



Appeal Decision

Site visit made on 5 June 2023

by J Reid BA(Hons) BArch(Hons) RIBA

an Inspector appointed by the Secretary of State

Decision date: 19 June 2023

Appeal Ref: APP/C1435/W/22/3294494

Garages to the East of Chalk Farm and South of Coopers Croft, Coopers Hill, Willingdon, East Sussex BN20 9JE

- 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 Kawah Tong against the decision of Wealden District Council.
 - The application Ref WD/2021/1711/F, dated 25 June 2021, was refused by notice dated 24 September 2021.
 - The development proposed is demolition of garage and proposed new 2 bedroom dwelling.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The appeal site includes land within 2 local planning authority areas, namely Eastbourne Borough and Wealden District. Applications for planning permission for the development proposed were submitted to both local planning authorities. The appellant says that no decision has been made by Eastbourne Borough Council, and there is no appeal before me regarding that application.

Main issues

3. The main issues are the effect that the proposed development would have on:
 - the character and appearance of the surrounding area, and
 - the future occupiers' living conditions, regarding private outdoor space.

Reasons

Character and appearance

4. The appeal site includes a detached garage and an attached garage at the roughly south end of a garage block on the roughly west side of Coopers Hill, within the development boundary of Polegate and Willingdon. The other garages in the block and their yard/drive lie roughly north. To roughly west, farm buildings and yards at Chalk Farm lie beyond the public right of way that runs past the back of the site, and downland within the South Downs National Park rises behind the farmyard group. The partly walled grounds of the listed Chalk Farm Hotel lie beyond the adjoining farm access, which also serves the hotel and garden centre, to roughly south. On the opposite side of the road, the nearby dwellings are set well back in gardens beyond grassy verges, and they are partly screened by the intervening vegetation.

5. Whilst the site is within a wider mainly residential area, it is also within an important street scene gap in the dwellings on the west side of Coopers Hill. Because the openness at the site, over the farm access, and over the roofs of the low key garage block enables the rural character of the farmyard group and the downland setting of the settlement to be appreciated, the site and its immediate surroundings make an important positive contribution to the street scene on the west side of Coopers Hill, and to the sense of place.
6. The proposal would include the southernmost garage in the block and the shared access from the road to the yard/drive to other garages in the block and to the dwelling at Coopers Croft. The detached garage would make way for the proposed dwelling, which would include a ground floor kitchen/living room, and an upper floor bedroom and a bedroom/office partly within its roof space.
7. Because the dwelling would be taller, wider and a little deeper than the detached garage, its bulky form would harmfully erode the important openness within the site. Because the proposal would be uncomfortably close to the retaining wall and fence at the back, the drive and the parking space at the front, and the garage at one side, it would be harmfully squeezed in. Moreover, as the suburban character and appearance of the dwelling and its grounds would contrast starkly with the utilitarian character and rural appearance of the farmyard/garage group, it would be unacceptably incongruous.
8. Conditions could reasonably be imposed to control matters such as boundary treatment and external materials if the proposal were to be otherwise acceptable. However, they would not overcome the harm that the proposal would cause to the Coopers Hill street scene, and to the sense of place.
9. Therefore, I consider that the proposed development would harm the character and appearance of the surrounding area. It would be contrary to Policy EN27 of the Wealden Local Plan (LP) which seeks a high standard of design and respect for context, Policy WCS 14 of the Wealden District Core Strategy Local Plan which seeks sustainable development, and the National Planning Policy Framework (Framework) which aims to achieve well-designed places and for development to be sympathetic to local character.

Living conditions

10. Due to its siting by the busy farm, hotel and garden centre access, its modest scale, irregular shape, and the oppressive and overshadowing effects of the tall boundary treatment, there would be barely any reasonably quiet and useable private space in the side garden where the future occupiers could, say, sit or eat outside, hang washing and tend a few plants.
11. The lower parts of the windows in the back of the building at 80 Wish Hill are obscure glazed, they appear to be fixed lights, and the modest lower window does not seem to light a habitable room. So, the occupiers of 80 Wish Hill would not be able to harmfully overlook the adjoining garden. There are compact but useable amenity spaces between the parking spaces and the front of the building at 80 Wish Hill. Whilst they are fairly small, the relevant Council would have reasonably applied more flexibility when applying its standards to the conversion of an existing building than in the case of a new dwelling. Little information about the dwellings in Bluebell Way and Buttercup Walk has been put to me, but as they are roughly 2 miles away, where the site specific circumstances differ, they provide little support for this damaging scheme.

12. So, I consider that the proposal would harm the living conditions of the future occupiers, regarding private outdoor space. It would be contrary to LP Policy ENV27 which seeks a satisfactory environment for future occupants, including adequate garden space and/or appropriately landscaped amenity areas, and the Framework which seeks a high standard of amenity for future users.

Other matters

13. The roughly C18 listed building and its listed barn are largely screened and enclosed by planting and the tall walls by the boundaries at the Chalk Farm Hotel, so their settings would be preserved. The Council has explained that the heathland habitat in the Ashdown Forest Special Area of Conservation (SAC) is vulnerable to atmospheric pollution from several sources including emissions from motor vehicles. There is a potential impact pathway from increased traffic flows associated with new development on roads which go through, or run adjacent to, the SAC. Natural England was satisfied that the amount of development planned for in the Council's proposed new Local Plan in 2019 would not adversely affect the integrity of the SAC from air quality impacts, but that Local Plan has been withdrawn. Whilst the potential impact on the SAC from the proposed development would be much less than that included in the withdrawn Local Plan, in determining this appeal, I am the competent authority for the purposes of the Habitats and Species Regulations 2017 (as amended).
14. As the proposal is not directly connected with, or necessary for the management of the SAC, it would be necessary for me to undertake an appropriate assessment of the implications of the proposal for the SAC in view of its conservation objectives. I could only grant planning permission if I were to ascertain in that appropriate assessment that the integrity of the SAC would not be adversely affected. However, as the proposal would not be acceptable for other reasons, it is not necessary for me to undertake an appropriate assessment, and so, I have not pursued the matter further with the parties.
15. The Council says that it cannot demonstrate a 5 year supply of deliverable land for housing. The shortfall is acute. So, the Framework's presumption in favour of sustainable development would be engaged if an appropriate assessment were to conclude that the proposal would not have a significant adverse effect on the integrity of the SAC. In those circumstances, the benefits of the proposal would include a welcome new home in a reasonably accessible location, jobs during construction and the future occupier's likely support for local shops and services. However, as the harm identified in the main issues would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, planning permission should not be granted.

Conclusion

16. I have found that the proposed development would be contrary to the Development Plan when taken as a whole. The other considerations in this case, including the Framework, do not outweigh that conflict.
17. For the reasons given, the appeal should be dismissed.

J Reid

INSPECTOR