



Appeal Decision

Site visit made on 19 August 2024

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

an Inspector appointed by the Secretary of State

Decision date: 28th August 2024

Appeal Ref: APP/D3830/W/23/3330802

Land at Anscombe Woods Crescent, Haywards Heath RH16 4UJ

- 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 c/o Mr Simon Brown of Homes (Haywards Heath) Ltd against the decision of Mid Sussex District Council.
 - The application Ref is DM/21/3875.
 - The development proposed is "The erection of two buildings to provide 2 no. 1 bed apartment, 6 no. 2 bed apartments and 2 no. 3 bed apartments (total 10 units), with associated access, car parking, covered cycle parking, refuse store, SUDS pond and woodland management plan".
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by c/o Mr Simon Brown of Homes (Haywards Heath) Ltd against Mid Sussex District Council. This application is the subject of a separate Decision.

Preliminary matters and main issues

3. The description of the proposed development in the banner heading above has been taken from the application form. However, the SUDS (sustainable drainage system) pond was omitted during the application process. During the appeal process, a planning obligation to secure financial contributions towards infrastructure was completed, so the Council has confirmed that it does not seek to defend its reason for refusal 2.
4. 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 the nearby dwellings at Larchwood and in Bowden Way, regarding privacy, daylight and sunlight, and outlook.

Reasons

Character and appearance

5. The irregular-plan appeal site wraps around Larchwood, which includes the Victorian style mainly 2 storey dwellings at numbers 1 to 4 Anscombe Woods Crescent, and is situated within the built up area boundary of the Category 1 settlement of Haywards Heath. The site, which was part of the former St Francis' Hospital site (the former hospital site), includes most of Anscombe

Woods Crescent, which is reached from Southdowns Park. The site is bounded to roughly north west by Colwell Road and the grounds of The Lodge, and to roughly south west by a soft landscaped footpath, drive and parking areas on the roughly north east side of Bowden Way. Some nearby dwellings in the adjoining part of Colwell Road are at a lower level, and the roughly south east part of the site slopes down from Larchwood towards Bowden Way, which mostly falls down to roughly east. The site includes mixed woodland W.1 and individual trees T.1 Oak, T.3 Wellingtonia and T.4 Pine which are subject to Mid Sussex District (Haywards Heath No 1) Tree Preservation Order 1999 relating to Former St Francis Hospital Haywards Heath West Sussex (TPO). The woodland in the roughly north west part of the site is ancient woodland.

6. Ancient woodland is an irreplaceable habitat. So, Policy DP37 of the Mid Sussex District Plan 2014-2031 (LP) states that development should be positioned as far as possible from ancient woodland with a minimum buffer of 15 m maintained between ancient woodland and the development boundary. The minimum buffer zone overlaps part of the road and the island in Anscombe Woods Crescent, and it is close to the grounds of 4 Anscombe Woods Crescent. So, development is mainly restricted to the roughly east part of the crescent and the south east part of the site, which is mostly beyond the backs of the nearby dwellings at Larchwood.
7. The nearby mainly residential area is mostly characterised by 2 storey pitched roofed dwellings of various ages and styles set within the sloping topography. Whilst the layout of the dwellings beyond the former hospital site vary with their age to include linear development along roads and more recent cul de sac type developments, most of the development within it respects the ordered layout of the substantial listed former hospital buildings. The trees and greenery within the nearby development, and the TPO trees and ancient woodland at the site, contribute positively to the local suburban character.
8. The proposal includes a handed pair of roughly L-plan buildings sited at an angle to one another and to Larchwood in the south east part of the site, near its boundary with Bowden Way. Plots 1 to 5 (building A) and Plots 6 to 10 (building B) would include rooms on 3 storeys, but their upper floors would be partly within their roof spaces. They would be reached by a shared route by the grounds of 4 Anscombe Woods Crescent from most of their parking spaces, which would be sited within the presently verdant island in the crescent. As parts of the development would encroach into the ancient woodland's minimum buffer zone, the proposal includes compensatory measures, which could be secured by conditions if the proposal were to be otherwise acceptable.
9. Buildings A and B would be sited to roughly south east and south of Larchwood respectively with a gap between them. They would be similar in height to Larchwood, but taller than the nearby dwellings in Bowden Way. Building A would be sited a little lower than Larchwood, and as the land slopes down more steeply at the back of Larchwood, building B would be a little lower than building A. Whilst part of building A would be seen from Anscombe Woods Crescent, the rest of the buildings would be largely screened by Larchwood.
10. The vegetation in Bowden Way by the site boundary would provide a partial screen, but due to the scale and siting of the proposal, and the lie of the land, it would be unacceptably dominant and overbearing in the street scene on the north east side of Bowden Way. As the dormers in the proposal's upper floors

