



Appeal Decision

Site visit made on 1 September 2022

by **D Cramond** BSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 September 2022

Appeal Ref: APP/C1435/W/21/3287546 Clareholme, Ditton's Road, Polegate, BN26 6HT

- 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 Mrs J Stanbridge against the decision of Wealden District Council.
 - The application Ref WD/2020/1765/F, dated 5 October 2020, was refused by notice dated 28 June 2021.
 - The development proposed is 3 no. four-bedroom houses, removal of side extensions to existing house, widened crossover.
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs has been made by the Appellant against the Council. This application is the subject of a separate decision.

Main Issues

3. The main issues are the effect of the proposal on:
 - the character and appearance of the locality;
 - living conditions for neighbours; and
 - the delivery of sustainable development.

Reasons

4. The appeal site encompasses a detached two storey dwelling and its large garden area which presently includes considerable, at times overgrown, vegetation and evergreen trees mainly in poor condition. This deep rectangular garden is of similar length to those of neighbouring detached variously designed homes along this stretch of road, albeit they are narrower. The sense along Ditton's Road is one of spaciousness, established residential character and pleasing informal appearance. To the rear of the gardens lies a modern housing estate of more intensive nature but with design attributes. The appeal proposal is as described above and in summary would see a new dwelling placed alongside the existing frontage building and two homes
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positioned in a 'backland' setting beyond, all served by a central driveway and single access point.

Character and appearance

5. The spacious character of this stretch of Ditton's Road and the 'green' appearance and quiet ambiance on the north side of the frontage properties stems from the sheer size of the existing rear gardens and the vegetation within them. Regrettably the appeal scheme would go too far against these defining qualities and even the proposed development, which measured by dwellings per hectare or similar mathematics would not class as anything like high density, would be excessive to my mind. There would simply be too much ground coverage, hard surfacing, vehicle movement, proximate built massing and multiple domestic paraphernalia to accord with or be acceptably close to, prevailing character and be protective of aesthetic qualities. In this unusual context the scheme would be excessive. Garden sizes and building separation may meet Council standards in measurement terms and/or prevailing in other areas, but these are not transferable everywhere and the proposal has to take account of its own setting.
6. Saved Policy EN27 of the Wealden Local Plan 1998 (LP) and SPO13 of the Wealden Local Plan Core Strategy 2013 (CS) are relevant. Together they seek to secure attractive good design for new development in landscape and built form terms with local distinctiveness, density and site coverage respected, and the character of an area safeguarded. I conclude that the proposal would not accord with these policies.

Living conditions

7. Residents on Ditton's Road presently enjoy privacy, peace and a sense of space to the rear of their homes and it is not unreasonable to seek new development which would respect and protect these higher amenity standards than might prevail or be deemed reasonable in other circumstances. The appeal scheme would not lead to unacceptable direct overlooking but by sheer degree of built foot print, bulk of development, hard surfacing and associated movements the ambience and outlook would change markedly for neighbours to either side. Availability of areas for retained or new soft landscape would be limited. The buildings would be sited uncharacteristically close to side boundaries with little or no scope for substantial intervening vegetation and having homes so close to presently private and relatively secluded rear gardens would impinge upon low-density living conditions enjoyed by residents.
8. LP Saved Policy EN27 seeks, amongst other matters, to ensure that a proposal would not adversely impact upon amenity enjoyed by those in adjoining developments. I would conclude that the scheme would run contrary to this policy.

Sustainable development

9. Both main parties agree that there is not a five-year housing land supply and that the presumption in favour of sustainable development within the National Planning Policy Framework (the Framework) would apply. I must

assess whether the appeal scheme falls within the Framework's sustainable development category, which embodies economic, social and environmental objectives. As the Framework makes clear the development should be approved unless adverse impacts significantly and demonstrably outweigh the benefits when assessed against the policies in the document taken as a whole.

10. The scheme would clearly have some economic and social merits which would weigh in favour. However, as a result of the flaws I have identified above I would assess the proposal as a failure to create a well-designed built environment, with inadequate protection of the natural environment and amenity for nearby residents and these disbenefits weigh more heavily to my mind.
11. Having carefully considered all matters I conclude that the scheme would not represent sustainable development in accord with the purpose of the planning system and the central thrust of the Framework. The adverse impacts I identify would significantly and demonstrably outweigh the benefits of the scheme including the, relatively small, contribution which would be made to housing land supply. The scheme would not accord with CS Policy WCS14 and LP Saved Policy EN1 which seek to secure sustainable development.

Other matters

12. The Appellant to my mind reasonably explains the acceptability of a number of technical and environmental detailed matters including some specific concerns raised by third parties. I have reviewed the other 'backland' cases drawn to my notice and used by the Appellant as illustration of inconsistency by the Council and put forward in support of the appeal scheme. However, I found those examples to be different in terms of location, scale and disposition and, in any event, I must determine the case before me on its own merits.
13. I have carefully considered these and all other points raised by the Appellant and these matters do not outweigh the concerns which I have in relation to the main issues identified above.

Overall conclusion

14. For the reasons given above I conclude that the proposal would have unacceptable effects on the character and appearance of the locality and living conditions for neighbours; the scheme would not deliver sustainable development. Accordingly, the appeal is dismissed.

D Cramond
INSPECTOR