



Appeal Decision

Site visit made on 7 August 2024

by A Knight BA PG Dip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th September 2024

Appeal Ref: APP/C1435/W/24/3337858

Elmstead House, Plot 3, land at Little Oaks and adjacent to Kobek, Blackness Road, Crowborough, East Sussex TN6 2NB

- 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 & Mrs Gordon & Margaret Brown against the decision of Wealden District Council.
 - The application Ref is WD/2023/0848/F.
 - The development proposed is the creation of new access to serve Plot 3 approved under WD/2020/0063/F (phased construction of 3 No. four bedroom detached self-build dwellings and associated sustainable drainage system, landscaping, vehicle access and car parking, comprising of phase 1 including plot 2 and plot 3, in addition to access arrangement and landscaping to the south of the site, and phase 2, plot 1).
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have adopted the description of the development from the decision notice and the appeal form in the banner heading above, in the interests of clarity. I am satisfied that no interested party has been prejudiced by this approach.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

4. The appeal site is located at the eastern end of Blackness Road. Whilst much of the road has a suburban feel, the section around the appeal site has a wholly different character. This area is more densely wooded, and comprises a narrow, single-track lane with no pavements or street lighting, tightly enclosed on both sides by dark, steep banks, thick undergrowth, and mature trees. Vehicular access points puncture the verdant flanks of the lane in several places but are generally far enough apart that the intervening greenery remains the dominant characteristic of the roadsides, rather than the access points themselves.
5. Surrounding houses are generally not located directly in line with their vehicular access points and are only partially visible behind the green banks of the lane. The bend and slope in this part of the road prevents views of the more suburban settings beyond. These features create a distinct sense of enclosure and seclusion in the road.

6. The appeal site includes a substantial detached dwelling with an expansive hardsurface and detached double garage to the front. This is accessed via an entrance shared with two other, as yet undeveloped, plots. The site contributes and adheres to the character of the area in that its boundary with Blackness Road comprises a dense mass of shrubs and trees past which the house is only partially visible.
7. In removing roadside trees and overgrowth and creating a new access very close to the existing one, the appeal proposal would harmfully erode the tightly enclosed character of the roadside, and create a stretch in which vehicular accesses would be the dominant feature. Furthermore, the proposed access would afford a direct line of sight to the imposing front elevation of the appeal site dwelling, and the expansive hardsurface outside it. This view would create a more open, formal, and developed feel, harmful to the undeveloped, secluded character of the road.
8. I recognise it is common for local homes to have a private access point, and that the appeal site currently does not. Whether a drive serves one or more homes is often not clear from the road and, as such, I do not consider that providing a private access to the appeal site would adhere to any discernible characteristic of the area.
9. I appreciate that proposed replanting would result in no overall reduction in the number of trees, and that replacements would be planted towards the front of the site. Nevertheless, it is the loss of trees running tight to the roadside that would harm the character of the area. The proposed replanting would not mitigate that harm, even once the new trees had become established.
10. I note that the proposal would reduce potential congestion and eliminate the prospect of a collision on the existing shared access, as well as increasing the amenity space enjoyed by the appeal site and the neighbouring, undeveloped, plot. The degree of segregation and privacy between plots would also increase. Notwithstanding that the current arrangements in each respect were found acceptable recently through the planning permission that led to them, the number and speed of vehicular movements on the shared access is, in any event, likely to be very limited, and each plot already has a large amenity area, sufficiently separated from each other to ensure adequate privacy. Any improvements in these respects are likely to be extremely minor therefore and would not mitigate against the harm identified above.
11. I acknowledge that the proposed access may provide a further informal passing place in a narrow lane. Even if using the proposed access in this way were safe, this would be a very modest benefit which would not reduce the harm identified above. In addition, I recognise that the trees that would be lost are not, of themselves, worthy of retention on the basis of their quality alone, and their loss could be offset by new planting and steps to promote biodiversity. Nevertheless, it is the loss of trees tight to the roadside and the insertion of a driveway in their place that would harm the character of the area, and the proposed mitigation would not be sufficient to address that harm.
12. Overall, For the reasons set out above the proposed access would have a harmful effect on the character and appearance of the area. Therefore, the development would not comply with saved Policies EN12, EN27 and DC19 of the Wealden Local Plan 1998 and Spatial Planning Objectives SPO13 of the Wealden Core Strategy Local Plan 2013, where they require retention of the

contribution made by trees, for development to promote local distinctiveness, and not be intrusive in the landscape, as well as to the comparable aims in Chapter 12 of the National Planning Policy Framework.

Conclusion

13. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. The appeal is dismissed.

A Knight

INSPECTOR