



Appeal Decision

Site visit made on 26 September 2023

by P Terceiro BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 November 2023

Appeal Ref: APP/C1435/W/23/3318984

Watermead, West Street, Mayfield, East Sussex TN20 6DS

- 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 and Mrs Kelf against the decision of Wealden District Council.
- The application Ref WD/2022/1259/F, dated 11 May 2022, was refused by notice dated 11 October 2022.
- The development proposed is the replacement of the existing bungalow and detached garage with a four-bedroom family dwelling and garage with associated landscape work.

Decision

1. The appeal is allowed and planning permission is granted for replacement of the existing bungalow and detached garage with a four-bedroom family dwelling and garage with associated landscape work at Watermead, Mayfield, East Sussex TN20 6DS in accordance with the terms of the application, Ref WD/2022/1259/F, dated 11 May 2022, subject to the conditions set out in the attached Schedule.

Main Issues

2. The main issues are:
 - the effect of the proposal on the character and appearance of the area, including the High Weald Area of Outstanding Natural Beauty (AONB); and
 - whether the proposal would preserve or enhance the character and appearance of the Mayfield and Coggins Mill Conservation Area (CA).

Reasons

Character and appearance

3. Watermead is a bungalow fronting the south side of West Street at the edge of the village of Mayfield, within the AONB. AONBs are defined as 'valued landscapes' by the National Planning Policy Framework (the Framework), which states that AONBs have the highest status of protection in relation to conserving and enhancing their landscape and scenic beauty. Section 85 of the Countryside and Rights of Way Act 2000 places a duty upon me to have regard to the purpose of AONBs to conserve and enhance the natural beauty of the area. The Framework requires that great weight be given to these matters in decision making.
4. The AONB's special qualities include a patchwork of irregularly shaped fields and woods forming open landscapes and undulating slopes. The section of West Street where the appeal site is located has a more spacious and rural character than the historic core of Mayfield. The houses are set back further from the

- highway, generally on larger and wider plots, with more space between them, allowing views out across the woodland and fields on the AONB to the south.
5. The appeal site is occupied by a modern, detached bungalow with a garage. Due to their single storey height, in combination with the dropping land levels and set back from the highway, these structures have a limited presence in the street scene and allow for views into the open countryside above their roofs.
 6. Saved Policy DC18 of the Wealden Local Plan 1998 (WLP) permits the replacement of an existing dwelling by another dwelling outside development boundaries. In order to safeguard the strong rural character of the countryside, new dwellings must meet certain criteria. This includes requirements that (1) the proposal is of a comparable size and massing to the existing building; and (2) it is in keeping with the character of the locality, having regard to the appearance and general design of the original building.
 7. The replacement dwelling would be significantly larger than the bungalow and so it would conflict with part (1) of Policy DC18. Nonetheless, the dwelling would be positioned in the same location as the bungalow. Due to the topography of the site the dwelling would appear as two-storey from the front and maintain a low roof profile with a flat roofed section in the middle. The bulk of development would be to the rear and some built form would be subterranean and therefore not immediately perceived from West Street. For these reasons, despite its larger scale, the proposal would read in the street scene as having a comparable size and massing to the existing bungalow.
 8. Moreover, it would maintain the general design and appearance of the existing bungalow as a modern addition to the street scene, albeit it would be one of enhanced design quality. I am also mindful that the location of the site is not one of pure, open countryside, but rather at the fringe of the settlement.
 9. The proposal would see a reduction in width of built form across the plot. The increased gaps to the side boundaries, together with the roof design which has pitched elements and a flat section in the middle, would allow for new and retained views through and over the building to the open countryside beyond.
 10. The proposed garage would be set into the bank and, as such, it would not be prominent. Although it is not clear how this would impact the existing boundary hedge, the provision of soft landscaping can be secured by planning condition. This would in addition limit views towards the proposed dwelling.
 11. The dwelling would have a three-storey appearance to the rear, with extensive glazing, upper and lower terraces with steps on either side. There is a woodland at the back of the plot and, as such, the rear garden is relatively well contained by vegetation. I have not been directed to any public right of way or vantage point that would offer views to the proposal's rear elevation. On this basis, the proposal would not be harmful to the wider landscape.
 12. I am aware that public views are not necessarily essential in order for harm to arise in an AONB¹. In this case, however, the quality of the AONB is in the filtered public views of the open, undulating landscape to the south. As the design of the dwelling would ensure that these views would not be prejudiced, the landscape and scenic beauty of the AONB would not be harmed in this

¹ Great Trippetts Estate Ltd v Secretary of State for Communities & Local Government & anr [2011] EWCA Civ 203

case. The dwelling would appear larger in oblique views down West Street, but this would be read within the suburban street context at the village fringe.

13. Accordingly, I conclude that the proposal would not be harmful to the character and appearance of the area, including the High Weald AONB. While there would be a degree of conflict with part (1) of Policy DC18, the proposal would nonetheless be in overall accordance with Policies DC18, EN6 and EN27 of the WLP, insofar as these policies seek to promote local distinctiveness and conserve the character of the landscape. The proposal would also accord with the Wealden Design Guide Supplementary Planning Document 2008 (SPD), which seeks to achieve developments that positively integrate with their landscape setting. The proposal would be in line with the Framework, as it would be sympathetic to local character and history, and it would conserve the landscape and scenic beauty of the AONB.

