



Appeal Decision

Site visit made on 23 March 2023

by D Cramond BSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th April 2023

Appeal Ref: APP/C1435/W/22/3307184
Gatehampton, Station Road, Berwick, BN26 6SZ

- 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 Charles Lewis against the decision of Wealden District Council.
 - The application Ref WD/2021/0440/F, dated 17 March 2021, was refused by notice dated 21 March 2022.
 - The development proposed is the demolition of garage and summerhouse to the existing property and construction of 3 no. detached two-storey three-bedroom dwellings, all in accordance with the nationally described space standards.
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Decision

1. The appeal is dismissed.

Costs

2. An application for costs has been made by the Appellant against the Council. This application is the subject of a separate decision.

Main Issues

3. The main issues are:
 - the effects on character and appearance of the locality;
 - the effects on living conditions for neighbours; and
 - surface water implications.

Reasons

4. The appeal site is about 0.2 Ha and comprises a large detached two storey brick dwelling on a generous rectangular plot. Access is via an existing crossover on to Station Road. To the north of the application site is a detached dwelling with a very sizeable garden and to the south a detached dwelling on an appreciably smaller rectangle, beyond this there is a more recent development at Cornford Crescent. Open agricultural land lies to the rear. The locality is one of established semi-rural village residential character with low density form prevailing and the buildings, gardens, substantial trees, backdrop, and road all come together to give a pleasing appearance. Berwick has a pub, post office, garage, train station and some bus services. The appeal proposal is as described above.

Character and appearance

5. I touch above on the aesthetic quality of locality and the prevailing character being one of space and buildings set within landscape. Regrettably the appeal scheme would run contrary to this generally verdant scene. Three backland dwellings along with all their associated hard-surfacing would be excessively out of kilter with the prevailing pattern of layout and openness. Backland is not necessarily a non-starter in a village such as this but it does have to be planned, scaled, and assessed carefully.
6. The scheme includes 9 car parking spaces and associated turning and the access driveway; dwellings which would be relatively close together; an uncharacteristic tightness to existing boundary and other landscape would arise; and the creation of unusually short rear gardens. This degree of built form and hard surfacing would simply not allow for sufficient meaningful soft landscape and trees to be planted and thrive. This scheme would unduly intrude on, and conflict with, the prevailing character and appearance of the neighbourhood. The move towards urbanisation would be a regrettable step. Notwithstanding the density calculations of the Appellant, given the characteristics of this site and locality, the scheme would appear as contrived, cramped and out of place.
7. Saved Policies EN1 and EN27 of the Wealden Local Plan 1998 (LP) and Wealden Core Strategy Local Plan 2013 (CS) Core Objective SPO13 and Policy WCS14 are relevant. Taken together, and amongst other matters, they seek to secure sustainable attractive good design for new development with local distinctiveness respected, environment protected, suitable landscape incorporated, integration with surrounds achieved, and the character of an area safeguarded. I conclude that the proposal would not accord with these policies. It would also conflict with the pertinent objectives of the Wealden Design Guide 2008 (SPD) albeit that document could not be expected to cover every development scenario in detail.

Living conditions

8. As a result of the degree of development the impact of the proposed development on the occupiers of the host property (Gatehampton) would be appreciable. A present and pleasant open outlook and peaceful setting to the rear would be altered to 3 significant edifices set closely together and within close proximity along with their associated vehicular and other activity. An unfortunate sense of enclosure and imposition would arise.
9. The feeling of privacy and space which should prevail for a home of this quality in this low-density setting would be unduly diminished. Scope for meaningful landscape to soften the outlook would not be available due to the preponderance of hard surfacing necessary to serve 3 new homes and existing needs.
10. Furthermore, the host property has main windows at ground floor along its side flank and the disturbance from not infrequent use of the very narrow driveway serving three new homes would be marked and there is no meaningful proposition put forward for mitigating this.
11. Saved Policy EN27 of the LP seeks, amongst other matters, to ensure that a proposal would provide suitable amenity for neighbouring occupiers. I would

conclude that the scheme would run contrary to this policy. It would also conflict with the parallel relevant amenity *aims* of the SPD although, as noted above, that document cannot be expected to cover every eventuality.

Surface water

12. It is clear from the extensive technical and explanatory material that a resolution on the matter of surface water is not entirely straightforward. I can quite understand the Council's hesitance on this important issue. The work which has been undertaken by the Appellant before and during the appeal process does demonstrate that what might seem to be the most obvious solutions are not available in this instance.
13. Nevertheless, there would appear to be good potential for either a highways drainage or foul sewer connection, although at the time of writing neither of these sit as clear-cut agreements. The Appellant puts forward the suggestion of a pre-commencement condition on this matter which I consider would be a reasonable proposition. Had I been minded to allow this appeal I would have followed that route and in doing so there would have no breach of local or national planning policies.

Other matters

14. The principal parties agree that this District does not have a five-year housing supply. There is a presumption in favour of sustainable development within the National Planning Policy Framework. Using that document's content, I must assess whether the appeal scheme falls within the sustainable development category, which embodies economic, social and environmental objectives. As the Framework (paragraph 11) makes clear the development should be approved unless adverse impacts significantly and demonstrably outweigh the benefits when assessed against the policies in the document taken as a whole.
15. From my perspective I see some short-term economic gain from construction and there would be a little economic benefit locally beyond that with some assistance with vitality at this village. The properties would provide the social benefit of further households in the settlement and of additional dwellings to meet the shortfall in the District, albeit numerically any gain would be minimal and there is no evidence that these particular properties would meet local needs. In broad terms the village is a sustainable location and I am familiar with the development plan background which, on balance, would point to it being suited to accommodate a limited number of new homes given its status, the housing supply position, and the, now out of date, numerical limitations not being a ceiling. Development could thus be acceptable in principle.
16. However, on the environmental front, with this scheme, I am in no doubt that the erosion of the character of the locality and impact upon residential amenity would ensue. The scheme of 3 homes and in this pattern would represent harmful overdevelopment.
17. Having carefully considered all matters I conclude that the scheme would not represent sustainable development in accord with the purpose of the

planning system and the central thrust of the Framework. The adverse impacts on the environmental front would significantly and demonstrably outweigh the economic, social and other benefits including the contribution which would be made to housing land supply.

18.I have carefully considered the range of planning decisions which have been cited by the Appellant. For reasons of variations in locations, proposed development form, policy context, or other planning considerations I do not find any to be directly comparable or grounds for a precedent-type argument. In any event I must assess the case before me on its own merits.

19.I can see that the Appellant has embodied some commendable architectural detailing and co-operatively sought to meet the concerns of the Council by a series of numerical and design revisions. I appreciate that informal officer opinion did seemingly, and perhaps regrettably, lead to encouragement for the scheme before me. It was however open to the Council to determine the application via the formal process in the way that it did.

20.I have carefully considered all points raised by the Appellant and these matters either individually or cumulatively do not outweigh the concerns which I have in relation to two of the main issues identified above.

Overall conclusion

21.For the reasons given above I conclude that whilst surface water implications could be addressed the appeal proposal would have unacceptable adverse impacts upon the character and appearance of the locality and living conditions for neighbours. Accordingly, the appeal is dismissed.

D Cramond

INSPECTOR