



Appeal Decision

Site visit made on 1 July 2022

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

an Inspector appointed by the Secretary of State

Decision date: 19th July 2022

Appeal Ref: APP/D3830/W/22/3290756

26 Ann Close, Hassocks BN6 8NB

- 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 David Phillips of Cooper & Purdey Ltd against the decision of Mid Sussex District Council.
 - The application Ref DM/21/3602, dated 11 October 2021, was refused by notice dated 6 December 2021.
 - The development proposed is "Creation of a new-build two-bedroom bungalow (C3)".
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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 25 Ann Close and the future occupiers of the proposed dwelling regarding outlook.

Reasons

Character and appearance

3. The appeal site includes the far end of the back garden of the bungalow at 26 Ann Close, which is situated on the north east corner by the junction of Ann Close with Manor Avenue. The nearby dwellings are mainly detached and semidetached bungalows and houses. The local landform slopes gently down from roughly north east to south west. Most nearby dwellings have back gardens, and they are set back from grass verge edged roads by front gardens and drives. So, the mainly residential area has a suburban character and verdant appearance. The roughly south side of the back garden at 26 Ann Close is partly enclosed by a tall fence with planting behind that extends along the north side of the highway verge in Manor Avenue. The openness over the existing back garden contributes positively to the Manor Avenue street scene and to the sense of place.
4. The proposed detached bungalow would be sited fairly close to the common boundary with the back garden of 25 Ann Close, and it would be reached by the existing access from Manor Avenue. Because the dwelling would take up much of the width of its site, and its shallow side and front garden would be fairly close to the back of the dwelling at 26 Ann Close and the highway in Manor Avenue, the proposal would look unacceptably squeezed in and

incongruous. Whilst the dwelling would be similar in scale and form to others nearby and its active frontage would face Manor Avenue, it would look harmfully discordant and out of place from the back of the dwelling and back garden at 25 Ann Close. The mid height fence at the front would be too low to offer the future occupiers the privacy that would reasonably be expected in their only garden, and it would be too high to respect the low walls and fences to most front gardens that are important to the spacious local character.

5. The outlook from the east facing bedroom window would include the modest yard in the north east corner of the site, which would be enclosed by tall fences on 3 sides. As the fence between the parking and turning area and the yard would abut, or would be close to, one side of the only window to that room, the occupiers of that bedroom could feel hemmed in. As the outlook from that window would be confined and urban, it would be harmfully at odds with the verdant outlook that would reasonably be expected in a suburban area such as this. Whilst there are side facing windows in other nearby dwellings, most appear to light bathrooms and kitchens, and others look as though they are not the only windows to those rooms, so they attract little weight.
6. The area of its site and coverage by the dwelling would be similar to those of the dwelling at 1B Manor Avenue. However, as the frontage of 1B is narrower than the appeal site, as there is a private back garden behind the dwelling at 1B, and because that dwelling is sited well away from its boundary with the back garden of 2 Ann Close, it respects the spacious suburban character. So, the development at 1B provides little support for this damaging scheme.
7. Therefore, I consider that the proposed development would harm the character and appearance of the surrounding area. It would be contrary to Policy DP26 of the Mid Sussex District Plan 2014-2031 (LP) and Policy 9 of the Hassocks Neighbourhood Plan (NP) which seek a high standard of design, respect for context, and to protect gardens that contribute to the character of the area, guidance in the Mid Sussex Design Guide, and the National Planning Policy Framework (Framework) which seeks well-designed places, and for development to be sympathetic to local character.

Living conditions

8. Due to the relationships between the dwellings and their gardens at the site and at 25 Ann Close, and the lie of the land, whilst the proposed dwelling would look cramped on its shallow plot in the outlook from the back of the dwelling and its back garden at 25, its effect on the character and appearance of the area has been considered in my first main issue. However, due to its form, scale and siting, the proposed dwelling would not be so overbearing or so oppressive that it would cause significant harm to the living conditions of the occupiers of 25.
9. For the reasons given in my first main issue, the outlook from the east facing bedroom window of the dwelling would be at odds with local character. Even so, having regard to the siting of the window and its relationship with the layout of the yard, the outlook would not be so oppressive that it would significantly harm the living conditions of the future occupiers. Also, as the bathroom window at the back of the proposed dwelling would be largely screened from 25 by the proposed boundary fence, it would not cause a harmful perception of being overlooked at 25.

10. Thus, I consider that the proposal would not harm the living conditions of the occupiers of 25 Ann Close and the future occupiers of the proposed dwelling regarding outlook. It would satisfy LP Policy DP26 and NP Policy 9 which aim for development to not cause significant harm to the outlook of nearby residents, and the Framework which seeks a high standard of amenity for existing and future users.

Other Matters

11. As they are sought by Development Plan policy, acceptable living conditions, and matters including the proposed sustainable design and construction measures, are neutral factors. So, whilst the benefits of the scheme would include a welcome new home in a reasonably accessible location, they would not outweigh the harm that the proposal would cause to the character and appearance of the area, which is a compelling objection to the scheme.

Conclusion

12. 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.
13. For the reasons given, the appeal should be dismissed.

J Reid

INSPECTOR