



Appeal Decision

Site visit made on 4 March 2025

by **S Harley BSc(Hons) M.Phil MRTPI ARICS**

an Inspector appointed by the Secretary of State

Decision date: 14 March 2025

Appeal Ref: APP/C1435/W/24/3351204

Downsview, Hempstead Lane, Hailsham, East Sussex, BN27 3AA

- 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 A Nuttall against the decision of Wealden District Council.
 - The application Ref is WD/2024/0347/F.
 - The development proposed is demolition of existing bungalow and erection of two units of four bedroom detached houses including new crossover.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The main Parties have had the opportunity to comment on the National Planning Policy Framework (the Framework) which came into force in December 2024 and which is a material consideration.
3. At the time the Council decided the application it considered that 3.83 years supply of deliverable housing land could be demonstrated against a requirement in the Framework of five years. A later version of the Framework introduced a lower requirement of four years deliverable housing land supply where, as in this case, the Council had progressed a consultation on an emerging Draft Local Plan under Regulation 18 of the Town and Country Planning Act (England) Regulations 2012.
4. The recent Framework has reintroduced the five year requirement for Councils with a very draft plan. The Council's Final Housing Land Supply Position September 2024 indicates a deliverable housing land supply of 4.45 years as of 1 April 2024. Little evidence on this matter has been supplied as part of this appeal but I have been made aware by the Council, in relation to another appeal before me, that it now considers the deliverable housing land supply to be 3.68 years.

Main Issues

5. The main issues are: the effect of the proposal on the character and appearance of the area; the effect on the setting of the nearby Grade II Listed Building Nos 1 and 2 Thatched Cottages; and the effect of the proposal on the living conditions of occupiers of No 2 Thatched Cottages.

Reasons

6. Downsview is in a residential area inside the defined development boundary for Hailsham. The spatial strategy set out in the Wealden Core Strategy Local Plan 2013 (the CS) seeks to concentrate growth in urban areas particularly those of

Hailsham and Uckfield. Dwellings would therefore be acceptable in principle subject to other planning policies and material considerations being satisfied.

Character and appearance

7. The appeal site is in a row of dwellings in a suburban residential area with a school playing field behind it. Other than Nos 1 and 2 Thatched Cottages, which are very different in character and appearance, the wider area includes mainly detached properties of a variety of styles, materials and sizes ranging from mid-20th century bungalows to two storey Edwardian/early-mid 20th century houses. The proposed hipped roofs with dormers are not dissimilar to elements of other nearby properties and the materials would not be out of character. However two such similar looking front elevations so close together would not maintain the varied character and appearance of this part of Hempstead Lane which is different from that of London Road and further along Hempstead Lane opposite The Lowlands.
8. Many of the nearby properties have off street parking to the side or front of the buildings. Hedges along front and/or side boundaries, including at Nos 1 and 2 Thatched Cottages provide an attractive and verdant frontage to this part of Hempstead Lane. The proposed houses would be set back behind a parking/shared driveway area. There would be landscaped strips to the sides and parts of the front boundaries but these would be relatively narrow with insufficient space for the establishment of meaningful planting so the verdant character of Hempstead Lane would be eroded to some extent.
9. The appeal property is an unprepossessing bungalow with low extensions to either side and a small conservatory to the rear. The building spans most of the width of the plot. The adjacent Whitestones is a chalet bungalow with a garage along the side boundary. To the other side are Nos 1 and 2 Thatched Cottages. Although a number of properties have buildings close to boundaries on at least one side many have single storey elements which maintains spaciousness at first floor/roof level.
10. The gaps between the proposed houses and the side boundaries would be relatively narrow. There would be a greater mass and bulk of built form at first floor/roof level compared to many existing properties on Hempstead Lane which is of different character to that of London Road. The roof heights would be a little over one metre lower than that of the Thatched Cottages and would be about 0.9 metres higher than the roof of Whitestones. Whilst this continues the “stepping down the slope” characteristic of neighbouring properties along Hempstead Lane, which slopes down towards the A22, the two proposed houses would have the same scale and ridge heights and would interrupt this rhythm.
11. I conclude that the overall effect of the proposal would be a cramped, out of character, appearance with a harmful effect on the spaciousness of the area and would not be suitable or amount to good design in this location. Accordingly there would be conflict with Policies SPO13 and WCS14 of the CS; Policies HAIL D1 and D2 of the Hailsham Neighbourhood Development Plan 2021 (the HNPD), Saved Policy EN27 of the Wealden Local Plan 1998 (the LP), the Wealden Design Guide and those principles of the Framework that seek high quality design that responds appropriately in scale, character and architectural rhythm to the existing built form.