would align with its outside walls, the buildings would have an imposing appearance, which would be emphasised by their siting above the levels in Bowden Way. As the 2 storey dwelling at 3 Bowden Way is partly cut into the ground, it would be dominated by building A. That impact would not be so overbearing or so oppressive that it would harm its occupiers' living conditions, but it would be out of character with their reasonable expectations in the local suburban area. Moreover, as the scale and height of the proposal's broad and dominant forms would be at odds with the scale and character of the nearby dwellings at Larchwood and in Bowden Way, it would erode the sense of place in Bowden Way and Kennard Lane, including the nearby part of Barry Drive.

11. The proposal's relatively low density would reasonably be expected when much of the site includes ancient woodland, its buffer zone and the root protection areas of the TPO trees. The 3 storey dwellings further along Bowden Way are sited on lower ground facing good-sized soft landscaped areas opposite and at the side. Moreover, the traditional form and character of the 2 storey plus attic dwellings further along Southdowns Park respect the larger former hospital buildings close by, which lie beyond the car park in Wheelers Court. So, the site specific circumstances of those developments differ from those of the proposal. Whilst the Council had resolved to permit application ref 12/04158/FUL for 10 dwellings at the site subject to completion of a planning obligation several years ago, the appellant's plan shows that much of that development would have been within the ancient woodland's buffer zone, so it provides little support for this damaging scheme.
12. Therefore, I consider that the proposed development would harm the character and appearance of the surrounding area. It would be contrary to LP Policy DP26 which seeks high quality design and respect for context, Policy E9 of the Haywards Heath Town Council Neighbourhood Plan (NP) which aims to protect and reinforce local character, and NP Policy H8 which seeks respect for context.

Living conditions

13. The proposal would partly enclose the outlook from the back of Larchwood and its grounds, but within a suburban area such as this, some degree of mutual overlooking would reasonably be expected. Due to the distances and relationships between the backs of the nearby dwellings and their back gardens at Larchwood and the fronts of buildings A and B, and their orientation, the proposal would not be likely to cause a significant loss of daylight or sunlight, or significant loss of privacy, and it would not be so overbearing or so oppressive that it would harm the living conditions of the occupiers of the nearby dwellings and back gardens at Larchwood.
14. The openings and balconies in the backs of the proposal would face towards the fronts of the nearby dwellings in Bowden Way. So, due to the range of distances and relationships between them, the proposal would not cause an unacceptable loss of privacy for the occupiers of the nearby dwellings in Bowden Way. For the same reasons and due to the orientation, the proposal would not cause a detrimental loss of daylight or sunlight, or be so oppressive or overbearing that it would harm those nearby occupiers' living conditions.
15. Thus, I consider that the proposal would not harm the living conditions of the occupiers of the nearby dwellings at Larchwood and the nearby dwellings in Bowden Way regarding privacy, daylight and sunlight, and outlook. It would satisfy LP Policy DP26 which aims for development to not cause significant

harm to the amenities of nearby residents, and NP Policy H8 which seeks to safeguard the privacy, daylight, sunlight and outlook of adjoining residents. So, this matter attracts neutral weight in the planning balance.

Other matters

16. The appellant has submitted a completed planning obligation for financial contributions towards infrastructure in accordance with LP Policy DP20. However, as the proposal would be unacceptable for other reasons, there is no need for me to consider the planning obligation. Whilst the proposal would be within the wider settings of the listed buildings at the former St Francis' Hospital, due to their distance from and relationships with the site, their settings would be preserved.
17. The proposed woodland management plan and improvements to existing development within the ancient woodland's buffer zone are necessary to compensate for the proposed development within it, so they attract neutral weight. As LP Policy 39 seeks sustainable design and construction, the sustainability measures referred to by the appellant do not weigh in favour. Whilst the benefits of the scheme would include 10 welcome new homes in a reasonably accessible location, jobs during construction, and future occupiers' support for the local economy, they would not outweigh the harm that the proposal would cause to the character and appearance of the surrounding area.

Conclusion

18. I have found that the proposed development would be contrary to the Development Plan when taken as a whole. The other considerations in this case, including the National Planning Policy Framework, do not outweigh that conflict.
19. For the reasons given, the appeal should be dismissed.

J Reid

INSPECTOR