



Appeal Decision

Site visit made on 26 January 2024

by J Hobbs MRTPI MCD BSc (hons)

an Inspector appointed by the Secretary of State

Decision date: 4th March 2024

Appeal Ref: APP/C1435/W/23/3315531

31A Framfield Road, Uckfield, East Sussex TN22 5AH

- 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 Beckwith against the decision of Wealden District Council.
 - The application Ref WD/2022/1808/F, dated 12 August 2022, was refused by notice dated 27 October 2022.
 - The development proposed is extension and conversion of a redundant two-storey office building into three self-contained studio apartments.
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Decision

1. The appeal is allowed and planning permission is granted for the extension and conversion of a redundant two-storey office building into three self-contained studio apartments at 31A Framfield Road, Uckfield, East Sussex TN22 5AH in accordance with the terms of the application, Ref WD/2022/1808/F, dated 12 August 2022, subject to the conditions in the attached schedule.

Preliminary Matters

2. In December 2023, following the deadline for final comments, a revised version of the National Planning Policy Framework (the Framework) was published. Both parties were consulted on the amended Framework, the Council advised that the amended Framework would not have altered their assessment and the appellant did not respond.
3. The description of development in the banner above is taken from the decision notice. During the determination of the planning application, the proposal was amended to include one less apartment. As such, the description of development on the decision notice accurately reflects the proposal.
4. The decision notice incorrectly refers to the site address as "33 Framfield Road" and, within the second reason for refusal, it refers to the proposed use as a holiday let. The Council has acknowledged this was a mistake in an email to the appellant. It is also clear from the delegated officer recommendation that the Council has assessed the proposal as applied for, at the correct site.
5. The appellant has provided a Deed of Unilateral Undertaking (UU) to provide a financial contribution to mitigate the effect of the appeal proposal on Ashdown Forest Special Protection Area (SPA). Considering this, the Council no longer seek to defend the second reason for refusal on the decision notice. However, as the proposal could affect a European Site it is my responsibility, as the competent authority, to undertake an Appropriate Assessment. For this reason, this matter still warrants consideration as a main issue.

Main Issues

6. The main issues are the effect of the proposed development on:

- the living conditions of occupiers of 33, 35 and 37 Framfield Road and 1 Alexandra Road, with regard to privacy, and
- the Ashdown Forest SPA and Special Area of Conservation (SAC).

Reasons

Living conditions

7. Whilst the existing office use is not subject to restricted operating hours, the building is currently vacant and appears to have been for some time. The proposed residential use would see the site used more intensely than it currently is. The proposal would also include the insertion of three dormer windows into the eastern elevation to replace two rooflights.
8. The proposed dormers would offer a forward outlook that is not currently offered by the rooflights. The view from these dormers would be over a parking area and directly toward the rear gardens of 35 and 37 Framfield Road (Nos 35 and 37). Given the improved outlook and the increase in the intensity of use of the building, there would be an increased sense of overlooking over Nos 35 and 37. Nonetheless, there is a significant distance between the windows and the gardens, and there are tall boundary treatments which screen most views of the garden area. Given the separation distance and the boundary screening the harm arising from overlooking would not be significant.
9. Due to the insertion of dormers, the proposal would offer angled views of the rear garden of 33 Framfield Road (No 33) from inside the proposed first-floor apartment, which are not currently available within the appeal building. No 33 is an L-shaped property, the rear garden is modest in size and largely enclosed by its side elevation and boundary with No 35. The garden only extends beyond the rear elevation of the building by a modest amount. There is some vegetation at the end of the garden which would provide additional screening; however, the extent of this vegetation cannot be guaranteed in perpetuity. Therefore, little weight is ascribed to the privacy benefits afforded by the vegetation. Nevertheless, angled views of the garden of No 33 from the proposed apartments would be largely screened by built development. Given the screening of No 33's garden by the existing built development and only angled views of the garden would be available in the proposed apartments the harm arising from overlooking would not be significant.
10. The proposal includes the installation of an external staircase to access the first-floor apartment. The staircase would result in a raised platform close to the boundary with 1 Alexandra Road (No 1), sited away from the rear elevation but close to the garden area. Occupiers of No 1 currently benefit from a reasonable level of privacy due to the presence of tall dense vegetation. As above, the presence of this vegetation cannot be guaranteed in perpetuity. Nonetheless, the staircase would only be used to access one studio apartment. As such, the number of movements associated with that flat are likely to be very limited. Furthermore, the proposed dormers would only offer angled views of the garden area of No 1 from a significant distance. Given the limited use of the external staircase, the orientation of the proposed dormers compared to No

1 and the distance between them, the harm arising from overlooking would not be significant.

11. The proposed development would not have a harmful effect on the living conditions of occupiers of Nos 1, 33, 35 and 37, with regard to privacy. It would comply with Policy EN27 of the Wealden Local Plan, December 1998 (LP) and spatial planning objective SPO13 of the Wealden District (incorporating part of the South Downs National Park) Core Strategy Local Plan (CS). This policy and objective indicate that proposals should not create an unacceptable adverse impact on privacy and the Council will encourage the development of high-quality living environments. Furthermore, it would be in accordance with the Wealden Design Guide and the Framework where they indicate that planning decisions should ensure that developments create places with a high standard of amenity and private amenity space around a dwelling should be considered from the outset.

