



Appeal Decision

Site visit made on 20 September 2022

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

an Inspector appointed by the Secretary of State

Decision date: 5 October 2022

Appeal Ref: APP/D3830/W/21/3287254

9 Morton Road, East Grinstead RH19 4AF

- 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 Manor Homes (South East) Ltd against the decision of Mid Sussex District Council.
 - The application Ref DM/21/1780, dated 2 May 2021, was refused by notice dated 29 September 2021.
 - The development proposed is Demolition of existing dwelling; erection of a development of three detached dwellings, and three pairs of semi-detached dwellings with car parking, modifications to the existing access and provision of soft landscaping.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The description of the proposed development given on the application form has been used in the banner heading above. The proposal was revised during the application process and included a reduction in the number of dwellings from 9 to 8. As the Council made its decision on the basis of the revised scheme, I shall do the same.

Main issues

3. The main issues are the effect that the proposal would have on:
 - the character and appearance of the surrounding area,
 - the living conditions of the occupiers of 15 and 16 Paddock Gardens and Plots 2 and 3 regarding outlook and privacy,
 - the Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC), and
 - whether the proposal would make adequate provision for the additional need for infrastructure arising from the proposed development.

Reasons

Character and appearance

4. The appeal site includes a strip of land between 7 and 11 Morton Road, and land beyond the far ends of the back gardens of dwellings in Morton Road to roughly south, Dunning's Road to roughly west and Paddock Gardens to roughly north. The local landform in the surrounding mainly residential area slopes down from roughly north east to south west. There are mostly

bungalows and chalet style dwellings in Paddock Gardens, and mostly 2 storey dwellings that back onto the site in Dunning's and Morton Roads, some of which have rooms in their roofs.

5. The proposal would include two 2 storey dwellings, two part 2 storey part 3 storey dwellings, and four 3 storey dwellings, but the hipped roofed 2 storey dwellings would be as tall as the 3 storey dwellings. Whilst the upper floors of most dwellings would be partly within their tall roofs, due to their height, bulk and atypical features including their 'raised eaves line', the proposal would be harmfully at odds with the scale and character of the surrounding dwellings.
6. The layout would include 2 detached dwellings in the west part of the site facing roughly east onto the short spur in the shared route from Morton Road, and 3 pairs of semidetached dwellings facing roughly south onto the shared route. As the semidetached pairs would be sited close to the shared route, they would harmonise with the siting of most nearby semidetached dwellings in Morton Road, and as the pairs would be well separated from one another, they would reflect the more spacious layout in Paddock Gardens. However, because the 2 detached dwellings would be sited close to one another and the site's boundaries, and because there would be little useable outdoor space for the dwelling on Plot 2, they would be unacceptably built-up and squeezed-in.
7. Due to the height, scale, bulk and detailed design of the dwellings, and the siting of the dwellings on Plots 1 and 2, the proposal would be harmfully dominant from the backs of most surrounding dwellings and their gardens, especially those in Paddock Gardens. Due to the good-sized gaps between many of the nearby dwellings in Paddock Gardens, Dunning's Road and in part of Morton Road, the proposal would look incongruous from the surrounding streets. Thus, the proposal would harmfully intrude into the important openness beyond the backs of the existing dwellings that contributes positively to the largely suburban character of the locality, and to the sense of place.
8. Policy EG7 of the East Grinstead Neighbourhood Plan (NP) seeks a minimum density of 30 dwellings per hectare unless local character dictates otherwise. Whilst the density of the proposal would be a little less than 30 dwellings per hectare, NP Policy EG7 was not a concern of the Council in its reasons for refusal, and due to my findings on this main issue, I agree.
9. Therefore, I consider that the proposed development would harm the character and appearance of the surrounding area. It would be contrary to Policy DM26 of the Mid Sussex District Plan 2014-2031 (LP) and NP Policy EG3 which seek high quality design and layout, and respect for context.

Living conditions

10. The openness between the front and side of the dwellings on Plots 2 and 3 respectively would provide an acceptable outlook from the back of the dwelling at 16 Paddock Gardens and its back garden. Due to the distances and relationships between the dwellings at 15 Paddock Gardens and on Plots 3 and 4, the proposal would also be acceptable. Also, due to the scale, form, and siting of the dwellings on Plots 2 and 3, neither dwelling would be unacceptably overbearing or oppressive in the outlook from the other dwelling or its grounds.
11. The degree of mutual overlooking that could occur between the first floor windows of the dwellings on Plots 2, 3 and 4 and the existing main dwellings at

15 and 16 Paddock Gardens would reasonably be expected in a suburban area such as this. The sills of the north facing second floor rooflights in the dwellings on Plots 2 and 4 would be roughly 1.5 m and roughly 2.1 m above finished second floor level respectively. As the light and ventilation from the relevant Plot 2 rooflights would be more important than the outlook from them, their sill heights could reasonably be controlled by condition to prevent harmful overlooking. The sills of the relevant rooflights in Plot 4 would be above most occupiers' heads, so they would not allow harmful overlooking. So, subject to the imposition of a suitable planning condition, the proposal would not significantly harm the privacy of the occupiers of 15 and 16 Paddock Gardens in their homes or back gardens.

