



Appeal Decision

Site visit made on 29 January 2024

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

an Inspector appointed by the Secretary of State

Decision date: 7 February 2024

Appeal Ref: APP/D3830/W/23/3328244

Oaklands, Keymer Road, Burgess Hill, West Sussex RH15 0AH

- 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 Nick Gates against the decision of Mid Sussex District Council.
 - The application Ref DM/23/0876, dated 30 March 2023, was refused by notice dated 27 July 2023.
 - The development proposed is erection of one house in rear garden.
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Decision

1. The appeal is allowed and planning permission is granted for erection of one house in rear garden at Oaklands, Keymer Road, Burgess Hill, West Sussex RH15 0AH in accordance with the terms of the application, Ref DM/23/0876, dated 30 March 2023, subject to the conditions set out in Schedule A at the end of this Decision.

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 living conditions of the occupiers of Oaklands regarding private outdoor space, and the proposed dwelling regarding outlook.

Reasons

Character and appearance

3. The appeal site is situated on the roughly west side of Keymer Road just north of its junction with Folders Lane. The site includes the existing spaciouly sited mostly 2 storey pitched roofed dwelling (Oaklands) and its good-sized grounds. The lengthy back garden of Oaklands slopes steeply down from roughly east to west, so steps down from the roughly ground floor level deck at the back of Oaklands lead to a lower terrace in the back garden. Wigmore House and the dwelling at Holford lie roughly north and south respectively. On the opposite side of Keymer Road is Hilgay care home, which includes a converted Victorian style villa sited in leafy verdant grounds. The back of the site is bounded by a tall wall, beyond which lie the narrower back gardens of the nearby mostly 2 storey pitched roofed and chalet style dwellings in Hazel Grove.
4. Whilst the nearby development on the opposite side of Keymer Road is within the Silverdale Road/Birchwood Grove Road Conservation Area, the nearby development on both sides of the road is identified as an Area of Townscape Value (ATV) in the Burgess Hill Neighbourhood Plan 2015-2031 (NP). The ATV

is mainly characterised by good-sized dwellings set well back from the road in generous plots, many of which are partly screened from the road by mature trees, shrubs and/or hedges. The street scene leafiness and the spaciousness within the front gardens and drives contribute positively to the character and townscape value of the ATV, and to the local suburban character.

5. The proposed hipped roofed 2 storey dwelling would be spaciouly sited at a much lower level than Oaklands in the far end of the site, surrounded by its landscaped grounds. The dwelling would be reached from the existing access in Keymer Road by a drive in the existing gap between Oaklands and the site's north boundary, and its traditional form and character would be sympathetic to the surrounding development. The scale and layout of its grounds and those at Oaklands would sustain the sense of place, and native species replacement trees would enhance biodiversity. So, the well-designed relatively low density proposal would respect its surroundings.
6. In permitting a larger scheme, the Council has found 3 dwellings in the deeper back garden of the existing dwelling at Little Winton, which is a little further north within the ATV, acceptable. Moreover, Mellow Cottage, which is a little further south, was included in the ATV after the 2 dwellings in its back garden had been permitted. So, the siting of the proposed dwelling would harmonise with the local pattern of development, and the character and townscape value of the ATV would be preserved. Whilst the upper part of the dwelling would be seen above the wall and through the intermittent vegetation by the boundary, its siting, scale and hipped roofed form would respect the street scene and the local character in Hazel Grove.
7. The Mid Sussex District Plan 2014-2031 (LP) adopted policies map shows the ATV as a strip including the fronts of most nearby plots in Keymer Road, but the graded band on the NP map fades away by the back of the site, and it similarly fades away over the dwellings at the back of Mellow Cottage and towards the back of Little Winton's plot. As the proposal would barely be seen from Keymer Road, the difference between the 2 maps does not affect my findings. Moreover, as the proposal would have almost no effect on views into or out of the Conservation Area, the contribution of its setting to the significance of the heritage asset would be conserved.
8. Therefore, I consider that the proposed development would not harm the character and appearance of the surrounding area. It would satisfy LP Policy DP26 which seeks high quality design and respect for context, NP Policy H2 which seeks to control development in back gardens, NP Policy H3 which aims to preserve and enhance the character of the area within the ATV, guidance in the Mid Sussex Design Guide Supplementary Planning Document (SPD), and the National Planning Policy Framework (Framework) which aims to achieve well-designed and beautiful places, and sympathy for local character.

