



Appeal Decision

Site visit made on 1 February 2023

by Hannah Guest BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd March 2023

Appeal Ref: APP/C1435/W/22/3302518

Watermead, West Street, Mayfield TN20 6DS

- 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 Shawn and Mia Kelf against the decision of Wealden District Council.
 - The application Ref WD/2021/2274/F, dated 24 August 2021, was refused by notice dated 21 January 2022.
 - The development proposed is described as demolition of existing detached bungalow and garage and replacement with a new 4-bedroom detached house.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on the character and appearance of the area, including the landscape character of the High Weald Area of Outstanding Natural Beauty; and whether the proposal would preserve or enhance the significance of the Mayfield and Coggins Mill Conservation Area.

Reasons

3. West Street is a historic route into the village of Mayfield made up of a mixture of houses that vary in their scale, style, and plot size. Nonetheless, most of the houses are 1 or 2 storeys and have a traditional form and appearance including pitched roofs. The position of the houses along West Street has been influenced by the topography, with those on the north side of the highway generally set above it and those on the south side set at the same level or below.
4. The section of West Street where the appeal site is located has a more spacious and rural character than the historic core of Mayfield. The houses are set back further from the highway, generally on larger and wider plots, with more space between them, allowing views of the surrounding landscape.
5. Mayfield, including the appeal site, and its landscape setting form part of the High Weald Area of Outstanding Natural Beauty (AONB). The surrounding landscape is formed from a pattern of irregular fields, woods, and tree belts. Despite some woodland and tree belts to the south and west of West Street, there are views in these directions across the AONB. The landscape setting, together with regular grass verges along the highway, hedges, and landscaped front gardens, make the area very verdant.
6. The views of the surrounding landscape and the spacious and verdant rural character contribute to the significance of this part of the Mayfield and Coggins

Mill Conservation Area (MCMCA), as does the traditional form and appearance of the houses and their positioning with regards to the topography.

7. The boundary of the MCMCA runs through the appeal site to the north of the existing bungalow. Therefore, only the driveway, front garden and front boundary hedge of the appeal site are located in the MCMCA, and the existing dwelling and rear garden are not.
8. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character of a conservation area. This is with respect to any buildings or other land within a conservation area and is therefore only applicable to the northern section of the appeal site that lies within the MCMCA. Policy EN19 of the Wealden Local Plan (1998) (Local Plan) also relates to proposals within conservation areas, resisting those that do not preserve or enhance the existing character, scale, and visual amenity. Nevertheless, the National Planning Policy Framework (the Framework) explains that the significance of a heritage asset derives not only from its physical presence but also from its setting.
9. Although partly screened by the front boundary hedge and contained by woodland to the south east, there is a relatively large degree of intervisibility between the appeal site and the MCMCA. This intervisibility does not only occur within the appeal site but also between the appeal site and the neighbouring property of Leweston, parts of West Street to the west, and other properties in the surrounding area, including, Cranesden Lodge and some properties along Knowle Park. Therefore, whether or not the existing bungalow and the remainder of the plot were specifically excluded from the MCMCA, they form an important part of its setting.
10. The existing bungalow has a simple and traditional form, which is in keeping with other houses along this section of West Street and thus it does not appear out of place. Although it can be seen from the site entrance, it is positioned significantly below the highway and, given its low profile, it is largely screened by the front boundary hedge. There are partial views of the side elevation of the bungalow from further west along West Street, particularly in the winter when there is less foliage. While it may be that the existing bungalow is dated and could be considered to have little architectural merit, given its modest scale and simple and traditional form, it has a neutral effect on the setting and significance of the MCMCA.
11. The proposed dwelling has been designed specifically to be quirky and unique and I recognise that the Framework seeks not to prevent appropriate innovation or change. I also appreciate that the current appeal was subject to pre-application advice. However, while the proposal may have undergone significant design changes to address concerns raised by the Council, it does not automatically follow that the revised proposal would be acceptable.
12. The proposed dwelling would be significantly greater in height and depth than the existing bungalow. Its comparable width and depth would give it a bulky and boxy appearance. The expanse of the front elevation would be exacerbated by the low void to solid ratio and, although the proposed arrangement of external materials seeks to break this up, it would not achieve this to any significant degree.

