

Appeal Decision

Site visit made on 2 March 2023

by D Cramond BSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd March 2023

Appeal Ref: APP/D3830/D/23/3314196

15 Portsmouth Lane, Lindfield, Haywards Heath, RH16 1SE

- 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 Ryan Lewry against the decision of Mid Sussex District Council.
 - The application Ref DM/22/2162, dated 8 July 2022, was refused by notice dated 14 October 2022.
 - The development proposed is a new garage.
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Decision

1. The appeal is allowed and planning permission is granted for a new garage at 15 Portsmouth Lane, Lindfield, Haywards Heath, RH16 1SE in accordance with the terms of the application, Ref DM/22/2162, dated 8 July 2022, subject to the following conditions:
 1. The development hereby permitted shall begin not later than three years from the date of this decision.
 2. The development hereby permitted shall be carried out in accordance with the following approved plan: 045.22.04.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the locality.

Reasons

Character and appearance

3. The appeal property is a detached dwelling set back from and elevated above the road and within a sizeable garden. The locality contains many family homes which, whilst of varied design, share the similar siting characteristic of having generous front gardens which are generally free of development with strong landscaping and provide a scene where vegetation is a key part of the roadside scene. The locality is one of established character and pleasing appearance. This is reflected in the locality being designated by the Council as an Area of Townscape Character.
 4. The proposal is a detached, double garage set to the front of the dwelling, in matching materials, and about 6.0 metres deep and wide. The roof would be
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- pitched roof and approximately 2.5 metres to the eaves and 4.7 metres to the ridge.
5. The Council is concerned about siting to the front of the dwelling, underlining that the scheme would be at odds with the established character of Portsmouth Lane. It notes that on this road houses are set back behind undeveloped front garden spaces and that the position and elevated location of the garage would create an incongruous and prominent feature harmful to the streetscene.
 6. I can entirely appreciate the Council's wish to protect the quality of ambience and almost verdant character of this stretch of Portsmouth Lane and I am sure that in many plots the Council's stance would be wholly appropriate. It might also be appropriate on this site if it did not have unusual physical circumstances.
 7. Notably, the way in which the levels work here on the site, and relative to the road are unusual, and the drive not running straight-in but rather at an angle and turning back on itself has given the designer an opportunity to provide a lowered site for the garage. It would be set well into the front garden and with a vegetated full bank and part of a second bank between the garage and the road. The alignment of the road and the levels and vegetation of plots to either side would add further to the enclosure. In these particular circumstances, and also bearing in mind this would be a fully hipped low-key roof, it is my view that the aesthetics of this stretch of Portsmouth Lane would not be harmed by the appeal scheme. The development would not appear incongruous or prominent and local character and visual qualities would be maintained.
 8. Policy DP26 of the Mid Sussex District Plan and Policies E9, E10 and H9 of the Haywards Heath Neighbourhood Plan are relevant. Taken together, and amongst other matters, they seek to ensure new development is unobtrusive and well-designed embodying: protection of local character, valued townscapes and streetscenes generally; appropriate scale and materials; and cognisant of contours and landscape. For the reasons given above I conclude that the appeal scheme would not conflict with these policies. It would also not run contrary to the parallel aims of DG49 of the Mid Sussex Design Guide SPD, which is concerned with protection of local character and ensuring suitable scale, or the SPD's other objectives. Albeit this document could not be expected to cover in detail every eventuality.
 9. I would add that I am aware of the 2022 planning appeal decision (APP/D3830/D/22/3301543) for this site and the scheme before me is very different from the proposal determined by my colleague.

Conditions

10. I agree with the Council that the standard commencement condition should be applied and that there should be a condition that works are to be carried out in accordance with listed, approved, plan; to provide certainty. External materials are specified within the application and need no further reference via planning condition in my opinion. I also see no need for a planning condition relating to tree protection information being submitted and agreed. At the time of my

visit the approximate siting and finished ground level of the garage was clear and to my eye there no tree-related implications for the appeal scheme to be built.

Overall conclusion

11. For the reasons given above I conclude that the appeal proposal would not have unacceptable adverse effects on the character and appearance of the locality. Accordingly, the appeal is allowed.

D Cramond

INSPECTOR