Living conditions

9. The proposal would reduce the depth of the back garden at Oaklands, but the deck and terrace at the back of the wide fronted dwelling would lead to a generous lawn. There would be more than enough room to, say, plant some trees and shrubs, and for play equipment, garden furniture and the like, in the west facing back garden, and the south facing side garden could include a kitchen garden and a washing line. So, the layout, scale and proportions of the private outdoor space would be readily useable, and thus, acceptable.

10. The front of the proposed dwelling would face roughly east, so Oaklands would be seen in the outlook from most of its front facing rooms. However, views of other dwellings would reasonably be expected within the spacious suburban area, and Oaklands would be part of the wider views. Moreover, as all of the habitable rooms in the proposed dwelling with east facing windows would be dual aspect, the occupiers would have an alternative outlook from those rooms. So, due to the lie of the land and distances between the proposed dwelling and Oaklands, the outlook of the future occupiers would be acceptable.
11. The living conditions of other nearby occupiers, including those in Hazel Grove, were not concerns of the Council in its reasons for refusal. Due to the relationships and distances between the proposal and the nearby dwellings and their gardens, I agree.
12. Thus, I consider that the proposed development would not harm the living conditions of the occupiers of Oaklands regarding private outdoor space, and the proposed dwelling regarding outlook. It would satisfy LP Policy DP26 which aims for development to not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, NP Policy H2 which aims to protect the privacy and outlook from existing dwellings and their gardens, guidance in the SPD, and the Framework which seeks a high standard of amenity for existing and future users.
13. Therefore, as the proposal would be acceptable, planning permission should be granted subject to the imposition of suitable planning conditions.

Conditions

14. The Council's suggested conditions have been considered and reworded in the light of Framework paragraph 56 and Planning Practice Guidance. In addition to the standard implementation condition, the condition identifying the approved plans is necessary for certainty. The conditions for tree protection, external materials, and hard and soft landscaping including replacement trees, are reasonable and necessary to protect the character and appearance of the area. The tree protection plan shows an earlier scheme, but as the tree protection measures are similarly applicable to the proposal before me, an updated plan is not necessary. The conditions for tree protection and soft landscaping including replacement trees are also necessary in the interests of biodiversity. As tree protection is dealt with under a separate condition and no other features requiring protection have been specified, the condition for site protection measures is not necessary, so it has not been imposed.
15. The conditions for details of the foul and surface water drainage and means of disposal, and hard surfacing materials, are necessary in the interests of public health and to avoid flooding. As works near drains and watercourses can be dealt with in those details, a separate condition to control them is not necessary, so it has not been imposed. Conditions for a construction method statement and the car parking and vehicle turning area are necessary in the interests of highway safety, and the condition for cycle parking is necessary to promote the use of sustainable transport modes. Because the tree protection measures and the construction method statement need to be in place from the outset, and because foul and surface water drainage and means of disposal affect works below ground, these need to be pre-commencement conditions.

Conclusion

16. I have found that the proposed development would satisfy the Development Plan when taken as a whole. The other considerations in this case, including the Framework, do not indicate a determination otherwise.

17. For the reasons given, the appeal should be allowed.

J Reid

INSPECTOR

Schedule A

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: TA1476/01, TA1476/10, TA1476/11, TA1476/12, TA1476/13, TA1476/14, TA1476/15, and TA1476/16.
- 3) No development shall take place until the tree protection measures shown on David Archer Associates plan numbered TPP 01 have been installed in accordance with David Archer Associates Arboricultural Method Statement dated September 2022, and development shall thereafter be carried out in accordance with those details.
- 4) No development shall take place until details of the foul and surface water drainage and means of disposal have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details before the dwelling hereby permitted is first occupied.
- 5) No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The Statement shall provide for the parking of vehicles of site operatives and visitors, loading and unloading of plant and materials, and storage of plant and materials used in constructing the development. The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
- 6) No development above ground floor slab level shall take place until details and samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and samples.
- 7) No development above ground floor slab level shall take place until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include replacement trees and hard surfacing materials. The hard and soft landscaping works shall be carried out in accordance with the approved details before the dwelling hereby permitted is first occupied or in accordance with an implementation programme that has previously been submitted to and approved in writing by the local planning

authority. Any trees or shrubs which within a period of 5 years from the completion of the 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.

- 8) The dwelling hereby permitted shall not be first occupied until space has been laid out within the site in accordance with plan number TA1476/10 for 2 cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear, and that space shall thereafter be kept available at all times for those purposes.
- 9) The dwelling hereby permitted shall not be first occupied until the covered and secure cycle parking facilities shown on the approved plans have been installed, and those facilities shall thereafter be kept available at all times for the parking of cycles.

End of Schedule A