



Appeal Decision

Site visit made on 28 October 2024

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

an Inspector appointed by the Secretary of State

Decision date: 4th November 2024

Appeal Ref: APP/D3830/W/24/3345555

Chester House, Harlands Road, Haywards Heath, West Sussex RH16 1LR

- 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 Jon Bennett of Chester House Haywards Heath Limited against the decision of Mid Sussex District Council.
 - The application Ref is DM/23/0828.
 - The development proposed is redevelopment of existing car park to provide a 5 storey building to the west of Chester House, Harlands Road, for 14 dwellings, together with ancillary residential facilities, and including changes to parking, and additional bin and bike store provision.
-

Decision

1. The appeal is dismissed.

Preliminary matter and main issue

2. The appellant has submitted a completed planning obligation for financial contributions towards infrastructure and affordable housing during the appeal process. As the obligation would resolve the Council's concerns regarding local policy requirements in line with the statutory tests in The Community Infrastructure Levy Regulations 2010 (as amended), the Council has confirmed that it does not seek to defend its reason for refusal 3.
3. The main issue is the effect that the proposed development would have on the living conditions of the occupiers of the first, second and third floor flats on its north east side, regarding outlook, and on the living conditions of the occupiers of the back garden of the dwelling at 2A Turners Mill Road, regarding outlook.

Reasons

4. The appeal site is situated within the built up area boundary of the Category 1 Settlement of Haywards Heath on the roughly north corner where Burrell Road meets Harlands Road. The site is bounded by Turners Mill Road to roughly north west, the dwelling and its grounds at 2A Turners Mill Road and the grounds of the 4 storey residential building at White House to roughly north east, Burrell Road to roughly south east, and Harlands Road to roughly south west. The locality, which is roughly a mile from the town centre, includes a mix of commercial and residential uses to roughly south and east, including a supermarket and the rail station. The suburban area to roughly north and west includes dwellings in a range of types and styles.
5. The 7 storey roughly L-plan residential building at Chester House is situated towards the site's south east boundary, reached from Burrell Road, and edged

by car parking to roughly north east, north west and south west. The proposal would be sited in the car park by the north west end of Chester House. Because the proposal's 7 storey lift and stair core would replace the external fire escape staircase at Chester House, fire escape doors would be provided between Chester House and the proposal for use in the event of fire. The ground floor of the proposal would include a hall, parking, ancillary spaces and a vehicular route between the open parking on the south west and north east sides of the buildings. The flats would be located on the 4 floors above. The layout of the first, second and third floors would be similar, but most of the fourth floor would be set back from the floors below. The proposal's hall would face Harlands Road and its north west side would broadly align with the front of the 3 storey chalet style dwelling at 2A Turners Mill Road.

6. The first, second and third floor flats on the north east side of the proposal would include part clear glazed part obscure glazed asymmetrically canted bays to prevent their occupiers overlooking the back gardens of the nearby dwellings to roughly north east, of which the back garden at 2A Turners Mill Road would be the closest. Those one bedroom 2 person flats would include a kitchen/dining/living space (living space) and a bedroom. Most of the bays would include a narrow roughly full height clear glazed window and a wide roughly full height obscure glazed window separated by its wall. There would be little space between one bay and the next, so the outlook from one side of the narrow clear glazed window in one bay would be restricted by the outside wall of the next bay projecting forward close by beyond it.
7. The bays in the irregular-plan living spaces in the 3 relevant flats would include 2 wider obscure glazed windows and one narrow clear glazed window, as well as the wide roughly full height clear glazed roughly north facing door and window by the balcony. So, the outlook from the living space would be acceptable. However, as the bay in the irregular-plan bedroom would be nearly as wide as the room, the only narrow clear glazed window would be squeezed into a corner of that room. Whilst the outlook through that narrow clear glazed window would be seen from much of the bedroom, it would barely be seen on entering that room, as shown in the appellant's section D-D. So, the bedroom would be an unwelcoming space, and the restricted outlook from its ill-sited narrow clear glazed window would be poor.
8. As substantial parts of the bays in both rooms would be obscure glazed, their hard surfaced engineered forms would be unacceptably at odds with the reasonably expected residential character in the living space and the bedroom. Due also to the lack of outlook through those dominant obscure glazed windows, they would be discordant and oppressive features in both rooms.
9. Whilst bedrooms are usually mainly used for dressing and sleeping, 2 occupiers sharing the flat would reasonably expect to be able to use each of their only 2 main rooms for different activities at the same time, such as one person studying or working from home, and the other relaxing or entertaining friends. So, an acceptable outlook from the bedrooms would be necessary for the occupiers' health and wellbeing. As the proportions of the windows in the Sunbeam apartments appear to differ from those of the narrow clear glazed windows before me, they provide little support for the proposal.
10. The outlook from the back garden of the dwelling at 2A Turners Mill Road is dominated by White House and Chester House. Even so, there is a good-sized

gap between the back of that dwelling and the north west side of Chester House to roughly south west and west of that dwelling's back garden. There is another gap between White House and Chester House beyond the far end of that back garden, but as the parts of back gardens closest to the backs of dwellings are usually the most frequently used, the gap between that dwelling and Chester House is more important.

11. Due to the proposal's relationships with the back garden of the dwelling at 2A Turners Mill Road, the orientation and the lie of the land, the proposal would harmfully intrude into the important south westward views from the dwelling's back garden. Whilst part of the view towards Turners Mill Road would remain, and whilst the present occupier has not raised concern, due to its scale, height, bulk and siting, the proposal would be unacceptably overbearing and oppressive in the outlook from that back garden.
12. My colleague's appeal decision ref APP/D3830/W/23/3319133 has been considered. However, as the scheme before my colleague was, amongst other things, partly taller and a little closer to 2A Turners Mill Road, I have dealt with the proposal before me on its merits.
13. Therefore, I consider that the proposed development would harm the living conditions of the occupiers of the first, second and third floor flats on its north east side, regarding outlook, and that it would harm the living conditions of the occupiers of the back garden of the dwelling at 2A Turners Mill Road, regarding outlook. It would be contrary to Policy DP26 of the Mid Sussex District Plan 2014-2031 which seeks high quality design and for development to not cause significant harm to the outlook of existing nearby residents and future occupants of new dwellings, and the National Planning Policy Framework (Framework) which seeks well-designed places and a high standard of amenity for existing and future users.

Other matters

14. As the proposal would not be acceptable for other reasons, there is no need for me to consider the planning obligation. The appellant's suggested soft landscaping condition would not overcome the harm identified in my main issue. The benefits of the scheme would include 14 welcome new homes on previously developed land in an accessible location, jobs during construction, and the future occupiers' likely local spend. However, taken together, all of the benefits would not outweigh the harm that the proposal would cause to the living conditions of the occupiers of the first, second and third floor flats on the north east side of the proposal and to the living conditions of the occupiers of 2A Turners Mill Road.

Conclusion

15. 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 Framework, do not outweigh that conflict.
16. For the reasons given, the appeal should be dismissed.

J Reid

INSPECTOR