European protected sites

12. The site is in proximity to Ashdown Forest SPA. The SPA is designated due to the concentration of Dartford Warbler and European Nightjar in the area. The objective of the SPA is to ensure the integrity of the site is maintained or restored so that it continues to support the population of ground nesting birds.
13. Recreational disturbance is one of the principal threats to ground nesting birds, dog walking can be particularly problematic. The results of visitor surveys to Ashdown Forest indicate that residents living within 7km of the forest are likely to visit it. The appeal proposal would increase the population living within 7km of the SPA; it is therefore likely that future occupants of the proposed development would visit the area.
14. I consider that the proposal, by itself and in combination with other development in the area, would have a likely significant effect on the SPA due to an increased disturbance through recreational activity. It is therefore necessary for me, as the competent authority, to conduct an Appropriate Assessment in relation to the effect of the development on the integrity of the SPA.
15. Given the modest scale of development, there is no scope for on-site mitigation. In this instance, it is appropriate to secure a financial contribution towards Suitable Alternative Natural Greenspace (SANG) provision and Strategic Access Management and Monitoring (SAMM), in line with the tariffs outlined in the Council's Ashdown Forest Mitigation Zone Background Paper. This contribution would support an alternative recreational destination for occupants of the proposal and help mitigate disturbance on the ground nesting birds. Natural England has been consulted as part of this Appropriate Assessment and has confirmed that the financial contribution would suitably address the effects associated with the proposal and relieve pressure on the SPA.
16. The appellant has provided a UU which would ensure they contribute toward SANG provision and SAMM, in line with the guidance in the event planning permission is granted. I am satisfied that the contribution would sufficiently mitigate the level of harm likely to be caused by the development and would be pursuant to the Council's adopted strategy.

17. The appeal site is also in proximity to the Ashdown Forest SAC. The qualifying features underpinning the SAC designation are the presence of European dry heath, North Atlantic wet heath and great crested newts. Like the SPA, the conservation objectives of the SAC are to maintain or restore qualifying habitats. Natural England's supplementary advice explains that the heathland habitat of the Ashdown Forest is sensitive to changes in air quality and is vulnerable to atmospheric pollutions from several sources.
18. The Council put forward a new Local Plan in 2019. Although it has been withdrawn, Natural England were satisfied that the significant amount of new development proposed as part of the local plan process, without mitigation, would not adversely affect the integrity of the SAC. It follows that the modest development proposed on this site would not have a harmful effect and the parties and Natural England are agreed on this point.
19. There is no evidence before me which would indicate that the proposal would lead to an increase in atmospheric pollution which would be harmful to the SAC. I therefore conclude the proposal would not have a likely significant effect on the SAC.
20. Overall, the proposed development would not have a harmful effect on or adversely affect the integrity of Ashdown Forest SPA, with appropriate mitigation, or Ashdown Forest SAC. It would therefore comply with CS Policy WCS12, and LP policies EN1, EN7 and EN15. These policies indicate that it is the Council's intention to reduce the recreational impact on visitors to the SPA, the Council will have regard to Government guidance in considering the location of development, particular regard will be given to the effect of proposals on the open heathland areas of Ashdown Forest, and the Council will seek to safeguard designated nature conservation sites.

Conditions

21. The Council has indicated the conditions that it considers would be appropriate. I have considered these in light of the guidance contained within the Planning Practice Guidance (PPG) and the Framework.
22. Conditions specifying a time limit to implement the permission and approved plans are required in the interest of certainty. I have set a time limit of 18 months to implement the permission, in line with the Council's desire to expedite housing delivery and in accordance with the PPG. Conditions requiring the external finishes to match the existing building and details of the external staircase to be approved by the local planning authority are required in the interest of character and appearance.
23. A condition requiring the car parking spaces to be laid out prior to occupation is necessary in order to ensure there is suitable provision of off-street parking. Furthermore, a condition requiring details of the cycle storage to be provided prior to occupation is necessary in order to encourage the use of sustainable travel modes.
24. A condition requiring refuse storage to be provided prior to occupation is necessary, to ensure the proposed apartments would be serviced appropriately.
25. A condition requiring the proposed rooflights to be obscurely glazed and fixed shut and retained in this conditions for perpetuity is not necessary, to ensure

that the proposal would preserve the living conditions of neighbouring residents given the limited outlook they would provide.

Conclusion

26. For the reasons given above, the proposed development complies with the development plan when considered as a whole. Therefore, I conclude that the appeal should be allowed, and planning permission should be granted.

J Hobbs

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 18 months from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing no. 2022/PL2 Rev. E.
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
- 4) Prior to the construction of the external staircase, details of the external staircase shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 5) No dwelling shall be occupied until space has been laid out within the site in accordance with drawing no. 2022/PL2 Rev. E for 9 cars to be parked and that space shall thereafter be kept available at all times for the parking of vehicles.
- 6) No dwelling shall be occupied until details of the cycle parking have been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until the cycle parking has been provided in accordance with approved details, the cycle parking shall be retained thereafter.
- 7) No dwelling shall be occupied until details of the refuse storage area have been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until the refuse storage area has been provided in accordance with approved details, the refuse storage area shall be retained thereafter.