park Close, or nearby. The Council (or the Highway Authority) could seek to control this parking to prevent use of corners or grass verges. I also saw that vehicle speeds in this cul-de-sac were low and it is sufficiently wide such that most parking would not prevent access by service, delivery or emergency vehicles or a minibus. I note that the Council did not object to the development for these reasons.

Council's decision

14. I appreciate that the Council's decision was against an officer recommendation to grant planning permission, subject to conditions. However, having made the decision that it did, for the reason that it did, I have considered the appeal on its individual planning merits.

Planning Balance

15. The Council has a 3.28 year supply of housing land. It cannot, therefore, currently demonstrate a five-year housing land supply. As a consequence, and by virtue of footnote 8, Framework paragraph 11 d) is engaged.
16. In terms of benefits, the provision of an accessible two-bedroom bungalow on a sustainably located site within the built-up area of Horam would make a small, but notable, contribution to housing supply in the district. It would be aligned with objectives of the Framework to significantly boost the supply of homes and would meet a local need for this size of dwelling, which might be more affordable for first time buyers or suitable for older persons. The social, economic and environmental benefits associated with building the bungalow and occupying it, including a CIL⁴ payment and support for existing facilities and services in Horam, are factors which carry moderate weight in favour of the proposal.
17. The site is not in a designated protected landscape or in a Conservation Area and is not near a listed building. It is also not at risk of flooding. The bungalow would be well-designed and energy efficient. The absence of harm, or

³ The Submission Wealden Local Plan, 2019

⁴ The Community Infrastructure Levy Regulations 2010 (as amended)

compliance with the Council's development plan or the Framework in these regards are neutral factors in my decision.

18. However, while the Framework recognises that small, windfall or under-utilised sites, and efficient, effective or optimal use of land, can make an important contribution to meeting housing requirements, including that great weight should be given to the benefits of using suitable sites within existing settlements for new homes, the Framework also has other objectives. Notably, it excludes residential gardens in built-up areas from the definition of previously developed 'brownfield' land⁵. It also seeks to safeguard the environment, maintain an area's prevailing character and achieve well-designed places with good layout. The development would not be sympathetic to local character or the surrounding built environment or maintain a strong sense of place or an attractive or distinctive place to live.
19. The proposal would conflict with the Council's relevant development plan policies and diminish the Council's objectives in these respects. These are consistent with aims of the Framework to balance meeting housing needs with the objectives of sustainable development. Consequently, I give substantial weight to the harm that I have identified in the main issue above.
20. Notwithstanding that the benefits would be aligned with the Framework, and the scale of shortfall in the Council's five-year housing land supply, the adverse impacts of the proposed development would, therefore, nonetheless significantly and demonstrably outweigh the benefits, when assessed against the Framework as a whole. Accordingly, the presumption in favour of sustainable development does not apply in this case.
21. Since I intend to dismiss the appeal for these reasons, there is no need for me to consider the SAC any further or Framework footnote 7.

Conclusion

22. The proposal would not accord with the development plan overall. There are no other material considerations, including the provisions of the Framework, which outweigh this finding.
23. Therefore, for the reasons given above I conclude that the appeal should not succeed.

Robin Buchanan

INSPECTOR

⁵ Framework Annex 2: Glossary