



Appeal Decision

Site visit made on 28 February 2022

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

an Inspector appointed by the Secretary of State

Decision date: 11th March 2022

Appeal Ref: APP/C1435/W/21/3274076

Glen Cottage, Holders Lane, Mayfield TN20 6BE

- 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 and Mrs Spence against the decision of Wealden District Council.
 - The application Ref WD/2020/0963/F, dated 18 May 2020, was refused by notice dated 9 March 2021.
 - The development proposed is for extensions and alterations to Glen Cottage to form a pair of semi-detached dwellings (net addition of one dwelling) and associated new landscaping.
-

Decision

1. The appeal is allowed and planning permission is granted for extensions and alterations to Glen Cottage to form a pair of semi-detached dwellings (net addition of one dwelling) and associated new landscaping at Glen Cottage, Holders Lane, Mayfield TN20 6BE, in accordance with the terms of the application, Ref WD/2020/0963/F, dated 18 May 2020 and the plans submitted with it, subject to the conditions set out in Annex A.

Procedural Matters

2. For clarity, I have used the description of development provided on the appellant's appeal form and the Council's Decision Notice.
3. The Government published a revised *National Planning Policy Framework* (the Framework) in July 2021. All references to the Framework in this decision relate to the updated document.

Main Issue

4. The main issue is the effect of the proposal on highway safety.

Reasons

5. Glen Cottage is a two-storey dwelling that is located within the High Weald Area of Outstanding Natural Beauty, and is also adjacent to the Mayfield and Coggins Mill Conservation Area. The appeal property is sited behind a hedged and stone wall boundary on an elevated corner plot at the junction of Holders Lane, The Avenue and South Street, all of which border a public car-park.

6. Other than Harmony House the surrounding area is predominantly typified by traditional style brick and tile dwellings, as well as the Grade I listed Middle House and Grade II listed Walnut Tree House, both of which are found on the nearby High Street and in part along Holders Lane.
7. The proposal is to construct an additional dwelling in similar materials to the host dwelling that would form part of a semi-detached pair with Glen Cottage. A stone wall would be retained with a central pedestrian access leading to the highway from the southern boundary. There would also be new landscaping, cycle storage and bin storage.
8. The proposed development would be located within the established settlement boundary of Mayfield. Indeed, notwithstanding Footnote 7 of the Framework, the proposal represents a unique opportunity for the construction of an additional family-type home against the Council's housing land supply on an existing residential plot. Additionally, the development would provide some social and economic benefits for Mayfield related to the construction of one new dwelling and the patronage of local shops and businesses by the occupiers of the new dwelling.
9. Nonetheless, to accord with the surrounding built environment, I note that the proposal has undergone several iterations to ensure that the development would accord with the surrounding area. Specifically, the proposal would be a car-parking free scheme that would be constructed in consistent materials similar to the host dwelling and have a stone boundary wall. The development would also include new/replacement landscaping and have an enlarged garden to the side, as well as modest refuse storage areas to the front. Moreover, while Middle House, Walnut Tree House and a number of shops on Mayfield High Street are buildings of recorded heritage value, the development would not only be located to the rear of the High Street, but would be mostly shielded from view by virtue of its elevated position and robust boundary treatments.
10. I acknowledge the Council's outstanding concerns regarding increased traffic movements, congestion and parking demands related to the car-parking free proposal. However, the proposed development would be directly adjacent to a free public car-park, which I noticed at the time of my site visit had numerous empty spaces available. In addition, the appellant has confirmed that '24/7' car-parking permits for the car-park are available to some properties nearby, including Glen Cottage.
11. Furthermore, notwithstanding an existing permission for an extension to the eastern side of the host dwelling that has yet to be implemented¹, I am not persuaded that the relatively modest proposal for one additional dwelling would have an undue impact on the local road network. Indeed, my opinion is reinforced by the fact that the High Street has a generous range of day-to-day services and shops that would be likely to reduce the need for commuting, and moreover is served by a regular bus service for those without access to a private motor vehicle. Indeed, the nearest bus-stop is moments away from the appeal site for travel to the wider area and other transport connections, such as those found in Tunbridge Wells. Therefore, notwithstanding the confines of the nearby streets, the proposal in my view is very unlikely to increase parking or traffic stress.

¹ WD/2019/0906F

12. Overall, when considered as a whole, and in the planning balance, I conclude that the proposal would meet the aims of Policies TR3 and TR16 of the Wealden District Council, Wealden Local Plan 1998, and Paragraphs 111, 119 and 120 (c) of the Framework which say, amongst other things that planning applications for new development will be permitted where the proposed development does not create or perpetuate unacceptable traffic conditions.

