



Appeal Decision

Site visit made on 2 May 2023

by Robin Buchanan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 May 2023

Appeal Ref: APP/C1435/W/22/3300503

**Land to the rear of 20 Buckwell Rise, Herstmonceux, East Sussex
BN27 4LY**

- 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 T Honeysett against the decision of Wealden District Council.
 - The application Ref WD/2021/1201/F, dated 4 May 2021, was refused by notice dated 14 December 2021.
 - The development proposed is erection of single-storey detached dwelling.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - the effect of the proposal on the character and appearance of the surrounding area; and
 - its effect on the living conditions of the existing occupiers of No.16 Fairlawns Drive and Nos.18 and 22 Queens Road with regard to outlook.

Reasons

Character and appearance

3. The appeal site is the majority (approximately bottom half) of the long rear garden of the house at No.20 Buckwell Rise. This part of Herstmonceux contains terraced or semi-detached dwellings, discretely arranged as distinct rows of houses or bungalows tightly spaced along and fronting onto surrounding roads. Rear gardens provide pockets of spaciousness behind and between this regimented layout of residential development and is locally distinctive.
4. The residual rear garden of No.20 and the proposed bungalow would be comparable in some dimensions and in area to some rear gardens nearby. The bungalow would be broadly similar in height to other bungalows nearby and face a large residents parking court on one side. Suitable external materials could be achieved by a planning condition.
5. However, due to its insular, inward-looking siting and orientation the bungalow would not form part of the rows of bungalows in Buckwell Rise or Fairlawns Drive and instead be enclosed on two sides by houses in Buckwell Rise and Queens Road. It would not face onto any road or be part of these streetscenes.

6. The footprint of the bungalow would be significantly larger than any nearby dwelling (or outbuilding) and take up a substantial part of the appeal site, close to boundaries on two sides. Though relatively low, it would nonetheless appear cramped on the appeal site and albeit single storey the scale and massing of the bungalow would nonetheless unduly erode spaciousness behind the surrounding dwellings in Buckwell Rise, Queens Road and Fairlawns Drive on three sides.
7. Although a single dwelling, the siting of the bungalow would, therefore, increase density of development in a manner that was innately out of keeping and at odds with the prevailing pattern, sequence and layout of surrounding residential development and unduly erode spaciousness. The incongruous nature of the proposal in these regards would be seen in public views from the elevated part of Buckwell Rise, across the parking courtyard.
8. As a result, I find that the proposal would cause significant harm to the character and appearance of the surrounding area. Consequently, it conflicts with Saved Policy EN27 of the Wealden Local Plan 1998 (the LP), Policies SPO13 and SPO14 of the Wealden Core Strategy Local Plan February 2013 (the CS) and Policy 12(1) of the Herstmonceux Neighbourhood Plan July 2019 (the NP). These policies include that development should respect the character of the site and its surroundings, promote local distinctiveness and avoid unacceptable backland or 'tandem' form of development with incompatible housing density.

Living conditions of existing occupiers

9. The bungalow would be moderate in height to eave and ridge levels, including a shallow pitched roof. Most of the vertical elevations would be screened behind existing close boarded boundary fences.
10. However, one gable end elevation would be sited next to the end of the wide, but short rear garden of the bungalow at No.16 Fairlawns Drive. Despite a small half-hipped indent, this upper part of the proposed bungalow would stretch across and enclose most of the end of the rear garden of No.16. As a result, the close proximity and scale and massing of this part of the bungalow would appear unduly overbearing in views from ground floor habitable room windows and while using the rear garden of No.16.
11. Although the rear gardens of Nos.18 and 22 Queens Road are reasonably long, they slope upwards to the appeal site and both of these house are at a much lower level. Consequently, the upper part of one side elevation of the bungalow and the roof, albeit receding away, would be next to and stretch across to enclose the entire end of both plots. This would have sufficient proximity, height and elevation to be unduly overbearing in views from ground floor habitable room rear windows of both houses and while using each rear garden.
12. Notwithstanding that the existing occupiers of these dwellings did not object, in the wider public interest I find that the proposal would cause significant harm to living conditions of the existing occupiers of No.16 Fairlawns Drive and Nos.18 and 22 Queens Road with regard to outlook. Consequently, it conflicts with LP Saved Policy EN27, CS Policy SPO13 and NP Policy 12(7). These policies include that development should create attractive living environments for communities and not cause unacceptable adverse impact on the amenities of occupiers of existing adjoining properties.