12. Due to the distances and relationships between the dwellings on Plots 2 and 3 and the sill heights of Plot 2's dormer windows, the limited mutual overlooking between the secondary windows to parts of Plot 3's kitchen and dining/living room and Plot 2's dormer windows would be acceptable. As only narrow oblique views would be possible between the east facing first and second floor windows in Plot 2's north wing and Plot 3's north facing glazed doors and west facing windows, they would not be harmful. The boundary treatment to Plot 3's back garden could be controlled by condition, so the limited overlooking from Plot 2's east facing first and second floor windows would be acceptable.
13. Daylight and sunlight, and noise and disturbance, were not specific concerns of the Council in its reasons for refusal. Due to the layout and orientation of the proposed and existing development, and the findings in the appellant's noise impact assessment, I agree.
14. Thus, I consider that, subject to the imposition of suitable conditions if the proposal were to be otherwise acceptable, the proposal would not harm the living conditions of the occupiers of 15 and 16 Paddock Gardens and Plots 2 and 3 regarding outlook and privacy. It would satisfy LP Policy DM26 and NP Policy EG3 which aim for development to not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings.

SPA and SAC

15. The site falls within the 7 km zone of influence of the SPA and SAC. In determining this appeal, I am the competent authority for the purposes of the Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations).
16. The proposal would increase the number of people living near the SPA and SAC. So, this proposal, in combination with other plans and projects, would be likely to have a significant effect on the SPA due to increased recreational disturbance and it may have a significant effect on the SAC due to atmospheric pollution. Because the proposal is not directly connected with or necessary for the management of the SPA and SAC, it would be necessary for me to undertake an appropriate assessment of the implications of the proposal for the SPA and SAC in view of their conservation objectives. I could only grant planning permission if I were to ascertain in that appropriate assessment that the integrity of the SPA and SAC would not be adversely affected. Even so, as the proposed development would not be acceptable for other reasons, it is not necessary for me to undertake an appropriate assessment.

17. Whilst the Council has not raised concerns about the SAC, LP Policy DP17 and NP Policy EG16, amongst other things, seek financial contributions towards mitigation measures including the provision of Suitable Alternative Natural Greenspace and Strategic Access Management and Monitoring for the SPA. The appellant accepts that these financial contributions would be necessary, but no completed planning obligation to secure them has been put to me. However, as the proposal would not be acceptable for other reasons, I have not pursued the matter further with the parties.
18. Thus, I consider that there is insufficient evidence to show that the proposal, alone or in combination with other plans or projects, would not be likely to have a significant adverse effect on the integrity of the SPA and SAC. It would be contrary to LP Policy DP17 and NP Policy EG16 which seek to prevent significant adverse effects on the SPA and SAC, and the Habitats Regulations.

Infrastructure

19. LP Policy DP20 aims for development to contribute towards the infrastructure necessary to support the development, but not to address any existing deficiencies. Because the proposal would result in 7 more dwellings, financial contributions towards infrastructure, including community sport and play space, libraries, primary, secondary and sixth form education, and the Total Access Demand of the development, would be sought. The appellant recognises that contributions towards infrastructure would be necessary, but no completed planning obligation to secure them has been put to me. However, as the proposed development would not be acceptable for other reasons, I have not pursued this matter further with the parties.
20. Thus, I consider that the proposal would not make adequate provision for the additional need for infrastructure arising from the proposed development. It would be contrary to LP Policy DP20.

Other matters and planning balance

21. The proposal aims to make efficient use of the reasonably accessible site, and its other benefits would include 7 welcome new homes, employment during construction and its future occupiers' likely support for local shops and services. The existing and future occupiers' living conditions could be made acceptable by imposing suitable conditions, so this attracts neutral weight. Even so, the harm to the character and appearance of the area, the failure to show that the proposal would not have a significant adverse effect on the integrity of the SPA and SAC, and the failure to provide for the additional need for infrastructure would not be outweighed by the other matters in favour.

Conclusion

22. 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 National Planning Policy Framework, do not outweigh that conflict.
23. For the reasons given, the appeal should be dismissed.

J Reid

INSPECTOR