13. The proposed dwelling would appear as a 2-storey dwelling when viewed from the front and would have some traditional features, such as a pitched roof and chimney. Nonetheless, it would have a very different design and form to any other dwellings in the immediate area. I appreciate that a more contemporary design could be appropriate in this location and would continue the evolution of West Street. However, while the asymmetrical roof profile may create visual interest and I understand that it has been designed to lower the overall height of the proposed dwelling, it would be at odds with the traditional form and appearance of the surrounding houses. Thus, it would appear incongruous in the street scene. The proposed wooden cladding and stone, although found in the MCMCA, are not prevalent in this part of it, where materials more commonly consist of brick, render and hanging tiles.
14. Notwithstanding this, like the existing bungalow, much of the proposed dwelling would be screened by the front boundary hedge. It would sit below the houses on the opposite side of the road and would be set back a similar distance from the highway as the existing bungalow and neighbouring properties. For these reasons it would not be overbearing. Nevertheless, given it is significantly taller than the bungalow, and even if the hedge was strengthened and gates incorporated across the entrance, its incongruous roof profile would be prominent and would sit uncomfortably within the street scene. It would also restrict views of the surrounding landscape and AONB, albeit some views would remain through the gaps between the built form.
15. In addition, the western elevation of the proposed dwelling would be visible in views from the west, including in views from further along West Street and from within the MCMCA. This elevation would showcase the significant depth of the proposed dwelling and its total form rather than the separate 2-storey elements seen from the front and rear. This large and unusually shaped, partly parallelogram elevation, with a substantial amount of glazing, would be far more noticeable than the existing bungalow and would appear out of place in the street scene.
16. Views of the proposed dwelling's rear elevation would be far more limited, given the woodland to the south east. However, the extensive glazing, multi-faceted roof, and contemporary chimney would make it particularly prominent in any views. Also, despite the height of the ground floor being reduced, together with the expansive roof form, it would make the lower ground floor appear squat and the rear elevation as a whole would appear unbalanced.
17. Therefore, while the proposed dwelling would utilise the slope of the site, for the reasons above, it would not harmonise with the surrounding townscape or its landscape setting and would appear as a discordant form of development.
18. It may be that the proposed dwelling would be a similar size and bulk to the neighbouring properties of Leweston and West Wood. However, these properties have more traditional forms and appearances. Also, the properties are not set as far below the highway as the proposed dwelling. Thus, they have a more conventional relationship with the highway and appearance in the street scene.
19. It has been put to me by the appellant that the Council could rely on landscape measures secured by condition to both screen and enhance the proposed dwelling. However, in the absence of any details setting out a landscaping

scheme, I am not certain that such a scheme would fully address the harm I have identified.