Setting of the Thatched Cottages

12. The proposal would not directly affect the fabric of The Thatched Cottages. However, the Framework defines setting as the surroundings in which a heritage asset is experienced and a Heritage Statement was provided with the planning application. The appeal site shares a boundary with No 2 Thatched Cottages and there is intervisibility between them. Accordingly the appeal site is within the setting of the Listed Building and the proposal therefore has the potential to affect the manner in which the heritage asset is appreciated.
13. Nos 1 and 2 Thatched Cottages are described in the official listing as a 17th century or earlier two storey timber-framed building with a hipped, thatched roof, plaster infilling, ground floor re-built in brick, now painted. Originally it was most likely to have been a single house sitting in a fairly isolated position surrounded by fields near the start of Hempstead Lane. Hempstead Farm was about one kilometre away. There is little evidence to indicate why it was built in this location but it may have been accommodation for agricultural workers.
14. By 1898 the property is shown as sub-divided within a plot surrounded by trees and which encompassed the land now occupied by the appeal site. By the nineteen forties the plot appears to have remained intact but a number of other properties had been developed along Hempstead Lane. In 1960 Downsvue was constructed on land that had formerly been associated with the Thatched Cottages. As a result of the division and subsequent re-development it is unlikely that the site can be considered to be curtilage listed.
15. No 2 now has what appears to be a relatively modern ground floor side extension with a monopitch roof that reaches to the eaves of the thatched roof and there is a long outbuilding on the shared side boundary with the appeal site. There are hedges to the front/sides of the Thatched Cottages such that there are only partial views of the front elevation of the building through driveway/path openings in the hedges. The sides of the Thatched Cottages are obscured by trees in some views from Hempstead Lane when these are in leaf. Visually the timber framing contrasting with the light colour finishes between and the thatched roof are the most striking elements in views from Hempstead Lane.
16. Whilst the original Thatched Cottage was surrounded by open land there is no particular evidence of connections with that land. Its significance lies in the historic character, appearance and fabric of the building. The Listed Building is of good age and retains its original aesthetics being a small survivor amongst a collection of modern dwellings. I find no reason to believe it holds lower than the moderate to high significance indicated in the Heritage Statement. As such it is important that the setting is preserved.
17. No 2 has a garage building some 10m long on the shared boundary with the appeal site and to the rear of that is a close boarded fence with trellis above. The front wall of the Downsvue bungalow is approximately in line with the front of the garage at No 2, which is just behind No 2. The bungalow has no particular architectural or historic merit and appropriate replacement would be acceptable in principle. However, due to the separation between them, the garage, the low profile and light coloured walls of the bungalow, and their relative positions, the Downsvue bungalow does not significantly impinge on views of the Thatched Cottages.

18. The setting of the Thatched Cottages as an historic island amongst modern dwellings would remain. However, the proposed buildings would be significantly more prominent and their position, and scale would compete with the simple thatched roof which would be harmful to the setting in which it is appreciated. Unit A would be the most intrusive being closer to the side boundary.
19. The use of brick and tiles would contrast with the materials of the Thatched Cottages but this would increase rather than reduce the prominence of the proposed buildings.
20. Overall I consider the proposed buildings would unacceptably crowd in on the Thatched Cottages. Certain recommendations of the Heritage Statement such as the use of hipped roofs and dormers and traditional front elevations have been incorporated into the design to reduce the overall mass of the buildings. However, these do not sufficiently address the greater mass and bulk of the proposed dwellings, particularly Unit A, so close to the boundary. The proposed buildings would impinge on the relatively spacious context of this side of the Thatched Cottages, particularly at first floor and roof level. In these respects the proposal would not be subservient to the heritage asset and the proposed design would not, in my judgement, be of sufficient quality as to significantly enhance the setting compared to the existing bungalow. I conclude the proposal would harm the setting in which the heritage asset is appreciated.
21. The proposed buildings would be set back slightly further into the site than the existing building with a slightly staggered alignment such that the nearest building would be set a little further back again. The roofs would be lower and half-hipped and the use of dormers would allow the eaves to be slightly lower. For these reasons I consider the harm would be less than substantial. Nevertheless the harm would be real and enduring. In such circumstances, Paragraph 215 of the Framework requires that this harm should be weighed against the public benefits of the proposal.
22. The proposal would provide one net additional private house stock and may free up another which would boost in a small way the supply of local housing. There would be another new house constructed to higher environmental standards than the existing bungalow. The houses would be the larger, but modest, family properties of size identified in the CS as needed locally. There would be short term benefits to the local and wider economy in terms of employment during construction and additional occupants would be likely to stimulate consumer spending, boost local labour supply and help to support local services. All these are public benefits in favour of the proposal albeit limited by the small scale of the proposal.
23. The proposal would also make more effective use of the site but the Framework is clear that account should be taken of the desirability of maintaining an area's prevailing character and the importance of securing well-designed places. Accordingly, I give this relatively little weight in this balance.
24. In accordance with the Framework I conclude that the public benefits I have outlined above taken together do not outweigh the great weight to be given to the less than substantial harm that I have identified.
25. For the above reasons I conclude that the proposal would have a harmful effect on the setting in which Nos 1 and 2 Thatched Cottages are appreciated. There would

