



Appeal Decision

Site visit made on 1 August 2023

by Jane Smith MA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 August 2023

Appeal Ref: APP/C1435/W/23/3315607

59 South Road, Hailsham, East Sussex BN27 3JP

- 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 P Verdon against the decision of Wealden District Council.
 - The application Ref WD/2022/2133/F, dated 12 August 2022, was refused by notice dated 7 December 2022.
 - The development proposed is described as 'Planning application for the alteration and extension of an existing residential property to create an additional new dwellinghouse'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In response to the second reason for refusal, the appellant's Statement of Case indicated that the width of the proposed rear extension could be reduced, if required, with an amended plan to be secured by means of a planning condition. However, that is not the proposal which was before the Council when it reached its decision and interested parties would not have the opportunity to comment. Therefore, there is a risk of prejudice to the Council and interested parties if this amendment is relied upon. In accordance with the Wheatcroft principles, I have considered the appeal based on the drawings considered by the Council when it determined the application.

Main Issues

3. The main issues are:
 - the effect of the proposal on the character and appearance of the area,
 - the effect of the proposed parking arrangements on highway safety and the flow of traffic, and
 - the effect on living conditions for future occupiers of the existing dwelling, having regard to the effect on outlook and light for rooms at the rear.

Reasons

Character and Appearance

4. The appeal site is a two storey, end terrace dwelling with a gabled main roof and a 1.5 storey lean-to projection to the side. It is within a largely residential area on one side of a main road, with commercial buildings opposite. The surrounding street scene is varied in terms of building style and materials.

- There are detached, semi-detached and terraced dwellings, although most are of conventional two storey proportions, with simple hipped or gabled roofs.
5. Although the street scene is not especially spacious, there are generally well-defined gaps between neighbouring dwellings of different styles. The proposed extension and new dwelling would occupy most of the space between the existing terrace and the neighbouring detached house. Its relatively low roof and rearward siting would help to preserve some sense of space. However, the proposal would nevertheless erode almost all of the already limited gap between the terraced houses and their detached neighbour, leaving both buildings appearing rather cramped.
 6. The design of the proposed dwelling would also be poorly integrated with the form of the existing building. The gabled roof over the two storey element would be awkwardly positioned behind the existing lean-to extension, with no consistency in their respective roof pitches or the height of the eaves. The valley between the new dwelling roof and the roof over the original terraced house would make the extension look rather detached from the main building. Overall, the constraints of the small site have resulted in a rather contrived design. Its resulting cramped and incongruous appearance would outweigh any benefit from its subservient scale or use of harmonising materials.
 7. In longer views along the road, the new dwelling would be screened by neighbouring buildings. However, it would be clearly visible in closer range views, from in front of the dwelling and across South Road. The space between the terrace and its neighbour would become congested and the incongruous design would be harmful to the character and appearance of both the existing building and its immediate surroundings.
 8. I acknowledge that the site is not within a Conservation Area, but this does not prevent consideration of the effect on the character and appearance of the area in more general terms. Although the National Planning Policy Framework (the Framework) is generally supportive of increased densities and more efficient use of previously developed land, such support is not at the expense of ensuring that all development is well designed.
 9. For the above reasons, I conclude that the proposal would be harmful to the character and appearance of the area. It would conflict with relevant requirements of Policy EN27 of the Wealden Local Plan 1998¹ (WLP), Spatial Planning Objective SPO13 of the Wealden Core Strategy 2013 (WCS), policies HAIL D1 and HAIL D2 of the Hailsham Neighbourhood Development Plan 2021 and relevant paragraphs of the Framework. These policies, amongst other things, require that development is well designed and responds to the local context and the character of existing built form.
 10. The proposal would also fail to respond positively to relevant guidance in Chapter 10 of the Wealden Design Guide Supplementary Planning Document 2008. This includes that the detailing of extensions should respond to that of the host dwelling and avoid contrasting and jarring roof forms.

¹ Wealden District (Incorporating Part of the South Downs National Park) Core Strategy Local Plan, adopted February 2013

Parking

11. The proposed extension and dwelling would occupy one of the two existing parking spaces to the side of the terrace. Although one space would still be available for the proposed dwelling, the host dwelling would no longer benefit from any off-street parking.
12. The site fronts South Road (A295), which is one of the main approaches into the centre of Hailsham from the nearby A22 dual carriageway. At the time of my site visit, the road outside the appeal site was busy with a continuous stream of traffic. I acknowledge that this is only a snapshot in time and I have not been provided with any more extensive or objective data on traffic levels. However, given the nearby commercial development, which includes several employment and retail uses, and the site's relationship with the town centre and A22, it is clear that this main road is likely to carry significant levels of traffic on a regular basis.
13. In their response to consultation on the planning application, the Highways Authority expressed concern about inappropriate parking on the A295. They went on to highlight that this would cause interference with the free flow and safety of traffic. Despite the classified status of the road, there are no parking restrictions in front of the site. Therefore, there would be nothing to prevent occupiers of the existing dwelling from parking on the main road, in front of the dwelling. This would both obstruct the free flow of traffic and increase the likelihood of conflict due to moving vehicles having to manoeuvre around parked cars.
14. The site is well located in relation to the town centre and nearby services. It is on a bus route, with stops located conveniently nearby. Therefore, future occupiers would not necessarily be dependent on the private car for travel to and from local facilities or employment opportunities. However, there would be nothing to prevent them from owning or using a car and there is no available mechanism before me to mitigate the potential consequences of inappropriate parking on the main road.
15. While the single parking space proposed for the new dwelling may adequately provide for the needs of its future occupiers, this does not address the harm associated with loss of parking provision for the existing dwelling. That loss would be a direct consequence of the proposed development and is therefore a legitimate consideration for this appeal. Although it has been put to me that the neighbouring terraced houses also lack off-street parking, that does not justify further increasing the risk of inappropriate or unsafe parking on the main road.
16. My attention has been drawn to another development permitted with reduced parking provision. However, that development was in a different administrative area and there is no clear evidence that it had a similar relationship with an adjacent main road. In any case, the existence of housing with limited parking elsewhere does not override the harm associated with this particular proposal.
17. There is no evidence that the slightly increased vehicle movements associated with creation of an additional dwelling would have a severe residual cumulative effect on the road network in terms of congestion. However, that is a separate consideration from the effect on the flow of traffic.

