



Appeal Decision

Site visit made on 1 March 2022

by J Reid BA(Hons) BArch(Hons) RIBA

an Inspector appointed by the Secretary of State

Decision date: 22 March 2022

Appeal Ref: APP/D3830/W/21/3280552

1 Beech Hill, Haywards Heath, West Sussex RH16 3RY

- 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 R and J Ransley against the decision of Mid Sussex District Council.
 - The application Ref DM/20/4509, dated 13 December 2020, was refused by notice dated 9 February 2021.
 - The development proposed is A New three-bedroom dwelling in the existing garden.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect that the proposed development would have on:
 - the character and appearance of the surrounding area, and
 - the living conditions of the occupiers of 3 Beech Hill and 8 and 9 Pembury Close, regarding outlook and privacy, and the living conditions of the future occupiers of the proposed dwelling, regarding privacy.

Reasons

Character and appearance

3. The appeal site includes the far end of the back garden of the detached 2 storey dwelling at 1 Beech Hill, which is situated on the north east corner where the roughly south end of Beech Hill meets Northlands Avenue. The local landform slopes down from roughly west to east. The surrounding suburban area is mainly characterised by groups of dwellings of similar types and styles within well planned housing estates. Some dwellings have been extended, but the consistency in their forms, layout, and materials contributes positively to the sense of place.
4. Most nearby dwellings in Beech Hill and Pembury Close are set back from the roads by front gardens and drives, and they face the streets. Due to the sloping land, their reasonably spacious gardens, and the spacing between them, most dwellings have a verdant setting, and most occupiers enjoy reasonable levels of privacy. Although there are a few exceptions including at 4 and 6, the nearby street scene in Northlands Avenue is mainly characterised by tall fences and hedges that edge the sides and backs of gardens of dwellings reached from other streets, beyond the occasional trees in its wide grass verges.

5. The proposed 2 storey hipped roofed dwelling with a lean-to porch would be sited close to the north east and south east boundaries of the site, with its private garden to roughly south west and its raised parking area to roughly north west, reached from Northlands Avenue.
6. Whilst the back gardens of the semidetached dwellings in Pembury Close are shallower, in keeping with most detached dwellings in the nearby part of Beech Hill, 1 Beech Hill has good-sized front and back gardens. Because the site would be modest in scale and the garden for the proposed dwelling would be atypically shallow, it would be at odds with the urban grain. Moreover, because its access would cut across the verge and interrupt the boundary treatment that frames the south east side of Northlands Avenue, the proposal would be harmfully dissonant in the Northlands Avenue street scene.
7. Due to the sloping landform, the dwelling would be sited much lower than its parking and turning area, so its frontage would be dominated by hard surfaces well above the ground floor of the dwelling. As there are few other dwellings facing Northlands Avenue close by, the dwelling would be poorly related to its neighbours and to its surroundings. Because its garden would be roughly south west of the dwelling, and most of its first floor windows would face north east, its future occupiers would be unable to enjoy views of their garden or to, say, keep an eye on children playing in it, from its upper floor rooms.
8. Furthermore, because of its bulk, scale and siting, the dwelling would be squeezed in on its modest plot. So, its obtrusive form would harmfully intrude into the verdant gap between 8 and 9 in some street scene views from Pembury Close. Although there are differences in the dwelling types nearby, the hipped roofed dwelling would look discordant amongst the mostly gable-ended dwellings in Pembury Close and Beech Hill close by.
9. The existing planting within the garden of 1 Beech Hill contributes positively to the character and appearance of the area, but as it is not subject to statutory protection, it could be removed at any time without the need for consent. The 2 nearby trees in the highway verge in Northlands Avenue are important to the street scene there. Even so, as they would be a reasonable distance from the access, subject to the imposition of suitable planning conditions if the proposal were to be otherwise acceptable, the proposal would not be likely to endanger their future health and longevity. So, the proposal could satisfy the aim of Policy DP37 of the Mid Sussex District Plan 2014-2031 (LP) to protect trees, but it does not alter my overall findings on this issue.
10. I consider that the proposal would harm the character and appearance of the surrounding area. It would be contrary to LP Policy DP26 which seeks high quality design and respect for context, Policies E9 and H8 of the Haywards Heath Town Council Neighbourhood Plan 2014-2031 (NP) which are in line with that thrust, relevant guidance in the Mid Sussex Design Guide Supplementary Planning Document SPD (SPD), and the National Planning Policy Framework (Framework) which aims to achieve well-designed places.

