



Appeal Decision

Site visit made on 7 November 2023

by **C Butcher BSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 2nd January 2024

Appeal Ref: APP/C1435/W/23/3320804

Great Easterfields, Chiddingly Road, Horam, East Sussex TN21 0JJ

- 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 Tymaric Properties Limited against the decision of Wealden District Council.
- The application Ref WD/2022/2705/F, dated 13 October 2022, was refused by notice dated 22 February 2023.
- The development proposed is described as the redevelopment of the site to provide 9 residential dwellings together with associated access, car parking and landscaping works.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are, firstly, the effect of the proposed development on the character and appearance of the area, and secondly, its effect on the living conditions of future occupiers, and the occupiers of the existing dwelling known as 'Sundown', with particular regard to outlook.

Reasons

Character and Appearance

3. The appeal site is located just outside of the main built-up area of the village of Horam. While there are rows of terraced housing close to the site, Chiddingly Road is predominantly characterised by a linear development of semi-detached and detached two storey dwellings, with red brick exteriors and pitched tile roofs. The vast majority of these homes, including the existing dwelling on the appeal site, are set back from the road within large plots, and have a generous amount of garden space to the front and rear. This provides the immediate area with a spacious and verdant feel.
4. The appeal proposal would involve the demolition of the existing dwelling and the provision of nine new dwellings. The density of the proposed development would not be unusual when considered in isolation, and sufficient provision has been made for private garden space. However, it is of clear importance for development proposals to respond to the context and character of their surroundings. In this instance, the provision of nine homes on the site would appear very crowded in comparison to existing development nearby, with limited space between individual buildings. This would be exacerbated by the fact that five of the proposed homes would be set much closer to the road than the existing dwelling on the site. In addition, while the hedgerow to the front of

the site would be maintained, most of the existing garden space would be lost. As a result, the proposal would appear incongruous and out of place and would significantly erode the spacious and verdant character of the area.

5. The appellant has drawn my attention to two developments that have received outline approval near to the appeal site¹. In similar fashion to the appeal proposal, those schemes, if built, would introduce a backland style of development that is currently not present in the immediate area. I do not have the full details of those schemes before me. Nonetheless, given the number of dwellings approved relative to the size of the respective sites, it seems likely that these approved schemes would be far more in keeping with the existing spacious character of the area compared to the appeal scheme.
6. The proposed dwellings would be two storeys in height, with red brick exteriors and pitched roofs, and their appearance would therefore accord with that of surrounding dwellings when considered in isolation. However, this does not overcome or alter the harm that I have identified.
7. I therefore conclude that the proposed development would result in harm to character and appearance. It would therefore be in conflict, in this regard, with Core Objective SPO13 and Policy WCS14 of the Wealden Core Strategy Local Plan, 2013 (CS), as well as Policies EN1 and EN27 of the Wealden Local Plan, 1998 (LP). Taken together, the relevant aspects of these policies seek to ensure that new development is sustainable, well designed and preserves character and appearance. There is also conflict with parts of the Wealden Design Guide Supplementary Planning Document, November 2008, including the guidance in Chapters 5 and 7, that aim to protect the character and appearance of the area.

Living Conditions

8. The appeal site is located next to an existing dwelling known as 'Sundown'. At present the boundary is planted with large conifer trees which shield views between the two properties. Plots 3 to 6 of the proposed development would be situated close to that boundary. However, I am satisfied there would be a sufficient amount of space between the buildings, existing and proposed, to ensure that the outlook from 'Sundown' is not adversely affected. Furthermore, the conifer trees are planted on that property and so the existing screening would remain within the owner's control.
9. The trees themselves are quite large, although the appellant has advised that they have been cut back recently. However, the existence of large trees on shared boundaries is very common and given that they would be a reasonable distance from the rear of the proposed dwellings themselves, I am satisfied that their presence would not negatively affect the outlook of future occupiers of those dwellings. Similarly, this would also be the case where other existing trees would be situated close to the boundaries of other proposed dwellings on the site.
10. I therefore conclude that the proposal would not result in harm to the living conditions of future occupiers, or to the occupiers of the dwelling known as 'Sundown'. As a result there is no conflict, in that regard, with LP Policy EN27, which in part, seeks to protect living conditions.

¹ Council references: WD/2020/1746/O and WD/2020/0950/MAO.

Other Matters

11. The appellant has noted that the site was regarded as being suitable for the delivery of up to ten dwellings as part of the Council's Strategic Housing and Economic Land Availability Assessment, 2019 (SHELAA), which formed part of the evidence base for the emerging local plan at that time. However, the local plan has not been adopted and the SHELAA has no formal status. As such, it is not a determinative factor in this appeal.

Planning Balance and Conclusion

12. It is not in dispute between the parties that the Council cannot currently demonstrate a 5-year supply of deliverable sites for housing, and the latest published position suggests that the current identified supply is less than four years. The appellant has provided evidence to suggest that the latest figure may be even lower. However, in either scenario, it is clear that the current shortfall is significant, and I have no evidence before me to suggest that this position is likely to improve in the short-term. In such circumstances, Paragraph 11d and footnote 8 of the Framework require that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.
13. In this instance, the benefits of the proposal include a net gain of eight new energy efficient homes that would assist in meeting need in the area, while also providing support for local facilities and creating jobs during the construction phase. Despite the level of shortfall in housing land supply, which leads me to attribute increased weight to the benefits, I still only afford moderate weight to them overall given that the scale of the proposed development is relatively minor in nature.
14. I have concluded that there would be material harm in relation to character and appearance. The support for the principle of development within the Framework is countered by the importance it places on the provision of development that preserves character and appearance. In this instance, the harm would be both significant and enduring. As a result, when assessed against the policies in the Framework taken as a whole, the adverse impacts would significantly and demonstrably outweigh the benefits. Consequently, for the reasons given, the proposed development conflicts with the development plan as a whole, and there are no other considerations, including the provisions of the Framework, that outweigh the identified harm. The appeal is therefore dismissed.

C Butcher

INSPECTOR