



Appeal Decision

Site visit made on 25 June 2024

by Jane Smith MA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th July 2024

Appeal Ref: APP/C1435/W/23/3326322

Land to the rear of 72 High Street, Hailsham BN27 1AU

- 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 Mark Soper against the decision of Wealden District Council.
 - The application Ref is WD/2022/0005/F.
The development proposed is described as 'redevelopment including demolition of a single detached bungalow and brick garages and the erection of 4no 1-bedroom flats with parking and associated landscaping'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Draft Conservation Area Character Appraisal (CACA) for Hailsham is dated 2019, with amendments in 2020. Although the CACA is described as being in draft, its relevance to this appeal has not been disputed and both parties have referred to its contents. I have had regard to the CACA's description of the significance of the Conservation Area and buildings relevant to this appeal.
3. The appeal site was described as 72 High Street on the application form, but it also includes an existing bungalow at 4 St Wilfrid's Green. The appeal form more accurately described the site as 'land to the rear of 72 High Street', and I have used that address in the banner heading above.

Main Issue

4. The main issue is whether the proposed development would preserve or enhance the character or appearance of the Hailsham Conservation Area, and its effect on the significance of non-designated heritage assets.

Reasons

Existing Heritage Assets

5. The appeal site is a parcel of land at the rear of 72 High Street, within the Hailsham Conservation Area. It currently contains a bungalow fronting St Wilfrid's Green and a pair of garages in a gravel yard behind no. 72, all of which would be demolished. The Conservation Area includes the appeal site and the surrounding frontages to the High Street and part of North Street. However, the adjacent housing and commercial development on St Wilfrid's Green and Vicarage Lane is outside the Conservation Area and of modern post war design.

6. The significance of the Conservation Area includes the survival of buildings revealing the 19th century expansion of Hailsham around its Medieval core, linked to the development of the railway and a period of growth in commercial activity and prosperity. Buildings from this era are prevalent within the town centre frontages around the appeal site. Several, including 72 High Street, the bungalow and one of the garages, are identified in the CACA as buildings of local interest.
7. No. 72 is a substantial detached house, the ground floor of which now houses an optician's practice. It continues to display a high standard of original detailing typical of the late Victorian/Edwardian period, including a prominent double bay window and gable on each of the principal elevations. It is a distinctive and attractive building, which terminates views along North Street. The CACA describes its origins as a detached house set within its own garden and highlights the surviving garden walls as distinctive features. The extent of the plot associated with the building reflects its scale and status, contributing positively to its significance.
8. Heritage evidence from both parties indicates that the bungalow at the rear of the appeal site has 19th century origins, corresponding with part of an earlier range of agricultural buildings which existed before no. 72 was built. This modest single storey building has a narrow plan form with shallow pitched slate roof. Although its external detailing now reflects its conversion to residential use, probably in the early 20th century, its narrow proportions and position at the rear of no. 72 High Street continue to hint at this earlier relationship. The location of the bungalow on the periphery of the Conservation Area reflects its historic relationship with the expanding town centre. Evidence from the Council indicates that its inclusion in the Conservation Area, in contrast to the exclusion of either neighbouring plot, takes account of the significance of the bungalow in its own right.
9. No. 72 and the bungalow are identified by the Council as non-designated heritage assets (NDHA). While the appellant disputes the level of significance which should be attributed to these buildings, their status as NDHA is not disputed. Having considered the evidence provided from both parties, I agree that both buildings can be regarded as NDHAs as defined in the National Planning Policy Framework (the Framework) and Planning Practice Guidance.
10. The pair of garages behind no. 72 appear to be mid 20th century additions, one being older than the other. They are not of inherent architectural merit and are in visibly poor condition, with external cracks and missing tiles. The parties disagree as to whether the CACA accurately identifies the older of the two. Given their relatively recent construction and lack of inherent architectural interest, any heritage significance derives primarily from their relationship with no. 72. Nevertheless, even if the garages are not regarded as NDHAs in their own right, they have some group value as part of the plot around no. 72, since they allow its scale, including ancillary buildings, to be clearly understood.

