



Appeal Decision

Site visit made on 30 January 2023

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

an Inspector appointed by the Secretary of State

Decision date: 13 February 2023

Appeal Ref: APP/D3830/W/22/3301211

The Grange, Furze Lane, East Grinstead RH19 2BG

- 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 Edward Harradine of EMH Electrical and Building Services against the decision of Mid Sussex District Council.
 - The application Ref DM/22/0081, dated 14 December 2021, was refused by notice dated 11 March 2022.
 - The development proposed is "Erection of a detached chalet dwelling on land adjacent to the Grange, Furze Lane".
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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,
 - the living conditions of the occupiers of The Grange and Conifers, regarding outlook and privacy, and
 - the integrity of the Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC).

Reasons

Character and appearance

3. The appeal site is situated on the roughly south side of Furze Lane between the dwellings at Conifers to roughly west and The Grange to roughly east. Whilst the far west end of the lane includes a hotel, flats and the back gardens of terraced dwellings in Redgarth Court, Furze Lane is mainly characterised by detached houses, chalet dwellings and bungalows in a range of styles, which are set well back from the verge edged road in generous plots. Mature trees and planting in many back gardens provide a partial verdant backdrop to the dwellings, and most drives are partly screened by tall hedges or planting. The variety in the scale of the dwellings and their generally low key roof forms are important to the area's spacious suburban character and verdant appearance.
4. The Grange respects its corner siting where Pine Croft meets Furze Lane, and this is partly reflected by the siting of the main 2 storey part of Conifers. The low pitched roofed bungalow at Qu'appelle is largely screened by its hedges on the opposite corner, so there is significant spaciousness in the Furze Lane street scene close by.

5. The proposed dwelling would broadly align with the front of the mostly hipped roofed 2 storey dwelling at The Grange and the hipped roofed chalet style 'garage link' at Conifers, which is sited at a lower level. The proposal would include a 2 storey gabled range with a tall roughly north south ridge and slightly lowered eaves by The Grange, and a lower 2 storey barn-hipped crown roofed range lit by flat roofed front and back dormers by Conifers.
6. Whilst the proposal would be narrower than the dwellings on either side, its depth would be substantial. Because the tall gabled range would be nearly as deep as the 2 storey part of the dwelling, and the bulky crown roofed range would be only a little lower, the dwelling would be unacceptably intrusive in its spacious surroundings. Its dominant form, substantial bulk and dissonant proportions would be incongruous in views from the nearby streets. So, due to its scale, height and form, the proposed dwelling would be unacceptably at odds with the Furze Lane street scene, and it would harmfully erode the spaciousness that is important to the sense of place.
7. The low eaves and hipped roofed form of the chalet dwelling at Lintons sustains the spacious character at roof level, so it provides little support for this damaging proposal. As the chalet style dwelling ref DM/21/0069 and changes to it including a back extension ref DM/22/2097 were found acceptable by the Council, they do not amount to a harmful fallback.
8. 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 EG3 of the East Grinstead Neighbourhood Plan (NP) which seek high quality design and respect for context. It would also be contrary to the National Planning Policy Framework (Framework) which aims to achieve well-designed places.

Living conditions

9. Due to the relationships between the proposal and the existing openings in the nearby sides of The Gables and Conifers, some of which light dual aspect rooms, the proposal would not be so overbearing or oppressive that it would significantly harm the outlook of the adjoining occupiers. Tall boundary treatment, which could reasonably be controlled by condition, would prevent harmful overlooking from the side facing ground floor openings in the proposal and its grounds. As the roughly west facing first floor window would light a bathroom, and the roughly east facing staircase window and the rooflights would light a landing and bathrooms, the proposal would not harm the neighbouring occupiers' privacy.
10. Whilst interested parties have raised other concerns, the siting of external plant for the heating system could reasonably be controlled by condition if the proposal were to be otherwise acceptable. Also, as the site is within a mainly residential area, the comings and goings associated with the proposal would not reasonably be expected to cause unacceptable noise and disturbance.
11. 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 The Grange and Conifers regarding outlook and privacy. It would satisfy LP Policy DP26 which aims for development to not cause significant harm to the amenities of nearby residents, and the thrust of NP Policy EG3. This matter attracts neutral weight in the planning balance.

SPA and SAC

12. 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).
13. The proposed development would increase the number of people living near the SPA and SAC and associated vehicular movements. So, this proposal, in combination with other plans and projects, would be likely to have a significant effect on the SPA and SAC due to increased recreational disturbance and atmospheric pollution respectively. 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. However, as the proposed development would not be acceptable for other reasons, it is not necessary for me to undertake an appropriate assessment.
14. So, whilst the appellant has submitted a completed planning obligation that seeks to secure financial contributions towards measures to avoid, or mitigate to an acceptable level, the harm caused to the SPA in accordance with the Habitats Regulations and LP Policy DP17, I have not pursued the matter further with the parties.

Other matters

15. The proposal aims, amongst other things, to make efficient use of land within the built up area. The other benefits would include a welcome new home, jobs during construction, and its future occupiers' likely support for local shops and services. However, even if an appropriate assessment were to conclude that the integrity of the SPA and SAC would not be adversely affected, the benefits would not outweigh the harm identified in my first main issue.

Conclusion

16. 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.
17. For the reasons given, the appeal should be dismissed.

J Reid

INSPECTOR