



Appeal Decision

Site visit made on 3 April 2024

by B Pattison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th April 2024

Appeal Ref: APP/C1435/W/23/3327047

Sandridge, Crowborough, East Sussex, TN6 1JE Easting: 551505 Northing: 130226

- 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 Graeme Bennett against the decision of Wealden District Council
 - The application Ref WD/2023/1018/F, dated 17 April 2023, was refused by notice dated 27 June 2023.
 - The development proposed is erection of a block of 3 no. single garages.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The National Planning Policy Framework (the Framework) was updated in December 2023, and accordingly for the purposes of this decision I have referred to the latest version of the Framework. The content of the Framework has not been materially altered in respect of the main issues which I have considered. Therefore, it has not been necessary to seek further views from the main parties in this instance.
3. One of the Council's reasons for refusal related to insufficient information being provided to demonstrate that the proposal would not result in harm to trees to the rear of the site which are protected by a Tree Preservation Order (TPO).
4. An Arboricultural Impact Assessment (AIA), tree protection plan and draft arboricultural method statement was submitted with the appeal. The documents assess the effect of the proposal on the TPO trees.
5. It is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought. In this case, the arboricultural information provides additional detail in relation to the mitigation of harmful effects to the TPO trees, rather than any amendments to the proposal. For this reason, and as the Council have now reviewed this report, I have accepted its submission and taken account of this evidence.
6. The Council has confirmed that the AIA, tree protection plan and draft arboricultural method statement are sufficient to overcome the reason for refusal, subject to compliance with the mitigation and protection measures outlined within the AIA. They therefore advise that they no longer wish to

defend the reason for refusal in respect of the TPO trees, and I therefore do not address this matter in the reasoning below.

Main Issues

7. The main issues in this appeal are:

- the effect of the proposal on the character and appearance of the area; and
- the effect of the proposed car parking provision on highway safety.

Reasons

Character and appearance

8. The appeal site is an area of grassed land embedded within a residential cul-de-sac. The site is well maintained with mown grass, two large, mature trees and a timber fence with mature boundary planting to the rear. The cul-de-sac is fairly tight knit, defined by small terraces of two storey houses fronting a turning head, set back behind small grassed front garden areas.
9. These front gardens combined with the additional communal grassed areas, including the appeal site area, positively contribute to creating a pleasant, open character around the turning head.
10. The siting of the garages and the large area of concrete hardstanding to the front would result in the loss of the grassed open space, which has public value and positively contributes to the pleasant suburban character within the cul-de-sac. This would change the appearance of this area, having a harmful, urbanising effect upon it. Whilst single storey in height, the garages would significantly reduce the spacing around the turning head, thereby eroding the openness in this part of the cul-de-sac.
11. Whilst it may be privately owned, and regardless of its ecological value, the appeal site fulfils a role of open, communal space and I have evidence before me that the land in question is used by local residents. The large number of letters from local people are testament to the fact that this area of land is used for a variety of purposes especially, it appears, by younger children. Therefore, I consider that the land is a well utilised area of informal amenity space that is highly valued by those who use it.
12. My attention has been drawn to Policy EN18 of the Wealden Local Plan (1998) (WLP) which seeks to resist the loss of open areas and undeveloped gaps within settlements which contribute to the character or amenities of the locality. The policy is clear that undeveloped areas within settlements often make an important contribution to their character and local amenities, and I consider that the appeal site fulfils such a role.
13. There are garages within the cul-de-sac, located to the rear of the houses. As a result of their siting, they are discreet and do not interrupt the open, communal character of the cul-de-sac. In contrast, the proposed garages, which have been designed to meet contemporary parking standards, would be a highly prominent and utilitarian feature within the street scene.
14. For the reasons outlined above, I conclude that the proposal would have a harmful impact on the character and appearance of the area. As a result, there

would be conflict with saved Policies EN18 and EN27(1) of the WLP; Spatial Planning Objective SPO13 and Policy WCS14 of the Wealden District Core Strategy Local Plan (2013). Taken together, these require developments to provide high quality and attractive environments and resist the loss of undeveloped gaps within settlements which contribute to the character or amenities of the locality.

15. I also find conflict with the principles of the Framework which expect development to maintain a strong sense of place, whilst being visually attractive as a result of good architecture, layout and appropriate landscaping.

Highway safety

16. While it may not have been its originally intended use, the submitted evidence within Appendix 5 of the Council's Statement of Case indicates that the turning head has been used for car parking for a significant period of time. On my visit, which I acknowledge is a snapshot in time, I experienced the turning head and surrounding roads to be heavily parked during mid-morning on a weekday, and this included additional car parking on pavements. This suggests a high level of local parking stress.
17. The proposal would provide three formal off-street car parking spaces. Due to the width of the crossover, approximately five or six of the informal on-street parking spaces within the turning head would be removed. Therefore, there would be an overall loss of available parking spaces.
18. The reduction in on-street car parking would increase the existing levels of local parking stress. Increased parking demand in instances of limited supply may lead to additional congestion as drivers seek parking spaces, or park illegally, which would be detrimental to highway safety. There is little evidence to suggest that such circumstances could be avoided by the appeal proposal. Furthermore, no evidence, such as a parking survey, has been provided to demonstrate that sufficient on street parking capacity exists to accommodate demand as a result of the reduction in on-street car parking.
19. It is unclear who the proposed garages would be used by. However, even if the garages were used by people who were not occupiers of houses within Sandridge, it seems to me that this would result in very few additional comings and goings across a typical day. I do not find that the proposal would have an unacceptable adverse impact on the amenities of the neighbourhood as a result of the very limited additional traffic. For this reason, I do not find conflict with Policy EN27(2) of the WLP.
20. However, for the above reasons, I conclude that the proposal would harm highway safety with regard to the adequacy of the parking provision and the potential for the displacement of vehicles on to the public highway. I therefore find that it would conflict with Policy TR3 of the WLP which requires that development does not create or perpetuate unacceptable traffic conditions.
21. I also find conflict with the principles of the Framework which state that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.

Other Matters

22. As I have found that the proposal is likely to increase local car parking pressure, in my view, it would not reduce the pressure for occupiers of properties within Sandridge to convert their front gardens to parking areas in the future.
23. The proposal may be compliant with various other provisions of the development plan, for instance, I have not found harm to the living conditions of neighbouring occupiers. However, the absence of harm or conflict with other relevant development plan policies is a neutral factor and does not weigh in favour of the proposal.
24. It has been put to me that the proposal would provide an effective use of underdeveloped land. Be that as it may, this matter does not outweigh the harm I have identified.

Conclusion

25. The proposal would conflict with the development plan as a whole. There are no other material considerations, including the Framework, that indicate that the proposal should be determined other than in accordance with the development plan. The appeal is therefore dismissed.

B Pattison

INSPECTOR