



Appeal Decision

Site visit made on 25 April 2023

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd May 2023

Appeal Ref: APP/C1435/W/22/3299203

1 The Drive, Hailsham BN27 3HN

- 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 V Warren & Mrs J Barber against the decision of Wealden District Council.
 - The application Ref WD/2021/2502/F, dated 24 September 2021, was refused by notice dated 16 December 2021.
 - The development proposed is 2no new build 3 bedroom detached dwellings on land at rear of 1 The Drive, Hailsham. Formation of new access. New driveway and visitor parking.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposed development on the living conditions of the occupants of neighbouring dwellings, with particular regard to outlook and privacy; and
 - the effect of the proposed development on the character and appearance of the area.

Reasons

Living conditions

3. The proposed development would introduce rear facing windows to a part of the site that is currently undeveloped. Windows in the rear of Plot 1 would be angled towards adjacent dwellings fronting Lindfield Drive and those in the rear of Plot 2 would be angled towards the adjacent dwellings fronting Freshfield Close, and their garden areas.
4. At present, the occupants of those neighbouring properties benefit from reasonable levels of privacy from the south-west due to the single-storey nature of 1 The Drive, together with its position a considerable distance away from the site boundary. The proposed development would allow views from upper floors, at close proximity, towards these neighbouring properties. As such, and irrespective of the precise separation distance here, the occupants of neighbouring properties would experience a harmful loss of privacy from their rear facing habitable rooms.

5. Although I acknowledge that a reasonably high hedge currently exists along part of the boundary of the site with properties fronting Lindfield Drive and Freshfield Close, and that this is proposed to be maintained at a height of approximately 2.5 metres high, I noted during my site visit that a large gap existed in that landscaping. Moreover, planting and boundary features, whatever their height and coverage, cannot be relied on in perpetuity to give the same level of screening as at present. There is nothing before me to prevent this landscaping being substantially reduced or lessened over time.
6. In respect of outlook, although the relationship between the appeal site and properties fronting Lindfield Drive and Freshfield Close would change, the overall scale and position of the proposed development would not result in an unacceptable sense of enclosure or loss of outlook to the occupiers of those dwellings.
7. Overall, I conclude that the proposed development would have a harmful effect on the living conditions of the occupants of neighbouring properties, contrary to the relevant provisions of Policies SPO13 and WCS14 of the Wealdon Core Strategy Local Plan (CSLP, 2013), Policy EN27 of the Wealdon District Local Plan (LP, 1998) and Policies HAIL D1 and HAIL D2 of the Hailsham Neighbourhood Development Plan (NP, 2020). These policies, in summary, seek to ensure that development proposals are of a high-quality design which protect the living conditions of the occupiers of neighbouring properties. This is in a similar vein to the objectives of paragraph 130(f) of the National Planning Policy Framework (the Framework) insofar as the provision of a high standard of amenity for existing users is concerned.

Character and appearance

8. I acknowledge that there are some consistent features along The Drive and parts of Freshfield Close and Lindfield Drive, where properties generally front onto the street, within reasonably sized garden plots. Nevertheless, the wider area is also made up of smaller residential cul-de-sacs and properties which front onto pedestrian routes such as Nursery Path, and not all of those properties are aligned uniformly along existing streets or to adjacent properties. Moreover, a variety of roof profiles exist in the surrounding area, including both gable end and hipped designs. Overall, the pattern of development in this part of Hailsham is one which is varied and 'organic' in nature, appearing to be the outcome of the continuing development of the settlement over time.
9. Due to the position of the proposed development, confined to the rear of established properties, it would not be readily visible from surrounding public vantage points, albeit the properties could be glimpsed between buildings and gaps in landscaping. Accordingly, the scheme would have little appreciable effect on the street scene.
10. Views of the proposed development would be possible from the multiple private vantage points of surrounding properties. However, from those perspectives, it would be seen within the context of other varied built form and would appear neither incongruous nor cramped in this varied setting. As a result, the proposed scheme would integrate acceptably into the area.
11. For the above reasons, I conclude that the proposed development would have an acceptable effect on the character and appearance of the area, in

accordance with the relevant provisions of CSLP Policies SPO13 and WCS14, LP Policy EN27 and NP Policies HAIL D1 and HAIL D2. These policies, in summary, seek to ensure that development proposals promote or reinforce the local character of the area. This is in a similar vein to the objectives of paragraph 130 of the Framework insofar as development proposals should be sympathetic to local character.

Other Matters

12. That no objections were received by the highway authority, environmental health officer or rights of way officer is noted. I also note that the Council accepts the principle of development at the site and that the proposed development meets a number of other planning objectives, including in respect of flood risk and ecology. Nevertheless, those matters are not in dispute between the appellant and Council, and they do not lead me to an alternative conclusion on the main issues. That the site does not lie within a conservation area or other landscape or heritage designation is essentially neutral in my determination of the appeal.
13. The submitted evidence indicates that the Council cannot demonstrate a five-year housing land supply (3.66 years). As such, and noting the Government's objective of significantly boosting the supply of homes, the provisions of Framework paragraph 11.d(ii) are engaged.
14. The proposed development would represent a contribution of two extra dwellings to housing supply in an area with an acknowledged lack of future provision. There, too, would be social and economic benefits of the proposed development, including in supporting employment during construction and the bringing about of trade to nearby services and facilities. I also note that the site is located in an accessible position and would include solar panels. Nevertheless, the benefits and the contribution to housing supply in the district would inevitably be limited given the scale and nature of the development proposed. Accordingly, and given the significant harm I have identified above, the adverse effects of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole.

Conclusion

15. For the reasons above and having had regard to the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be dismissed.

A Price

INSPECTOR