Other Matters

13. I note that there were a number of representations from interested parties in respect of the proposal, which in addition to the main issues included concerns related to; overdevelopment, local facilities, unsightly bin and cycle storage, drainage and disturbance during construction. However, given my findings above, and the suggested conditions provided by the Council, I have found no justification to dismiss the appeal or the benefits associated with the provision of one new dwelling.

Conditions

14. I have considered Paragraph 56 of the Framework and the national *Planning Practice Guidance* and imposed the following conditions; for certainty, a standard time condition, a condition requiring that the development is carried out in accordance with the approved plans, and a condition related to external materials. In the interests of the character and appearance of the area generally, there are conditions related to trees and boundary vegetation, the boundary wall and refuse and cycle storage

Conclusions

15. For the reasons given above the appeal should succeed and planning permission be granted, subject to the conditions set out in Annex A.

J E JOLLY

INSPECTOR

Annex A – Conditions:

The development hereby permitted shall begin not later than 3 years from the date of this decision.

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Drawing: S.01 – Site, dated 5 February 2018,
 - Drawing: S.02 – Plans, dated 5 February 2018,
 - Drawing: S.03 – Elevations, dated 5 February 2018,
 - Drawing: L.01 rev B – Location and Block Plan, dated 5 March 2019,
 - Drawing: P.02 rev F - Proposed Plans – New House, dated 2 November 2020,
 - Drawing: P.03 rev F – Proposed Elevations, dated 2 November 2020,
 - Drawing: P.04 rev D – Proposed Section A-A and Roof Plan, dated 5 May 2020,
 - Drawing: SK.11 rev D – Site Plan (Sketch), dated 17 August 2020,
 - Drawing: SK 13 – Proposed Elevations (Sketch), dated 15 September 2020.
- 2) No development shall commence until details of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 3) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of hard and soft landscaping. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development. Details of soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant supply sizes and proposed numbers/densities where appropriate.
- 4) The details submitted in accordance with condition 3 above shall include:
 - i) a plan showing the position of every tree and boundary vegetation on the site and on land adjacent to the site that could influence or be affected by the development, indicating which trees or vegetation that is to be removed;

- ii) a schedule in relation to every tree identified listing:
 - information as specified in paragraph 4.4.2.5 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations) (or in an equivalent British Standard if replaced); and,
 - any proposed pruning, felling or other work;
 - iii) in relation to every existing tree identified to be retained on the plan referred to in i) above, details of:
 - any proposed alterations to existing ground levels, and of the position of any proposed excavation, that might affect the root protection area; and,
 - all appropriate tree protection measures required before and during the course of development (in accordance with paragraph 5.5 of British Standard BS 5837) (or in an equivalent British Standard if replaced);
 - iv) areas of existing landscaping to be protected from construction operations and the method of protection.
- 5) No trees or boundary vegetation on the site, unless dead or dangerous, shall be felled, reduced, pruned or destroyed without the consent in writing of the Local Planning Authority. Furthermore, the following shall not be carried out within the approved protection zone of any tree or hedgerow, except with the consent of the Local Planning Authority.
- i) Levels shall not be raised or lowered in relation to the existing ground level within the approved protection zone of the trees or boundary vegetation
 - ii) No roots shall be cut, trenches dug or soil removed within the approved protection zone of the trees or boundary vegetation.
 - iii) No excavations or other engineering operations shall be carried out within the approved protection zone of the trees or boundary vegetation.
 - iv) No fires shall be lit within 10 metres of the nearest point of the canopy of any retained tree. (In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars.)
 - v) No equipment, machinery or structure shall be attached to or supported by a retained tree. (In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars.)

- 6) Before any works to the south and west boundary walls are commenced, a methodology for works to their retention, reinstatement and repair shall be submitted to and approved in writing by the Local Planning Authority. None of the stone within the walls shall be removed from the site, and any stone removed to provide the pedestrian access to the south elevation shall be reused elsewhere within the wall. Any additional stone needed shall match exactly the existing in type. The development shall be carried out in accordance with the approved details, and the wall shall be permanently retained as such thereafter, and shall not be altered or removed in any way without the prior approval in writing of the Local Planning Authority.
- 7) Before the building is first occupied, details of the refuse and cycle storage and their construction and screening shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details and permanently retained as such thereafter.
- 8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no buildings, structures or works as defined within Part 1 of Schedule 2, classes A to F inclusive of that Order, shall be erected or undertaken on the site other than those expressly authorised by this permission.

***** End of Conditions *****