



Appeal Decision

Site visit made on 4 September 2023

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

an Inspector appointed by the Secretary of State

Decision date: 15 September 2023

Appeal Ref: APP/D3830/W/23/3316725

11 Jefferies, Horsted Keynes RH17 7DR

- 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 Rob Pelling against the decision of Mid Sussex District Council.
- The application Ref DM/22/2779, dated 18 October 2022, was refused by notice dated 6 January 2023.
- The development proposed is demolition of east side storage and w/c area with internal alteration. Erection of 2 storey, 3 bed attached house to the east of number 11 and replacement double garage in place of existing.

Decision

1. The appeal is dismissed.

Main issues

2. The main issues are the effect that the proposed development would have on:
 - the character and appearance of the surrounding area, and
 - the Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC).

Reasons

Character and appearance

3. The appeal site is located within the built up area of Horsted Keynes. The existing dwelling at the site is situated at the east end of the 2 pairs of hipped roofed semidetached dwellings on the south side of Jefferies. The site adjoins the attached dwelling and its gardens at 12 Jefferies, the existing dwelling faces Jefferies, and the site, which narrows greatly at the back, is mostly bounded by grass verges, which include trees in Lewes Road. These dwellings and the flats in the barn hipped roofed building to roughly south are broadly symmetrically sited within the roughly triangular grass verge edged island bounded by Jefferies to roughly north, Sugar Lane to roughly south west, and Lewes Road to roughly south east. Due to their layout, and the openness and greenery around them, which can be appreciated from all 3 roads, these dwellings contribute positively to the local character, and to the sense of place.
4. The dwellings on the other side of Lewes Road are more varied in their types and styles. However, the pattern of pairs of semidetached dwellings on the island continues in the semidetached pairs at 1 to 10 Jefferies on the roughly north side of the road. So, whilst some dwellings, including 7 and 9 Jefferies have been extended, and extensions have been permitted at 10 and 14

Jefferies, the street scene on both sides of Jefferies is mainly characterised by pairs of semidetached dwellings. The rhythm in the pairs of dwellings and their plots contributes positively to the local character.

5. The low-key spaces under the catslide on the outer side of the existing dwelling would make way for the proposed dwelling. Its materials would be acceptable. However, because the proposal would be squeezed in close to the hedge by the site's boundary with Lewes Road, and the wide form of both dwellings would take up most of the width of the tapering plot, the proposal would unacceptably erode the important spaciousness and greenery within the site, and the proposed dwelling would dominate the Lewes Road street scene close by.
6. The plans do not show how the site would be divided between the 2 dwellings. Even so, the tall fencing that would be needed to offer privacy, and the domestic paraphernalia in the 2 narrower back gardens, which would be readily seen from Lewes Road, would erode the important verdant spaciousness, and would unacceptably disrupt the established development pattern. Moreover, as the proposed and existing dwellings would become part of a terrace of 3 dwellings, the proposal would be incongruous in the Jefferies street scene, to the detriment of the sense of place.
7. The planning permission granted in about 2015 for a catslide roofed side extension to the existing dwelling has lapsed. As that extension was smaller than the proposal, the site would not have been subdivided, and it was found acceptable under previous policy and guidance, it provides little support for this damaging scheme. As the existing garage is close to the back of the dwelling, the suggested repositioning of the proposed garage pair or its replacement with hardstanding would not overcome the harm that the proposal would cause.
8. Therefore, I consider that the proposed development would harm the character and appearance of the surrounding area. It would be contrary to Policy DP26 of the Mid Sussex District Plan 2014-2031 (LP) and Policies HK4 and HK5 of the Horsted Keynes Neighbourhood Plan 2016-2031 (NP) which seek high quality design and layout, and respect for context, and guidance in the Mid Sussex Design Guide Supplementary Planning Document SPD. It would also be contrary to the National Planning Policy Framework (Framework) which seeks well-designed places and sympathy for local character.

SPA and SAC

9. The site falls within the 7 km zone of influence of the SPA. In determining this appeal, I am the competent authority for the purposes of the Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations).
10. The proposed development would increase the number of people living near the SPA. So, this proposal, in combination with other plans and projects, would be likely to have a significant effect on the SPA due to increased recreational disturbance. Because the proposal is not directly connected with or necessary for the management of the SPA, it would be necessary for me to undertake an appropriate assessment of the implications of the proposal for the SPA in view of its conservation objectives. I could only grant planning permission if I ascertain in that appropriate assessment that the integrity of the SPA would not be adversely affected.

11. To address recreational disturbance, the Council has adopted a mitigation approach including Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM) in line with LP Policy 17, which has been found acceptable by Natural England. However, there is no completed planning obligation that secures appropriate financial contributions for SANG and SAMM for the additional dwelling before me, and no alternative mitigation measures have been put to me. Even so, as the proposed development would not be acceptable for other reasons, it is not necessary for me to undertake an appropriate assessment.
12. With regard to atmospheric pollution, increased traffic emissions resulting from new development may cause atmospheric pollution that would affect the SAC. However, based on analysis of Census 2011 data, the proposal would not be likely to generate travel to work journeys across Ashdown Forest, and because the proposal would amount to windfall development, in accordance with the modelling in the Mid Sussex Transport Study, there would not be a significant in combination effect on the SAC by the proposed development, and so, mitigation would not be required.
13. Therefore, I consider that the proposal would be likely to have a significant adverse effect on the integrity of the SPA. It would be contrary to LP Policy 17 which requires appropriate mitigations for the effects of development on the SPA, the Habitats Regulations, and the Framework which aims to conserve and enhance the natural environment.

Other matters

14. The appellant says that his family have lived at the existing dwelling since it was built, that the NP recognises the need for smaller homes, and that the proposal could enable family members to live there. However, the number of bedrooms in the proposed dwelling was not a concern of the Council in its reasons for refusal, and I agree. The benefits of the proposal would include a welcome new home in a reasonably accessible location, but they would not overcome the harm identified in the main issues.

Conclusion

15. 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.
16. For the reasons given, the appeal should be dismissed.

J Reid

INSPECTOR