Effect of Demolitions on Heritage Assets

11. Demolition of the bungalow would eliminate any remaining opportunity to appreciate the historic relationship between no. 72 and the 19th century buildings which originally lay to the rear. Consequently, the harm arising from total loss of this NDHA would be significant, notwithstanding its altered appearance and current condition. Loss of the bungalow would also be harmful

to the significance of the Conservation Area as a whole, which includes the survival of buildings revealing the 19th century evolution of the settlement.

12. Loss of the garages would be of more limited and indirect harm, with the harm arising primarily to the significance of no. 72, through the loss of ancillary buildings within its garden plot.

Effect of Proposed Flats on Heritage Assets

13. The proposal would introduce a two storey building at the rear of no. 72, which would significantly curtail the sense of space behind the building. Although the garden walls and planted garden would be retained, the extent of the gravel yard would be reduced. Therefore, the overall scale of the plot as currently understood would be eroded. Although views into this part of the site are largely obscured by existing buildings, and further screened by the evergreen tree in the garden, the roofs of the garages and bungalow are visible from North Street, in the gap between no.72 and the neighbouring flats. From that perspective, the taller, wider two storey building would be significantly more conspicuous than the existing single storey structures, and the NDHA would be even more hemmed in by modern development.
14. From Vicarage Lane, the appeal site is largely obscured by the flats at St Wilfrid's Court and the adjacent houses. However, the proposed flats would be clearly visible from St Wilfrid's Green at the rear. From here, the erosion of space behind no. 72 would be clearly apparent.
15. While the proposed building may be of lower overall height than no. 72, it would have a wider footprint, extending across most of the width of the site. It would not appear subservient in scale and would relate more clearly to the massing and layout of the post war housing at the rear. The use of brickwork and decorative tile hanging, as found on no. 72, would not compensate for the erosion of space. Nor are the symmetrical elevations inherently beneficial, given that symmetry is not a notably important or distinctive aspect of the surrounding buildings.
16. The development would cause a significant level of harm to the significance of no. 72, by reason of its reduced and more enclosed garden setting. For similar reasons, the proposed flats would be harmful to the significance of the Conservation Area as a whole, due to the additional encroachment of modern development at the rear of no. 72, further hemming in the surviving Victorian/Edwardian street frontage.

Conclusion on Main Issue

17. For the reasons given above, I conclude that the proposed development would fail to preserve the character or appearance of the Hailsham Conservation Area, as a result of the demolition of the existing bungalow and the increased level of enclosure at the rear of no. 72 High Street.
18. Evidence from both parties concludes that there would be less than substantial harm to the significance of the Conservation Area. Taking into account the scale of the appeal site in relation to the Conservation Area as a whole, and the extent of earlier alterations to the bungalow, I concur with that conclusion. However, although the harm is less than substantial, it should not be treated as a less than substantial objection to the proposal. I have attached considerable importance and weight to the desirability of avoiding such harm,

in accordance with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

19. I further conclude that the proposal would be harmful to the significance of non-designated heritage assets, with the overall level of harm being significant in relation to the total loss of the bungalow and the erosion of the plot around no. 72 High Street, but limited and indirect in relation to loss of the garages.

