



Appeal Decision

Site visit made on 16 February 2024

by Lewis Condé BSc, MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 April 2024

Appeal Ref: APP/C1435/W/23/3323405

8-9 High Street, Crowborough, TN6 2QA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr W J M Cro against the decision of Wealden District Council.
 - The application Ref is WD/2022/2996/F.
 - The development proposed is Conversion of existing building to form 2no flats and extension to building to create a block of 3no flats and associated works. .
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised version of the National Planning Policy Framework (the Framework) was issued on 19 December 2023. In respect of the matters of interest in this appeal, there have been no fundamental changes to national policy. Additionally, main parties have had the opportunity to comment on the revisions to the Framework during the appeal process.

Main Issues

3. The main issues are the effect of the proposed development on:
 - a) The character and appearance of Crowborough Conservation Area; and
 - b) The Ashdown Forest Special Protection Area

Reasons

Crowborough Conservation Area

4. The appeal site lies within the Crowborough Conservation Area (CCA). In accordance with the statutory duty established under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended (the Act), I have paid special attention to the desirability of preserving or enhancing the character and appearance of the CCA.
5. The CCA covers an area around the core of the historic town. The significance of the CCA, largely derives from its historic role as a centre point for the commercial development of the town during the late 19th and early 20th century, which coincided with the delivery of the nearby railway and the emergence of Crowborough as a 'spa' town. Furthermore, the architectural quality of the built form, that comprises a range of traditional, attractive,

commercial properties, largely Edwardian in era, is also a key aspect of the CAA.

6. No. 8 – 9 High Street (no. 8 – 9), is an example of an architecturally important building within the CCA, that positively contributes to its character and appearance. Although no. 8 – 9 is not listed, it forms part of a small parade of shops and retains a traditional ground floor shopfront across both bays. At first floor level above, no. 8 displays a decorative carved local sandstone window with mullions and transoms. Whilst both no. 8 – 9 have vernacular gable projections to the front elevation that provide balance and a degree of rhythm along the streetscene, despite differences in materiality and precise detailing. Indeed, the pleasing architectural form of no. 8 – 9 and its importance to the CCA, notably the building's frontage, is recognised within the Draft Crowborough Conservation Area Character Appraisal (November 2020) (the 'Draft Appraisal').
7. The proposed development would not entail physical alterations to the front of the building. Instead, the proposed works would take place predominantly to the rear. Nonetheless, this remains prominent from public vantage points. The rear elevation of the appeal property is not as architecturally noteworthy as its frontage and has already experienced previous alterations, albeit it still largely retains a traditional character and appearance. As such, whilst the appeal building, as a whole, contributes positively to the CCA, I find the rear of the building to have a neutral effect on the character and appearance of the CCA.
8. The proposed rear extension would cover a significant portion of the property's rear garden space. Whilst this may remain one of the few remaining garden plots within the CCA, it is not reflected within the Draft Appraisal that the garden is an important feature of the CCA. Nor from my observations, or the evidence before me, do I find the pocket of private open space to be of appreciable importance to the character or significance of the CCA. The proposed footprint of the development would also retain a small extent of the garden space.
9. However, the proposed extension is sizeable, it would have an extremely bulky appearance stemming from its overall scale and flat roofed nature. The proposed extension unashamedly contrasts with the host building in terms of its proposed form and materiality. However, I find that its flat roof nature, the size and extent of glazing, along with the overall massing of the extension would result in a rather crude and unsympathetic addition that would visually dominate the more restrained and characterful host building. Although located to the rear of the existing building, the proposed extension would be visually prominent from public vantage points, most notably a public car park immediately to the rear of the site.
10. The rear elevation of neighbouring properties within the CCA already contain sizeable extensions that would be seen alongside the proposed development. Several of the neighbouring rear extensions are of a poor design quality that detract from their respective host buildings and therefore also from the character and appearance of the CCA. I do not have details of the planning permissions for these neighbouring works. As such, it is unclear as to the precise planning history of the relevant sites and the context in which these developments took place. In any case, I do not find that the presence of these other extensions warrant further unsympathetic development.

