



Appeal Decision

Site visit made on 17 May 2023

by J E Jolly BA (Hons) MA MSc CIH MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 May 2023

Appeal Ref: APP/D3830/W/22/3306533

Overshaw Cottage, Lewes Road, East Grinstead RH19 3TZ

- 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 & Mrs W Koch against the decision of Mid Sussex District Council.
 - The application Ref DM/19/3402, dated 20 August 2019, was refused by notice dated 4 April 2022.
 - The development proposed is for the erection of 4 x 3 bed semi-detached dwellings with associated parking and access from Lewes Road.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Government published a revised *National Planning Policy Framework* (the Framework) in July 2021. All references to the Framework in this decision relate to the updated document.

Main Issues

3. The main issues in this case are the effect of the proposal on:
 - the character and appearance of the area,
 - the living conditions of neighbouring occupiers, with particular reference to overlooking, privacy and noise and disturbance; and,
 - the living conditions of future occupiers.

Reasons

Character and appearance

4. The appeal site is located in an established string of brick and tile dwellings that are set on generous plots adjacent to the A22 highway that are typified by substantial landscaped back gardens. To the rear of the appeal site there are contemporary type dwellings known as 'The Oaks' which have hedge-lined and fenced gardens spaces that adjoin the rear boundary of the host dwelling.

5. Overshaw Cottage is an 'Arts and Crafts' type dwelling that has an off-road parking area to the front. The rear garden of the host property is shielded from the highway by mature hedging and shrubs and is accessed to the left-hand side of Overshaw Cottage. The rear garden slopes down to 'The Oaks' and has a natural type and a simple chain link fenced side boundary with the neighbouring dwelling known as 'Appledore'. On the other side of the garden the dwelling of 'Fairmead' can be seen over a timber fence boundary.
6. The proposal is to construct 4 x two-storey dwellings in traditional type materials to the rear of the host property. There would be 7 parking spaces.
7. The submitted drawings show that the proposal is possible on the severed garden space available. However, I noticed at my site visit that in this specific location that the neighbouring gardens are relatively unfettered with structures or buildings. As such, a sense of spaciousness is retained in the relatively dense built environment surrounding the appeal site. In comparison, the proposal would be of some bulk and mass that would span most of the width of the sloping host back-garden and include an extended driveway and parking spaces where currently there is none. As such, the proposed development would be overly prominent in this location and erode the sense of space to the rear of the host and neighbouring dwellings. Moreover, as a direct result of the removal of the existing hedge/shrubs in order to provide access to the site, the proposal would be seen in part from the main highway to the front of the appeal property.
8. Accordingly, notwithstanding the traditional type design, the bulky and extensive proposal would be at odds with the immediate surrounding area which is typified by verdant and open-style gardens. In my view additional landscaping would not provide satisfactory mitigation.
9. I conclude therefore, in respect of the character and appearance of the area, that the proposal would be contrary to Policy DP26 of the Mid Sussex District Plan 2018 (MSDP) and Policy EG3 of the East Grinstead Neighbourhood Plan 2016 (EGNP) which says that all development should be well designed and reflect the distinctive character of the towns and villages.
10. Similarly, Paragraph 130 (c) of the Framework requires that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting.

Living conditions – neighbouring occupiers

a) Overlooking and privacy

11. Notwithstanding that the proposal would have sloping ridge heights, the development would be in close proximity to the boundary with the properties and gardens found on 'The Oaks'. Therefore, even if the established hedging to the boundary could be retained in perpetuity, given the falling topography of the appeal site, the proposal would provide for ample opportunity for future occupiers to look onto the gardens and private land leisure activities of the occupiers of 'The Oaks'.
12. Consequently, and in the planning judgement, I conclude that the proposal by virtue of its' proximity, elevated position, and likely usage, would harm the living conditions of the neighbouring occupiers.

b) Noise and disturbance

13. While the appellant suggests that the submitted evidence in respect of noise and disturbance provided by the Council is less than ideal, I find that the evidence submitted was commensurate with the degree of complexity of issues involved in this case. The areas of concern were properly laid out by the Council and it was incumbent on the applicant to demonstrate the case.
14. The development would be accessed from the existing host driveway. As such, the extended drive would not only trace the garden boundary with 'Appledore' but also lead to a parking area for up to seven cars. Nonetheless, the appellant contends that the additional activity associated with the four homes would be relatively limited. However, I find to the contrary. In addition to the existing vehicular movements generated by the host property, there would be additional noise and disturbance as a result of vehicles associated with the new dwellings accessing areas they currently do not. For example, but not limited to, the starting and revving of engines, use of headlights at night or on darker days of the year, as well as the opening and shutting of doors and the turning and parking of vehicles.
15. As a result, the quiet tranquillity of the neighbouring garden spaces would be eroded by the close proximity of the proposed dwellings and their parking spaces and harm the living conditions of the neighbouring occupiers. Landscaping would not be adequate mitigation.
16. Therefore, I find in respect of the living conditions of the neighbouring occupiers, that the proposal does not meet the aims of Policy DP26 of the MSDP and Policy EG3 of the EGNP, which say, amongst other things, that development should not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, and Paragraph 130 (f) of the Framework, which indicates that new development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Living conditions – future occupiers

17. While I acknowledge that the proposed dwellings could be occupied by a range of household types, the family-sized dwellings could nevertheless accommodate up to 5 people. Therefore, while the appellant suggests that the shortfall would be marginal, the fact remains that the proposal does not meet nationally described space standards for 3-bedroomed properties.
18. Indeed, the proposed layout would offer limited opportunities for storage in a property that is liable to be attractive to families who, for example, are likely to need storage for cleaning equipment, brooms, shoes and boots, as well as larger domestic items and equipment that is not required on a day-to-day basis. As such, future occupiers are likely to have to purchase free-standing cupboards or similar to accommodate such items that as a consequence would further reduce the limited open floor space available.
19. Subsequently, the proposal is contrary to Policy DP27 of the MSDP which is clear that minimum nationally described space standards for internal floor space and storage space will be applied to all new residential development.

Other Matters

20. The proposal would attract a New Homes Bonus and four new homes against the Council's housing land supply. However, I afford these matters very limited weight when balanced against the harm I have found above.

Conclusions

21. For the reasons given above I conclude that the appeal should be dismissed.

J E JOLLY

INSPECTOR