

Appeal Decision

Site visit made on 17 January 2023

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 March 2023

Appeal Ref: APP/D3830/W/22/3301182

Rosedale, The Street, Bolney, Haywards Heath RH17 5PF

- 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 Jane Thomson against the decision of Mid Sussex District Council.
 - The application, Ref. DM/21/1593, dated 20 April 2021 was refused by notice dated 28 February 2022.
 - The development proposed is to remove the existing garage and erect a new detached single storey, 2 bedroom residential dwelling, with associated car parking spaces for 2 vehicles to the rear of Rosedale. Formation of new access from Paynesfield and erection of new 2m high garden wall
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are (i) the effect of the proposed dwelling on the character and appearance of the area, and (ii) the effect on the living conditions for neighbouring occupiers as regards noise & disturbance, outlook and privacy.

Reasons

3. The appeal scheme proposes to sever part of the rear garden of the existing bungalow and construct a single storey dwelling. The existing detached double garage on the rear boundary would be demolished to provide access from the cul-de-sac of Paynesfield and two parking spaces.
 4. On the first main issue, the Council considers that the development would be harmfully out of keeping with the prevailing residential character of the locality. On my visit to the site I inspected the rear garden of Rosedale from within its curtilage and also walked down to the end of Paynesfield to see the garage that would be demolished and the route of the proposed access to the new dwelling and its parking spaces.
 5. From these observations it was clear that although there is an element of variety in the established pattern of development, for the most part the area is characterised by detached bungalows and houses on medium sized or larger plots, including the houses on the southern and eastern sides of Paynesfield. The variety occurs in the form of 'Drovers', 14 flats comprising two 2-storey blocks with their adjoining communal amenity areas.
-

6. The submitted plans show the red line of the application including the access along Paynesfield, an area that would remain open for use by occupiers of the nearby houses in the cul-de-sac. The existing double garage would be replaced by two parking spaces for the dwelling and with the use of these areas for access and parking I consider that only a particularly small area would remain for a detached dwelling and its private garden.
7. As a consequence, the building would be tight to its northern and eastern boundaries and about a third of the western boundary to the remaining garden of Rosedale. A narrow terrace patio would be provided along the other two thirds of this boundary, but as with the north and east elevations any outlook would be significantly limited by fencing of the 2m height needed to maintain mutual privacy. Whilst these factors may be acceptable to a prospective occupier, they nonetheless indicate an overdevelopment of this highly constrained site.
8. I acknowledge that the southern elevation which includes the building's front entrance would have a satisfactory aspect to a small garden, but overall I consider that the scheme appears as a development 'shoehorned' into a contrived backland site and a plot far smaller than that characteristic of the neighbouring dwellings. This is further illustrated by its single storey flat roof design that again would be noticeably out of character with its context.
9. In this regard the building's design is described as 'contemporary' but although the 'green' roof might reasonably be described as a modern design feature, the dwelling's appearance would be more that of a garden outbuilding ancillary to a larger dwelling rather than an independent residential unit. And with the plot clearly too small to accommodate a pitched roof more in keeping with the site's context and the Council's design guidance, the flat roof appears to be borne more out of expediency than a positive design feature that would harmonise with its immediate surroundings. The fact that the building would not be particularly noticeable in the public realm would not in my view offset its unsatisfactory intrusion into the prevailing pattern of development.
10. Turning to the second main issue, the Council considers that the proposed dwelling would have an unacceptable effect on the living conditions of neighbours. In this context the Notice of Refusal specifically refers to privacy and outlook, but the Officer's Report on the application also refers to noise and disturbance. Given the increased use and intensity of the land it is reasonable to regard all these factors as being to some degree relevant and arguably supportive of the Council's refusal.
11. However, in terms of specifics, the privacy and outlook as regards the existing relationship between Rosedale and the Drovers flats already exists and I do not take the view that the additional dwelling would make a sufficient difference as regards harm to warrant a refusal of permission. Similarly, the comings and goings associated with the new building would cause some additional noise and disturbance, but I am not persuaded that this would be enough to have a measurably harmful effect for any of the other nearby residents.
12. However, my favourable conclusion for the appellant on these matters does not outweigh the harm that would arise from the appeal scheme's effect on the character and appearance of the area. If I were to allow the appeal it would be

more difficult for the Council to resist further similar proposals for houses on sites of a size and siting that are clearly inappropriate for development in keeping with their location.

13. In reaching my decision I have taken account of the social and economic benefits of an additional dwelling. However, these do not outweigh the harm caused which I consider would conflict with Policy DP26 of the Mid Sussex District Plan 2014-2031 adopted in 2018; Policy BOLH2 of the Bolney Neighbourhood Plan 2015-2031 made in 2016, and with Government policy in Section 12: 'Achieving Well Designed Places' of the National Planning Policy Framework 2021.

Other Matters

14. A substantial number of representations both for and against the proposal were received, but although I have taken them into account none are of sufficient weight to affect my decision on this appeal. In particular, the issue of flooding is a concern of local residents. However, I note from the Officer's Report that the Council considered measures could be introduced that would negate any increase in flood risk and that these could be the subject of conditions if permission were to be granted.

Conclusion

15. For the reasons explained and having had regard to all other matters raised, the appeal is dismissed.

Martin Andrews

INSPECTOR