11. Overall, I find that the proposal would be harmful to the character and appearance of the host property and would neither preserve or enhance the character or appearance of the CCA.
12. Given the scale and nature of the appeal scheme I consider it would cause less than substantial harm to the character and appearance of the CCA. Nonetheless, any harm to the significance of a designated heritage asset requires clear and convincing justification. In accordance with paragraph 208 of the National Planning Policy Framework (the Framework), I must weigh the harm against the public benefits of the proposal.
13. The proposal would provide five new dwellings, thereby making a modest contribution to housing provision in an area whereby there has been a significant undersupply of homes. Additionally, the dwellings would be located within a highly sustainable location, whilst utilising brownfield land. There would also be related socio-economic benefits associated with the delivery of the proposed new dwellings.
14. Given the scale of the proposed development, I find that together the scheme's benefits would be modest, whilst the Framework advises that great weight should be given to the conservation of heritage assets. As such, in this instance, I do not consider the public benefits to outweigh the harm to the designated heritage asset. I am also not convinced that benefits of a similar scale could not be delivered through a more appropriately designed scheme.
15. With this in mind, the appeal scheme conflicts with saved Policies EN19 and EN27 of the Wealden Local Plan (adopted 1998) and the Spatial Planning Objectives SPO2 and SPO13 of the Wealden District Core Strategy Local Plan (adopted 2013). When read together these policies and objectives seek to ensure that development is of a high-quality design that should protect, conserve and where possible enhance the historic environment.
16. Furthermore, the proposal would also fail to meet the requirements of Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 and the Framework insofar as they relate to heritage assets.

Ashdown Forest Special Protection Area

17. Ashdown Forest is designated as a Special Protection Area (SPA) because of its value as a habitat for rare bird species, including European Nightjar and Dartford Warbler.
18. The Council and Natural England have previously identified that key threats to the integrity of the SPA include disturbance by humans and recreational activities, along with development pressures that could lead to the loss of nesting and feeding habitats.
19. The appeal site lies within the zone of influence of the SPA, whereby new housing developments are likely to result in an increase in visitors and recreational activity placing pressure on its integrity.
20. Through the appeal, the appellant has provided a signed Unilateral Undertaking that would provide mitigation measures in the form of a financial contribution towards Suitable Alternative Natural Greenspace (SANG) and a financial contribution towards a Strategic Access Management and Monitoring (SAMM) strategy. Such measures have been outlined within the Council's Ashdown

Forest Mitigation Zone Background Paper (2019) as an appropriate approach to mitigating and monitoring the impacts of development on the SPA. The approach has also previously been endorsed by Natural England.

21. However, as I am dismissing the appeal on other grounds, I have not considered this matter further. It has therefore not been necessary for me to carry out an Appropriate Assessment as required by the Conservation of Habitats and Species Regulations 2017.

Other Matters

22. Compliance with other requirements of local and national policy, for example providing suitable living conditions for future residents, is to be expected of new development and therefore does not weigh in favour of the appeal scheme.

Planning Balance

23. The appeal scheme would conflict with the development plan as a whole, for reasons previously identified.
24. The Council acknowledges that it cannot demonstrate a five-year housing land supply, which leads me to paragraph 11 of the Framework. This states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless one of the two limbs of paragraph 11(d), (i) or (ii), indicates otherwise.
25. In this instance, I have found the harm to designated heritage assets would outweigh the public benefits of the scheme. Accordingly, the application of policies in the Framework that protect designated heritage assets provide a clear reason for refusing the proposed development in accordance with paragraph 11(d)(i). As such, the presumption in favour of sustainable development does not apply.

Conclusion

26. The proposal would conflict with the development plan when taken as a whole and material considerations, including the Framework, do not indicate that a decision should be made other than in accordance with it. The appeal is therefore dismissed.

Lewis Condé

INSPECTOR