Living conditions

11. Due to the sloping landform, the neighbouring dwellings at 3 Beech Hill and at 8 and 9 Pembury Close, and their back gardens, are generally lower than the present dwelling at 1 Beech Hill and most of its back garden. The proposed dwelling would be close to its common boundary with the back garden of 3

Beech Hill. Due to its scale, bulk, and siting, the proposed dwelling would have an unacceptably overbearing and oppressive impact on much of that neighbouring back garden, and the first floor bedroom window in its south east side would overlook that neighbouring garden. Whilst a degree of mutual overlooking would reasonably be expected in an urban area such as this, occupiers usually expect to enjoy the most privacy in the parts of back gardens furthest from their homes. So, the proposal would cause significant harm to the living conditions of the occupiers of 3 Beech Hill. The loss of privacy could be dealt with by the imposition of a planning condition for obscured glazing in non-opening lights if the proposal were to be otherwise acceptable. However, this would not overcome the proposal's impact on their outlook, and it would be unlikely to overcome the neighbouring occupiers' perception of being overlooked.

12. Most of the proposed dwelling would be close to its common boundary with the back gardens of the dwellings at 8 and 9 Pembury Close, and its porch, which would be taller than the boundary fence, would be closer still. Due to its scale, bulk, and siting, the proposed dwelling would have a harmfully overbearing and oppressive impact on much of these neighbouring back gardens, and the first floor bedroom windows in its north east side would overlook their gardens. The distances between the backs of these neighbouring dwellings and the proposed dwelling would come close to generally accepted minimum back to back distances between 2 storey dwellings on level ground. However, as the ground floors of these neighbouring dwellings would be considerably lower than that of the proposed dwelling, the greater back to back distances prevailing in the locality would reasonably be expected.
13. The oblique views from the proposed dwelling into windows in the backs of 8 and 9 Pembury Close would not cause an unacceptable loss of privacy in the rooms at the back of those homes. However, the overlooking from the first floor windows in the north east side of the proposed dwelling would cause a significant loss of privacy to the occupiers of 9 Pembury Close in almost all of their back garden, and to the occupiers of 8 Pembury Close in much of their back garden, including the nearby parts where they would reasonably expect to enjoy the most privacy.
14. Because the south west side of the proposed dwelling would be relatively close to the back of the dwelling at 1 Beech Hill, there would be no first floor windows to habitable rooms facing the existing dwelling. Even so, because the proposed dwelling would be roughly a storey lower than the existing dwelling, and even with a reasonably tall fence between their gardens, the outlook from the first floor rooms in the back of the dwelling at 1 Beech Hill would allow views into the living area of the proposed dwelling to the significant detriment of its future occupiers' privacy.
15. Thus, I consider that the proposal would harm the living conditions of the occupiers of 3 Beech Hill and 8 and 9 Pembury Close, regarding outlook and privacy, and that it would harm the living conditions of the future occupiers of the proposed dwelling regarding privacy. It would be contrary to LP Policy DP26 which aims to not cause significant harm to the privacy and outlook of nearby residents and future occupants of new dwellings, NP Policy H8 which aims to safeguard the privacy and outlook of adjoining residents, and the Framework which seeks a high standard of amenity for existing and future users.

Other matters

16. The Council's reason for refusal 5 raises concern about the lack of information to show that the proposal would be sustainable in its design and construction. So, the appellants' Sustainability Assessment, which deals with future occupiers' access to local shops and services by sustainable transport modes, is not directly relevant. Sustainability measures would reasonably be expected to be incorporated in the design of the scheme and shown on the plans. However, having regard to the compact form of the proposed dwelling and the scale of its site, details of sustainable design and construction could reasonably be subject to control by planning conditions if the proposal were to be otherwise acceptable. This would satisfy LP Policy DP39 which seeks sustainable design and construction, relevant guidance in the SPD, and the Framework which aims to support the transition to a low carbon future. As this would be a neutral factor, it would not weigh in favour of the scheme.
17. Whilst the proposal would provide a welcome new dwelling in an accessible location within the town, and amongst other things, jobs during construction, and its future occupiers' likely support for local shops and services, its benefits would not outweigh the harm identified in the main issues.

Conclusion

18. 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.
19. For the reasons given, the appeal should be dismissed.

J Reid

INSPECTOR