



Appeal Decision

Site visit made on 2 October 2024

by J Moore BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th November 2024

Appeal Ref: APP/D3830/W/23/3330530

42 Estcots Drive, East Grinstead, West Sussex RH19 3DB

- 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 S Gadd against the decision of Mid Sussex District Council.
 - The application Ref is DM/23/1507.
 - The development proposed was originally described as: To add a proposed 2 Bedroom Dwelling on land adjoining 42 Estcots Drive with a dropped kerb to allow for parking arrangements.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In December 2023 the National Planning Policy Framework (the Framework) was revised. The main parties have had the opportunity to comment on any implications of the revised Framework within the appeal timetable.
3. A planning application at the appeal site (ref: DM/23/2409) was under consideration by the Council at the time the appeal was made. During the appeal I asked for an update on this matter. The application was granted by the Council in April 2024 and details have been provided to the appeal. The permission is for a similar scheme, albeit for a one-bedroom dwelling. I have therefore taken this matter into consideration.

Main Issue

4. Following the submission of a planning obligation by the appellants to the appeal, the Council withdrew its second reason for refusal. Therefore, the main issue is the effect of the proposal upon the living conditions of neighbouring occupiers at No 40 Estcots Drive, with particular regard to outlook.

Reasons

5. The appeal property (No 42) is within a residential area. The general built form of dwellings in the area is such that they are effectively 'link detached', with single storey garages forming the link. The plot at No 42 includes an attached single storey garage, with further side space towards its neighbour at No 40. The proposal would result in the demolition of the attached garage and other outbuildings within the side space, and the proposed detached dwelling would be sited to the side of No 42 with its own dedicated parking space and dropped kerb.

6. The plot shape at No 42 is such that it tapers along the side boundary to its neighbour at No 40, which is a linked detached dwelling to No 1 Elm Drive and is a corner plot. No 40's garden space is of an 'L' shape, enclosed by tall fencing at the back of the footway before turning along the side boundary to No 42, and thus it wraps around a substantial proportion of its main elevation and continues along its flank. This flank includes patio doors to the ground floor and a window to the first floor, likely to serve habitable rooms, and therefore these openings play an important role in the outlook for existing occupiers at No 40.
7. The existing separation distance between Nos 42 and 44 is about 15m, and due to the siting of the proposed dwelling, the separation distance would be reduced to about 9.2m, with the proposed dwelling positioned about 1.9-2.2m from the side boundary of No 42. Therefore, due to the siting and scale of the proposed dwelling, its flank would appear prominently within view from the openings within the flank elevation of No 40 and from within its garden.
8. An existing single storey outbuilding within the garden of No 40 would obscure part of the view towards the proposed dwelling, and trees along the boundary within the garden of No 40 would provide some degree of screening. However, the proposed dwelling would appear unacceptably overbearing due to its proximity. The appellant suggests that the view would be of the flank of the proposed dwelling, with intervening tree cover, largely as it is at present. However, the proposed dwelling would be significantly closer to No 40 compared to the present situation. While other areas of garden would be available to No 40, the outlook from its openings within the flank elevation and from other parts of the garden would be unacceptably dominated by the proposal. For these reasons, the proposal would result in significant and unacceptable harm to residential amenity at No 40.
9. The existing dwelling at No 42 has a first-floor window facing towards No 40. The flank of the proposed dwelling would not have any openings towards No 40 and thus the appellants suggest that the proposal would remove any existing overlooking into No 40. However, this does not change my finding that the flank of the proposed dwelling would be so close that it would appear overbearing from No 40.
10. The appellants advise that the Council have accepted a separation distance of about 8m for a scheme at Burgess Hill (planning application ref: DM/22/3049). However, the Council's submissions indicate that the approved separation distance at Burgess Hill is at least 9.5m. The Council's position is not disputed by the appellants, and I find no reason to consider otherwise. The evidence pertaining to the approved scheme (ref: DM/23/2409) indicates that the separation distance to the approved dwelling would be at least 9.5m, and this would therefore be consistent with the Council's approach at Burgess Hill. The appellants draw my attention to what they consider to be similar separation distances at Nos 53-54 Maple Drive, not far from the appeal site. No measurements are provided, but during my visit I saw that the relationships between built form, plot shape and size are not directly comparable to the appeal scheme before me.
11. I therefore conclude that the proposal would unacceptably harm the living conditions of neighbouring occupiers at No 40 Estcots Drive, with particular regard to outlook. It conflicts with Policy DP26 of the Mid Sussex District Plan

2018 and Policy EG3 of the East Grinstead Neighbourhood Plan 2016, which both seek to protect residential amenity, and the Framework's objective to ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Other Matters

12. The evidence before me indicates that the appeal site is within proximity to European Protected Sites, namely the Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC). The appeal scheme would result in a net increase in population which could likely impact upon the integrity of the SPA and/or SAC through increased recreational pressure and atmospheric pollution. The appellant has submitted a planning obligation to mitigate the effect of the proposal in this regard. If I were minded to allow the appeal, I would need to examine these matters further and undertake an Appropriate Assessment of the implications of the appeal scheme, in accordance with The Conservation of Habitat and Species Regulations 2017 (as amended). As I am dismissing the appeal on the main issue, the outcome of an assessment would have no bearing on the overall outcome of the appeal. Therefore, it is not necessary for me to consider this matter further.
13. The proposal would support the government's objectives for the efficient use of land and to significantly boost the supply of land for homes. As a small site it could be delivered quickly. Temporary economic benefits would arise during the construction phase, with permanent economic benefits arising thereafter from additional household expenditure. However, these benefits would be limited by the scale of the proposal.
14. I have had regard to representations made during the determination phase and to the appeal. However, I note many of these matters were considered where relevant by the Council when it determined the planning application. There is no compelling evidence before me that would lead me to come to a different conclusion to the Council on those matters. As I am dismissing the appeal on the main issue, and consideration of any other matters raised will not alter my decision, it is not necessary for me to address them directly.

Planning Balance and Conclusion

15. The evidence indicates that the Council's housing supply circumstances have changed since the appeal was submitted. The Council can demonstrate a five-year supply of deliverable housing sites and the 2022 Housing Delivery Test indicates no consequences. Therefore, the provisions of paragraph 11d of the Framework do not apply in this case. In any event, it is clear that the limited benefits of the proposal would not outweigh the unacceptable harm that I have found to the living conditions of neighbouring occupiers.
16. For the above reasons, I therefore conclude that the proposal conflicts with the development plan read as a whole, and the material considerations do not indicate that the appeal should be decided other than in accordance with it. The appeal is therefore dismissed.

J Moore

INSPECTOR