



Appeal Decision

Site visit made on 21 April 2022

by Guy Davies BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th May 2022

Appeal Ref: APP/D3830/W/21/3282846

Beckford, Lewes Road, East Grinstead RH19 3NA

- 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 Ms Juliet Yates against the decision of Mid Sussex District Council.
 - The application Ref DM/21/1412, dated 5 April 2021, was refused by notice dated 14 July 2021.
 - The development proposed is new build of a detached four bedroom house at the southern right hand side of the property with three car parking spaces and ancillary amenities.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. A unilateral undertaking has been submitted with the appeal that secures a financial contribution towards measures to mitigate potential harm to the Ashdown Forest Special Protection Area. The Council is satisfied that subject to this mitigation no harm would be caused to the integrity of the Special Protection Area. Having previously concluded that the development would not have any likely significant effect on the Ashdown Forest Special Area of Conservation, the Council has withdrawn its objection to the scheme on the ground set out in reason for refusal 4. It therefore no longer forms a main issue in this appeal. I comment on the need for appropriate assessment under other matters.

Main Issues

3. The main issues are the effect of the development on:
 - the character and appearance of the area;
 - the living conditions of future occupants, with regard to garden space; and
 - the living conditions of neighbouring occupants in Beckford, with regard to outlook.

Reasons

Character and appearance

4. The appeal site lies at the eastern end of the section of Lewes Road joining the A22 with the town centre. The northern side of the road consists of 2 storey domestic buildings mainly set behind brick or stone walls, backed by hedging

and occasional trees. The southern side is more built up with 3 storey town houses or flats also set behind hedging and trees, with some fencing and railings. The buildings exhibit a variety of styles and materials although are of traditional appearance with brick and render elevations under pitched roofs. The trees and hedges along the road frontage help to screen and interrupt views of the buildings giving the road a verdant character. The appeal site contributes positively to this green approach to the town centre.

5. The proposed building would occupy a position forward of the host dwelling and in a more prominent location to it than the majority of other buildings along the northern side of the road. The boundary wall and some smaller trees and shrubs would be retained along the Lewes Road frontage but the building would be clearly visible above these and its forward position apparent in views along the road. This would appear at odds with the general layout of buildings.
6. Although existing boundary vegetation along Old Road is shown to be retained, the proximity of the building to this side boundary is likely to give rise to the need to remove or severely reduce the amount of planting to provide adequate light to the rear elevation. This would further expose the building to views along Lewes Road, and also Old Road, where it would be seen as standing in front of other dwellings further to the north.
7. To the west of the appeal site is Daledene, a development of flats, where a wing projects in front of the main building, such that it is as close to the Lewes Road as the building proposed in the appeal scheme. However, this projection is itself atypical of the position and set back of buildings along the northern side of Lewes Road. Development on the appeal site, occupying as it does a corner location, would also be more prominent and visible from a greater number of vantage points. For these reasons, I consider the forward projecting wing at Daledene does not set a precedent that justifies development on the appeal site.
8. Permission has been granted and is being implemented for a new dwelling adjacent to The Little House in Old Road¹. It postdates an earlier appeal decision². This scheme differs from the current appeal proposal in that it occupies a different position, in line with other buildings in Old Road, rather than the forward position of the proposed building. Its effect on the character and appearance of the area is therefore not comparable to the appeal scheme.
9. I conclude that, because of its forward position on a prominent corner location, the proposed development would appear at odds with its surroundings, harmful to the overall character and appearance of the area. It would as a consequence conflict with Policy DP26 of the Mid Sussex District Plan 2014-2031 and Policy EG3 of the East Grinstead Neighbourhood Plan 2016, which require good design that respects the character of towns and contributes positively to the private and public realm. These policies are consistent with the National Planning Policy Framework (the 'Framework').

Living conditions of future occupants

10. The private garden area for the proposed building would consist of a narrow section at the rear of the building and a somewhat wider section on its southern side. This area currently functions as garden to the host building but

¹ DM/17/3278

² APP/D3830/W/17/3166938

as part of a much larger garden area including land to the side of the host dwelling. For the appeal scheme, the main useable garden area would be considerably smaller and positioned adjacent to the Lewes Road. While privacy would be maintained by retention of the boundary wall, it would suffer from noise from the road and passing pedestrians. This would make it less than ideal as the main outdoor amenity area for the proposal.

11. The appellant has compared the size of the garden for the appeal scheme with that of the rear garden for the recently permitted scheme alongside The Little House³. The two areas are comparable in size, but that for the permitted scheme is more private and less exposed to noise. It therefore differs in terms of its useability as a domestic garden area.
12. I conclude that because the main useable garden area proposed for the appeal scheme would be poorly positioned in relation to the building such that it was subject to noise, it would lead to less than ideal living conditions for future occupiers. The development would therefore conflict with Policy DP26 of the Mid Sussex District Plan 2014-2013 and Policy EG3 of the East Grinstead Neighbourhood Plan 2016, which promote good design.

Living conditions for neighbouring occupants

13. The host building would retain a sizeable garden area to one side. The proposed building would be sited alongside and to the south of this garden area and would therefore result in a degree of overshadowing. However, there would still be a reasonable degree of separation between the two, and the proximity of the proposed building would not preclude enjoyment of the garden for normal domestic purposes. Privacy would be maintained by a garden fence, and the only first floor window in the flank side elevation would be to a bathroom, which could be conditioned to ensure that it was obscured glazed.
14. I conclude that the appeal scheme would not result in an overbearing form of development for occupants of the host dwelling at Beckford, and would not harm their outlook. On this issue, the development would not therefore conflict with DP26 of the Mid Sussex District Plan 2014-2031 or Policy EG3 of the East Grinstead Neighbourhood Plan 2016, which promote good design.

Other Matters

15. The site lies within the zones of influence of the Ashdown Forest Special Protection Area and Special Area of Conservation. Having regard to the available evidence, the scheme could have a significant effect on the first of these designations. Had the proposal been acceptable on all other grounds it would have been necessary for me to undertake an appropriate assessment in accordance with the Habitats Regulations⁴. While it appears likely that any harm could be overcome using the mitigation measures agreed between the Council and the appellant, given my conclusions on the main issues I have not needed to undertake an appropriate assessment in this case.

Conclusion

16. Although I consider that no material harm would arise to the living conditions of occupants of the host building, I have found that harm would be caused to

³ DM/17/3278

⁴ Conservation of Habitats and Species Regulations 2017.

the character and appearance of the area, and to the living conditions of future occupants. For these reasons I conclude that the development would conflict with the development plan when taken as a whole.

17. In favour of the development is the provision of an additional residential dwelling. While the Council is able to demonstrate an adequate housing land supply and therefore paragraph 11 of the Framework is not engaged, the provision of an additional dwelling is of planning benefit in helping to meet housing demand.
18. Weighing these considerations together, I consider that the harm identified above, which results in conflict with the development plan, outweighs the modest benefit arising from the additional dwelling. Consequently, I conclude that the appeal should be dismissed.

Guy Davies

INSPECTOR