18. I conclude that the proposed parking arrangements would have an unacceptable impact on highway safety and the flow of traffic. The proposal would therefore conflict with WLP Policy TR3, WCS Spatial Planning Objective SPO12 and relevant paragraphs in the Framework. These policies, amongst other things, require that proposed development does not create unacceptable traffic conditions and set the strategic objective of achieving significant improvements in highway safety in the District.

Living Conditions

19. The proposal would introduce a rearward two storey projection on the boundary between the existing and proposed dwellings. This would be visually prominent from the rear facing windows of the existing dwelling. However, the ground floor patio doors and first floor office window would both be offset from the boundary and would continue to have a reasonable outlook into the rear garden.
20. Any harm to the outlook from the smaller kitchen window would be mitigated by the more generous outlook from the patio doors. The outlook from the upstairs bathroom window is not a significant concern, given that it would almost certainly be obscure glazed.
21. The appellant's evidence acknowledges that there would be a slight infringement of daylighting and sunlighting guidelines, in the horizontal dimension. The Council's Officer Report identifies a more significant infringement in the vertical direction. However, neither party has provided a fully detailed sunlight or daylight assessment.
22. The rear elevation faces southeast, so would continue to benefit from unobstructed sunlight in the earlier part of the day. The low eaves and ridge height on the rear extension would also mitigate the effect on sunlight at first floor level. Only the ground floor kitchen/dining room would be somewhat overshadowed. In addition, the existing dwelling is currently vacant and undergoing refurbishment. Therefore, any future residents would be aware of the relationship between the existing and proposed dwellings prior to occupation. Against this background, I find that the limited effect on daylight and sunlight would not be unacceptably harmful to the living conditions of future occupiers.
23. For the above reasons, I conclude that the proposal would not unacceptably affect living conditions for future occupiers of the existing dwelling, having regard to the effect on outlook and light for rooms at the rear. As such, it does not conflict with relevant requirements of WLP Policy EN27, WCS Spatial Planning Objective SPO13 or relevant paragraphs in the Framework. These policies, amongst other things, require provision of a satisfactory environment for future occupiers, creating places where people will want to live.

Other Matters

24. The first reason for refusal referred briefly to a lowering of amenity for neighbouring occupiers. However, the Council's Officer Report concluded that there would be no unacceptable harm to living conditions within neighbouring properties, on the grounds that the only affected window is obscure glazed and serves a staircase. Based on my observations on site, I similarly conclude that

the proposal would not be materially harmful to living conditions for the occupiers of this adjacent property.

25. The Council cannot currently demonstrate a five year supply of housing land. Although different figures have been provided by the main parties, the evidence consistently indicates that the supply stands at under four years.
26. This shortfall in housing land supply means that the development plan policies which are most important for determining the application are deemed to be out of date². However, policies relating to the effect on the character and appearance of the area and safeguarding highway safety are substantially consistent with equivalent provisions in the Framework, notably Framework paragraph 130 which requires that developments are visually attractive as a result of good architecture and layout and Framework paragraph 111 which says that development should be refused if there would be an unacceptable impact on highway safety.
27. On that basis, I attribute significant weight to the harm to the character and appearance of the area, highway safety and the flow of traffic and also to the associated conflict with the development plan.
28. The proposal would make a small contribution to the supply of housing in a suitable location, with good access to the town centre, public transport and local services. It would also provide some limited economic benefit, in terms of supporting employment in construction and the use of local services by future occupiers. However, while the Framework supports more efficient use of land in suitable locations, paragraph 124 makes clear that this is not at the expense of maintaining an area's prevailing character and setting, where appropriate.
29. Provision of adequate internal space and fenestration, and the lack of any identified harm to living conditions within neighbouring properties are neutral factors which weigh neither for nor against the proposal.
30. The appellant has alluded briefly to other similar schemes in close proximity, without providing further details. In any case, the circumstances surrounding proposals on different sites are rarely identical and I have considered the proposal on its individual merits.
31. The benefits associated with the proposed development are very modest, given that only one additional small dwelling would be provided. Set against those benefits are the harm I have identified to the character and appearance of the area, highway safety and the flow of traffic, to which I have given significant weight, along with the consequent conflict with the development plan.
32. Given the harm that I have identified, I conclude that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole. On that basis, the proposal does not benefit from the presumption in favour of sustainable development as articulated in paragraph 11 of the Framework. Nor would it comply with the similar requirements set out in WCS Policy WCS14.

² NPPF paragraph 11(d), footnote 8.

Conclusion

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

Jane Smith

INSPECTOR