



Appeal Decision

Site visit made on 1 November 2022

by Helen Smith BSc (Hons) MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 November 2022

Appeal Ref: APP/C1435/D/22/3302597

Amber Cottage, Ripe, Lewes, East Sussex BN8 6AP

- 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 & Mrs R. Tidy against the decision of Wealden District Council.
 - The application Ref WD/2022/0182/F, dated 1 March 2022, was refused by notice dated 29 April 2022.
 - The development proposed is described as “formation of vehicular access and parking space in front garden to provide disabled access and off street charging for electric vehicle.”
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has submitted a revised layout plan. The revision sought is to vary the plan in respect of the parking space. This was provided as part of the appellant’s statement at appeal stage. The Council is therefore aware of this revised plan and has had the opportunity to comment. Consequently, no parties have been prejudiced by my acceptance of this revised plan.

Main Issues

3. The main issues are the effect of the proposal on:
 - the character and appearance of the area, with regard to the Grade II listed heritage asset and the Ripe Conservation Area.
 - highway safety.

Reasons

Listed Building and Conservation Area

4. The appeal site is within the curtilage of a two-storey semi-detached dwelling, which is a Grade II listed heritage asset. The property also sits within the Ripe Conservation Area.
5. In paragraph 189, the National Planning Policy Framework (Framework) advises that heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance. According to paragraph 199 of the Framework, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation, irrespective of whether the

potential harm amounts to substantial, total loss, or less than substantial harm to its significance.

6. The significance of Amber Cottage is its distinctive architecture and its siting within the historic part of the Ripe Conservation Area. The dwelling and the cottage style front garden contained within the boundary wall face towards the village centre. It has a prominent position and makes a positive contribution to the character and appearance of the area.
7. The boundary wall is a tall structure, characterised by weathered brickwork. It contributes to the appearance of Amber Cottage and creates a strong sense of enclosure to its front garden by separating it from the highway. As such, the wall's distinctive character contributes positively to the heritage asset and the character of the Conservation Area.
8. The proposed development would involve alterations to the boundary wall, including the removal of a section of the wall to create a parking space and vehicular access to Ripe Lane.
9. Since the partial loss and alteration of the wall would affect a characteristic feature that was designed to enclose the front garden, the proposal would amount to unacceptable harm to the setting of Amber Cottage. In addition, works on such an old wall may result in more extensive damages and the appellant has not provided any reassurance in terms of construction mitigations to prevent damage from occurring. Whilst the wall might be leaning in places, there is no substantial evidence before me to suggest it cannot be repaired.
10. Furthermore, the proposal would result in a vehicle being parked directly in front of the dwelling. This would detract from the visual, architectural and period qualities of this attractive dwelling and its front garden, which would harm the character of the street scene at this prominent location.
11. For the reasons given above, the proposal would result in less than substantial harm to the significance of the designated heritage asset, because the loss of a section of the wall would harm the setting of the listed building. Furthermore, the proposal, by virtue of the wall demolition, would fail to enhance or preserve the character and appearance of the Conservation Area.
12. According to paragraph 202 of the Framework, where a proposed development would lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal.
13. It is acknowledged that there may be some benefit of providing on-site parking to the front of Amber Cottage, including the ease of accessing the property, such as for people with limited mobility. However, these factors do not outweigh the harm that has been identified to the heritage assets and the character and appearance of the area.
14. The proposed introduction of a vehicle charging point to the dwelling would support a transition to a more energy efficient, low carbon society. However, this would be a modest benefit to which I attach limited weight.
15. Based on the evidence before me, there are no public benefits of the proposed development that would outweigh the unacceptable harm to the heritage assets identified above. Furthermore, there are no other benefits, including to

the appellant, which would be of a scale to outweigh the harm to the heritage assets.

16. As such, I conclude that the proposed development would not accord with policies EN27 of the Wealden Local Plan (1998) (Local Plan), and policies SPO2, SPO13 and WCS14 of the Wealden District (Incorporating Part of the South Downs National Park) Core Strategy Local Plan (2013) (Core Strategy). Amongst other things, these policies seek to ensure sustainable development through good design that respects local distinctiveness and protects the intrinsic quality of the historic environment. The proposal would also conflict with the objectives of the Framework aiming to conserve and enhance the historic environment.
17. In reaching this conclusion I have also had regard to the guidance contained within the Council's Wealden Design Guide Supplementary Planning Document (2008), which sets out design guidelines for the district.

Highway Safety

18. The proposal would result in vehicles entering and existing the appeal site in close proximity to a sharp bend and to a small traffic island where three roads converge. As such, motorists would be more focussed on their next manoeuvre when approaching the traffic island than vehicles entering and existing the appeal site's access.
19. A vehicle slowing down to enter the proposed access in either first gear or reverse would lead to vehicles behind it on the highway slowing down and even stopping while waiting for the vehicle to enter the driveway. This would therefore cause inference with the free flow of traffic.
20. There is insufficient space on the appeal site to enable turning of a vehicle to enter and exit the site in a forward gear. Reversing out of the site onto the highway would be hazardous to both pedestrians, cyclists, and other road users. The sharp bend and parked cars nearby would restrict visibility from the driveway to approaching pedestrians, cyclists, and vehicles. Consequently, there would not be adequate time to react to oncoming users of the highway when reversing from the driveway. This would lead to an increased risk of collision.
21. For the reasons given, the proposal would result in unacceptable impact on highway safety. As such, the proposal would not comply with policies ENV27, TR3 and TR16 of the Local Plan, and policies SPO13 and WCS14 of the Core Strategy. Collectively, these policies amongst other things, seek to ensure proposal's do not cause unacceptable levels of highway safety. In addition, the proposal would fail to accord with the Framework (para 110), which seeks to ensure that safe and suitable access to the appeal site can be achieved for all users.
22. The Council's Decision Notice referred to Policy SP02 of the Core Strategy for this main issue. However, this policy does not relate to highway safety and is therefore not applicable to this main issue.

Other Matters

23. My attention has been drawn to photographic evidence of other properties within the area that have vehicular access from a public highway. However, for

the reasons above, the proposal would be detrimental to highway safety and would have an adverse impact on the heritage assets. I have determined this appeal on its own merits and the appeal site's specific relationship to the highway and site context.

24. Although there may be incidences of inconsiderate parking on the roads near to the site, this does not weigh in favour of the proposal and certainly does not outweigh the harm that has been identified.

Conclusion

25. The proposal conflicts with the development plan as a whole, and there are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with it. The appeal is therefore dismissed.

Helen Smith

INSPECTOR