20. I note the contemporary appearance of a nearby house, known as Faithlie, which has recently been extended. However, the scale of the house remains modest and the triangular forms of the front elevation, although off-set, reflect the traditional form of a gable end. While the house uses some stone and wooden cladding, these are not predominant.
21. Notwithstanding the above, the appeal site is generous and, given that the proposed dwelling would be set in further from the eastern and western boundaries of the site than the existing bungalow, it would not appear cramped and would be in keeping with the pattern of development. Also, the size of the windows and pattern of fenestration on the front elevation are domestic in scale and relatively well balanced.
22. I would quantify the harm to the MCMCA as being less than substantial. As such paragraph 202 of the Framework requires this harm to be weighed against the public benefits of the proposal.
23. In terms of benefits, the proposed development would be a self-build project and, given the need for self-build plots in the District, this would weigh in favour of the scheme. It would also have some local economic benefits associated with its construction and the supply of local materials. I afford these benefits moderate weight.
24. It has been put to me by the appellant that the proposed dwelling would also include enhanced sustainability measures. However, I have limited details on these before me and therefore can only afford this benefit limited weight.
25. While it may be that the proposed dwelling would have more architectural merit, I have found that the scale and design of the proposed dwelling would harm the character and appearance of the area, including the setting and significance of the MCMCA and the landscape and scenic beauty of the AONB. Therefore, I also afford this only limited weight.
26. The proposed dwelling would be in an accessible location close to local services and facilities. However, it would be replacing an existing dwelling, and while it may offer a more generous and practical living space this benefit is largely private. I note that the Council does not currently have a five-year supply of deliverable sites, however in this case there would be no net increase in residential units and therefore the proposed dwelling would not contribute to the District's shortfall in its housing supply.
27. Paragraph 199 of the Framework gives great weight to the conservation of designated heritage assets including conservation areas. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm. Given this, the moderate benefits of the proposal do not outweigh the harm to the significance of the MCMCA.
28. Accordingly, for the reasons above, the proposed dwelling by virtue of its scale and design would result in a discordant form of development that would harm the character and appearance of the area, including the landscape and scenic beauty of the AONB and the setting and significance of the MCMCA. It would therefore conflict with Policy EN27 of the Local Plan, spatial planning objective SPO13 of the Wealden District Core Strategy Local Plan (2013) (Core Strategy)

and the Wealden Design Guide Supplementary Planning Document (2008). These seek, amongst other things, to ensure that development respects the character of the adjoining development and, where appropriate, promotes local distinctiveness. It would also conflict with Policy EN6 of the Local Plan that seeks to conserve or enhance the natural beauty and character of the AONB, as well as Policy EN19 of the Local Plan and spatial planning objective SPO2 of the Core Strategy that seek to protect the intrinsic quality of the historic environment and preserve or enhance the character of conservation areas.

29. Furthermore, it is contrary to the aims of the Framework to create high quality, beautiful buildings and places that are sympathetic to local character and history, including the surrounding built environment and landscape setting; and to refuse development that is not well designed. Also, its aims to contribute to and enhance the natural and local environment by, amongst other things, conserving and enhancing the landscape and scenic beauty of the AONB; and to conserve and enhance the historic environment.

Other Matters

30. Although not referred to on the Decision Notice in relation to the reasons for refusal, both parties mention Policy DC18 of the Local Plan. Policy DC18 permits the replacement of an existing dwelling by another dwelling outside development boundaries provided certain criteria are met. There is no dispute between the parties that the appeal site is outside the development boundary for Mayfield. However, the appellant questions whether Policy DC18 would fully comply with the aims of the Framework. Whether or not this is the case, I have found the proposed dwelling would harm the character and appearance of the area including the landscape and scenic beauty of the AONB and the setting and significance of the MCMCA. Therefore, even if Policy DC18 was afforded limited weight, this would neither address nor justify the conflict with other policies within the development plan that I have identified.

Conclusion

31. Overall, I have found that the proposed dwelling would result in harm to the character and appearance of the area including the setting of the MCMCA and subsequently its significance. This harm would not be outweighed by public benefits. The proposed dwelling would also result in harm to the landscape and scenic beauty of the AONB. Thus, it would conflict with the development plan as a whole.
32. Given the shortfall in housing supply, paragraph 11d) of the Framework falls to be considered. Accordingly, planning permission should be withheld where the application of policies in the Framework that protect areas or assets of particular importance, including conservation areas and AONBs, provide a clear reason for refusing the development proposed, as is the case here.
33. I have found the proposal would conflict with the development plan, read as a whole. Having had regard to all relevant material considerations, it has not been demonstrated that there are any of sufficient weight to indicate that a decision should be taken otherwise than in accordance with it. The appeal is therefore dismissed.

Hannah Guest INSPECTOR