be conflict with Policy SPO2 of the CS; Policy HAIL D2 of the HNDP; and those principles of the Framework that seek to sustain and enhance the significance of heritage assets.

Living Conditions

26. The appeal site slopes up from Hempstead Lane towards the rear boundary with steps to a higher level back garden. Unit A would be close to the boundary with No 2. The two storey part of the proposed building would extend well beyond the rear elevation of No 2 and beyond that would be a single storey flat roofed element with parapet of significant height. The existing garage at No 2 already impinges on the outlook from that property's windows and terrace but the proposed building would be longer and taller than the garage. I conclude that the large expanse of built form so close to the shared boundary would have an over-dominating and over-bearing effect on the outlook from the windows and terrace area of No 2. This would result in unnecessarily gloomy and oppressive conditions for the occupiers of that property particularly during the evening. Nor would the trees at the end of the garden at No 2 soften that outlook to any material extent.
27. Unit B would be sited close to the boundary with Whitestones. However it would not extend significantly beyond the rear wall of that property and would be further away from the private rear garden area. Accordingly there would be very little impact on the living conditions of occupiers of Whitestones.
28. For the above reasons I conclude there would be a harmful effect on the living conditions of occupiers of No 2. There would be conflict with Policies WCS14 of the CS; Saved Policy EN27 of the LP; and Policies HAIL D1 and D2 of the HNDP and those principles of the Framework that seek to protect the living conditions of occupiers of nearby properties.

Other Matters

29. The appeal proposal is a revision of earlier schemes in an attempt to overcome concerns raised by the Council as expressed during pre-application discussions, through the application process and in the refusal of application WD/2022/3195/F. I also acknowledge the appellant's dissatisfaction with the Council's handling of the application. However, neither of these matters affect the planning merits of the appeal before me.
30. The appellant indicates that two houses of the sizes proposed would be required to make the proposal viable. However, I have seen no evidence to support this so it attracts little weight in this appeal. The appellant may wish to occupy one of the proposed houses with his partner which would free up other accommodation in the local area but there is no certainty of this. Nor has any evidence been put forward to secure a self or custom built project. Planning permission runs with the land so the personal preference of the appellant carries little weight in this appeal.
31. During the appeal process the appellant offered to set unit B at a lower level. However, no details of how this could be achieved or the implications for the proposal as a whole were provided. Moreover, the appeal process should not be used to evolve a scheme.
32. None of the above matters lead me to any different conclusions in respect of the appeal before me.

Planning Balance

33. The Saved Policies of the LP pre-date any Framework and the CS and the HNBP pre-date the current Framework. Due weight should be given to them according to their consistency with the Framework. In this case I find no material conflict between the relevant policies for protecting heritage assets; seeking high quality design that responds appropriately in scale, character and architectural rhythm to the existing built form; and seeking to protect the living conditions of occupiers of land and properties.
34. However, the spatial strategies for development have been unable to deliver the housing needed. In such circumstances the presumption in favour of granting permission at Paragraph 11d) of the Framework would be engaged. However, in view of my findings in relation to the effect on the Thatched Cottages paragraph 11d) i) of the Framework would apply. As the application of policies in the Framework that protect areas or assets of particular importance provide a strong reason for refusing the proposed development the presumption in favour of sustainable development does not apply.
35. I have already identified the public benefits of the proposal as part of the balancing exercise above. In addition the proposal would be in an accessible location with good access to local services and public transport so future occupiers could access day-to-day facilities without relying unduly on the private vehicle. These are significant public benefits in favour of the proposal even though somewhat limited by the small scale of the development. There would also be private advantages to the appellant who wishes to down size and remain in the locality.
36. The proposal would not comply with development plan policy in respect of the harm to the character and appearance of the area, the setting in which the Listed Building is experienced, and the living conditions of the occupiers of No 2. Taken together I consider that these matters outweigh the benefits identified.

Conclusion

37. The proposal would conflict with policies in the development plan taken as a whole. I find insufficient material considerations to lead me to conclude other than in accordance with the development plan. The appeal should be dismissed.

S Harley

INSPECTOR