Public Benefits and Other Considerations

20. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, paragraph 208 of the Framework requires that the harm is weighed against the public benefits of the proposal, including, where appropriate, securing its optimum viable use. In accordance with Framework paragraph 209, a balanced approach should also be taken to the effect of development on NDHAs, having regard to the scale of any harm and the significance of the heritage asset.
21. Evidence has been provided of a structural appraisal of the garages and bungalow¹. In the case of the garages, this evidence describes the buildings as dilapidated, with many structural problems. As such there is some doubt as to the likelihood of long-term retention and viable use of these structures, even if the appeal site is not redeveloped.
22. A few structural problems affecting the bungalow are also identified, including some roof members in poor condition and a crack in the rear wall. However, the evidence does not demonstrate that these defects could not be economically rectified or that the building is incapable of continued beneficial use as a dwelling. As such, the condition of the bungalow does not, of itself, justify its demolition and the harm arising from loss of the NDHA.
23. The harm arising from loss of the bungalow could not be adequately mitigated through recording, since its significance derives from its position and relationship with no. 72, rather than the fabric of the building. While loss of an existing building in a Conservation Area does not automatically amount to harm, depending on what is proposed in replacement, in this case the totality of the proposal would result in harm to both designated and non-designated heritage assets.
24. The proposal would contribute a net increase of three dwellings, in a District where there is an acknowledged and protracted shortfall in housing land supply and delivery. They would be in a central location with easy access to services and facilities. There would be economic benefits through the construction process, at a modest level commensurate with the scale of the proposal. The one-bedroom flats are likely to be suitable for a range of occupiers, including first time buyers and those downsizing from larger properties. However, no substantive evidence has been provided of an objective shortfall in this specific type of property, as opposed to housing more generally.
25. More efficient use would be made of a small, previously developed site. However, the Framework's support for such development is not at the expense of ensuring that all development is suitably designed.

¹ David Wood MSc CEng MICE Report on a Structural Inspection, dated February 2022

26. The proposed flats would meet current standards of energy efficiency and would be in better condition than the existing buildings. However, given that the evidence does not clearly demonstrate that the existing bungalow is incapable of ongoing use, with any necessary repairs, that is a factor to which I have given limited weight.
27. While there is potential for ecological enhancement, there is no clear indication that this would go beyond relevant requirements in the development plan and Framework and therefore this is a neutral consideration. Income from Council Tax and payment of the Community Infrastructure Levy is also a neutral consideration, since this relates to the cost of public services and infrastructure to support new development and does not amount to a net benefit.

Heritage Balance

28. While there are a number of positive considerations, as outlined above, given the small scale of the proposal the public benefits are inherently modest in extent. Even when considered collectively, they carry modest positive weight. As such, the public benefits of the proposal do not outweigh the less than substantial harm to the significance of the Conservation Area, which carries considerable importance and weight, and the harm to the significance of the NDHAs.
29. For the reasons given above, I conclude that the proposed development would not preserve or enhance the character or appearance of the Hailsham Conservation Area, and that it would be harmful to the significance of non-designated heritage assets. It would conflict with Policies EN19 and EN27 of the Wealden Local Plan 1998, Strategic Planning Objectives 2 and 13 in the Core Strategy² and Policies HAIL D1 and HAIL D2 in the Hailsham Neighbourhood Plan 2021. These policies collectively require that development preserves or enhances the character of Conservation Areas and provides a high quality of design responding to local context, including the historic environment.
30. The proposal would also conflict with the Framework's approach to conserving and enhancing the historic environment, including the balanced approaches in paragraphs 208 and 209, as summarised above. While paragraph 11d of the Framework is applicable due to the Council's housing land supply position, there is a clear reason for refusing the development based on the application of policies in the Framework that protect designated heritage assets. Therefore, the proposal does not benefit from the presumption in favour of sustainable development as defined in that paragraph.

Other Matters

31. The Heritage Statement includes evidence that the proposal would have no harmful effect on the significance and setting of the nearby Grade II listed Former Infants' School and the Council has not alleged that there would be any harm to this designated heritage asset. The listed building is on the opposite site of a busy road junction and stands somewhat apart from the appeal site. Based on the evidence before me and my observations on site, I concur that the significance of this listed building and its setting would be preserved.
32. The design was amended, and further heritage evidence was submitted, in response to pre-application advice. However, those changes did not fully

² Wealden District (incorporating part of the South Downs National Park) Core Strategy Local Plan 2013

address the matters raised in the Council's advice. In any case, the evolution of the proposal prior to the Council's decision is of limited relevance in the appeal process and I have considered the proposal on its merits.

Conclusion

33. The proposed development would conflict with the development plan. No other material considerations, including the provisions of the Framework, indicate that a decision should be made other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

Jane Smith

INSPECTOR