Conservation Area

14. The front of the appeal site is within the CA and Watermead itself is within its setting. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character of a CA. The Framework further explains that the significance of a heritage asset derives not only from its physical presence but also from its setting.
15. Development within the Western Extension of the CA is from a mix of periods and of architectural styles representative of the former use, status and period of building within the CA and includes Victorian and Edwardian buildings up to the 20th century. The roofscape includes pitched roofs with hips, half-hips and gables. The diversity of the built form, which includes the size and materiality of the buildings also contributes to its significance, together with the views to the open countryside.
16. The current bungalow, as a 20th century addition in a modern design, embodies the evolution of West Street over time, but equally it is quite nondescript and plain in its architecture. The site does, however, maintain a verdant character and views out to the countryside. As such, it makes a neutral contribution to the significance of the CA.
17. Whilst the asymmetrical roof would divert from the more typical roofs along West Street, I consider it to be restrained in its statement and to therefore represent a suitable evolution of a street scene characterised by continuous development across multiple architectural phases; it would simply reinforce the new dwelling as an honest, modern intervention into this area. Whilst the use of stone was referenced in relation to a previous appeal decision at the site, that was considered against an overall design response the Inspector found unacceptable. This is not the case with the design I have assessed. I have also already found that the verdant character of the site and the views it provides out of the village would be adequately retained.
18. In conclusion, the proposal would preserve the character and appearance of the Mayfield and Coggins Mill CA, in accordance with Policy EN19 of the WLP, and with Objectives SPO2 and SPO3 of the Wealden Core Strategy 2013. Collectively, these policies aim to promote good design and protect heritage assets. The proposal would also comply with the Wealden Design Guide SPD, where it seeks to achieve developments that respond to local distinctiveness.

Further, the proposal would be in line with the Framework, which supports developments that conserve heritage assets.

Conditions

19. A condition is necessary to require the development to accord with the approved plans, as this provides certainty and precision. Conditions securing samples of materials, tree protection measures and a landscape scheme are necessary to ensure that the development assimilates with its surroundings. A condition requiring details of energy efficiency measures is also necessary, to promote sustainable building design. A condition requiring details of floodlighting is necessary, in the interests of protecting the rural character of the area and the living conditions of neighbouring residents. A condition removing permitted development rights for various forms of householder development is necessary to enable the Council to control the development of land and to protect the character of the area and living conditions.

Conclusion

20. For the reasons given above, I conclude that the proposal would comply with the development plan read as a whole. There are no material considerations that indicate that a decision should be taken otherwise than in accordance with it. As such, the appeal should succeed.

P Terceiro

INSPECTOR

Schedule of Conditions

- 1) The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date on which this permission is granted.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 00622-PL-150, 00622-PL-350-REV A, 00622-PL-228, 00622-PL-227, 00622-PL-226, 00622-PL-225 and 00622-PL-450.
- 3) Before above-ground construction begins on the development hereby approved, samples of materials to be used on the external surfaces of the development shall be submitted to and approved in writing by the Local Planning Authority. The approved materials shall be used in the implementation of the development and retained.
- 4) Before the preparation of any groundworks or foundations for the development hereby approved, full details for the incorporation of water and energy efficiency measures, the promotion of renewable energy and sustainable construction within the development shall be submitted to and agreed in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details and thereafter so retained.
- 5) No trees and/or hedgerows on the site, unless dead or dangerous, shall be felled, reduced, pruned or destroyed without the consent in writing of the Local Planning Authority. Furthermore, the following work shall not be

carried out within the approved protection zone of any tree or hedgerow, except with the consent of the Local Planning Authority:

- (i) Levels shall not be raised or lowered in relation to the existing ground level within the approved protection zone of the tree or hedgerow.
 - (ii) No roots shall be cut, trenches dug or soil removed within the approved protection zone of the tree or hedgerow.
 - (iii) No buildings, roads or other engineering operations shall be constructed or carried out within the approved protection zone of the tree or hedgerow.
 - (iv) No fires shall be lit within the approved protection zone or in a position where the flames could extend to within 5 metres of the foliage, branches or trunk of the tree or hedgerow as per the requirements of BS5837:2012 Trees in relation to design, demolition & construction - Recommendations.
 - (v) No vehicles shall be driven over the area within the approved protection zone of the tree or hedgerow.
 - (vi) No materials or equipment shall be stored within the approved protection zone of the tree or hedgerow as per the requirements of British Standard 5837:2009 'Trees in Relation to Construction'.
- 6) Before preparation of any groundworks and foundations on site, a scheme of landscape proposals shall be submitted to and approved in writing by the Local Planning Authority, which shall include full plans and specifications for all hard and soft landscape works and indications of all existing trees and hedgerows on the land, including those to be retained together with measures for their protection in the course of the development.
- All planting, seeding and/or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s) or the completion of the development, whichever is the sooner, and any trees, shrubs, hedges or plants which within a period of five years from the completion of development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. All hard landscaping comprised in the approved details of landscaping shall be carried out before the completion or first occupation of the development, whichever is the sooner.
- 7) No floodlighting, security lighting or other external means of illumination of the site shall be provided, installed or operated in the development, except in accordance with a detailed scheme which shall provide for lighting that is low level, hooded and directional, and has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and retained thereafter.
- 8) Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no works as defined

within Part 1 of Schedule 2, classes A, C, D, and G, shall be undertaken on the site.