Other Matters

Ashdown Forest Special Area of Conservation (the SAC)

13. The site is within a zone of influence of the SAC. This is a nationally and internationally important site, designated including because of the presence of European dry heath and North Atlantic wet heath habitat. A significant effect on the integrity of this site would be likely to occur from the proposed residential development alone, or in combination with other plans and projects, in an area which is sensitive to changes in air quality including from increased vehicle emissions. This could accelerate or damage plant growth causing the loss of typical heathland species. The Council considers that Natural England did not object to the level of housing growth in its now withdrawn emerging local plan (14,228 homes) for reason of adverse effect on the integrity of the SAC. On this basis the Council considers that on its own or in combination with other development, the proposal for a single dwelling would not adversely impact on the integrity of the SAC.

Living conditions of future occupiers

14. The rooms in the bungalow would be satisfactory in size and shape for their intended use, as would be the rear garden for normal outdoor domestic use and activity, which would be fenced off from No.20. There would be some overlooking of the rear garden from upper floor windows of dwellings in Buckwell Rise, though this is not unusual or uncommon in built-up areas and in this case not significantly worse than overlooking of existing gardens. Outlook from the lower parts of some windows would be limited by the proximity and height of boundary fences, but the main living space and kitchen windows of the bungalow would have a good aspect facing down the rear garden.

Means of access and parking

15. Whether the proposal could achieve means of access to Buckwell Rise across the parking court and maintain existing resident parking spaces would be a matter for the respective parties. Albeit a snapshot, there was on-street parking available in Buckwell Rise and surrounding roads. Additionally, some local facilities and services, including bus stops, are within convenient walking or cycling distance of the appeal site.

Other development

16. I have been referred to an approval for a single dwelling elsewhere at Herstmonceux¹, but no details have been provided. A scheme for 3 houses approved elsewhere in the Council's District² was a materially different development and site context in terms of character and appearance and living conditions. It is not, therefore, directly comparable to the current appeal, which I have determined on its individual planning merits.

Planning Balance

17. The Council accepts that it cannot currently demonstrate a 5-year supply of deliverable housing sites. It is agreed that it was a 3.66-year supply. I have

¹ WD/2015/1308/F

² WD/2015/2367/F

not been informed of any change to this figure. Framework paragraph 11(d) is therefore engaged.

18. The site is in the defined development boundary for Herstmonceux and as such the principle of residential development in this sustainable location is not in dispute. A net gain of one dwelling by use of this small, under-utilised windfall site would be aligned with objectives of the Framework to significantly boost the supply of homes. A bungalow could also be suitable to meet the housing needs of older and/or disabled persons. It would make a small contribution to housing supply. A low carbon air source heat pump and solar roof panel renewable technologies would help to reduce the impact of climate change. The Council would receive a Community Infrastructure Levy payment to help improve infrastructure, as set out in its Infrastructure Delivery Plan and Regulation 123 list. These would be modest social and economic benefits from the construction and occupation of the dwelling.
19. On the other hand, the adverse impacts of the proposal would cause unacceptable harm to the character and appearance of the surrounding area and to the living conditions of the existing occupiers of some nearby dwellings. These impacts could not be overcome by imposing planning conditions and are fundamental barriers to an in principle decision to grant planning permission for the proposal in this appeal. Notwithstanding the significant under delivery of housing, the relevant policies of the development plan in these regards are consistent with the Framework. As such, these environmental and social considerations have substantial weight.
20. As the competent authority in this appeal, it would ordinarily be necessary for me to undertake appropriate assessment with regard to the SAC. However, since the benefits of the proposal do not outweigh the harm and I intend to dismiss the appeal, there is no need for me to consider the SAC any further. Even if the proposal did not adversely affect the integrity of the SAC and not provide a clear reason for refusing the development, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole. As such, the presumption in favour of sustainable development would not apply. Accordingly, the SAC would not affect my decision or alter the outcome of the appeal.

Conclusion

21. The proposal does not accord with the development plan taken as whole. There are no material considerations which outweigh these findings.
22. Consequently, for the reasons given above the proposal is unacceptable and the appeal does not therefore succeed.

Robin Buchanan

INSPECTOR