



Appeal Decision

Site visit made on 11 March 2025

by **P Terceiro BSc MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 25 March 2025

Appeal Ref: APP/C1435/W/24/3349930

Land between 18 & 20 Lincoln Way, Crowborough TN6 3AQ

- 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 Trinoak Holdings Limited against the decision of Wealden District Council.
 - The application Ref is WD/2023/1295/F.
 - The development proposed is the erection of a new dwelling with parking below.
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by Trinoak Holdings Limited against Wealden District Council. This application is subject to a separate decision.

Preliminary Matters

3. The National Planning Policy Framework (the Framework) was updated on 12 December 2024. However, the sections pertinent to this appeal have not changed to such an extent as to affect the matters raised by the main parties. It has not therefore been necessary to seek their views, and the revised version has been taken into account in this decision.
4. The appellant has submitted additional plans with the appeal which provide further clarification in relation to dimensions and show a different garden gradient, with a reduced steepness to the private garden area. The planning appeals procedural guidance¹, confirms that, if an appeal is made, the appeal process should not be used to evolve a scheme, and it is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought.
5. However, in this case, the change is modest and the updated garden gradient was submitted in response to the Council's reason for refusal. The parties have had the opportunity to comment on this information through the appeal process. As such, I am satisfied that no prejudice would occur to any party as a result of my consideration of their content. For the avoidance of doubt, my decision on this appeal is based on the revised plans.

¹ Procedural Guide: Planning appeals – England.

Main Issues

6. The main issues are:

- the effect of the proposed development on the character and appearance of the area; and
- whether acceptable living conditions would be created for future occupiers with particular regard to private outdoor space.

Reasons

Character and appearance

7. The appeal site is a modest parcel of land which accommodates visitor parking bays to the front with a retaining wall and banked ground behind. It is located in Lincoln Way, a predominantly residential cul-de-sac.
8. The dwellings to the south of the site are detached with integral garages. Due to changes in land levels, many of the properties on the eastern side of Lincoln Way have their garages at street level with living accommodation above leading onto raised residential gardens. Generally, these properties display a similar design, with a front gable feature. The dwellings on the western side of Lincoln Way are normally two storeys with either a front gable or a cat slide roof with a small dormer window to the side. Typically, these dwellings are externally finished in brick under a tiled roof. The dwellings to the north of the site were constructed later than those on the southern section of the road. The pair of semis closest to the site displays a pitched roof and is externally finished in brick under a slate roof.
9. The traditional aesthetic of the dwellings and little variation in terms of their design and materials are recognisable characteristics within the street scene. These factors contribute to provide Lincoln Way with a cohesive character and appearance.
10. The proposed contemporary dwelling would be architecturally unique within the street scene. Whilst it would be constructed utilising high-quality materials, the contemporary design would have a contrasting appearance when seen in the context of the existing buildings in the immediate locality, where the traditional building design and materials dominate the housing fabric. As a result, while the dwelling's design would draw the eye from the utilitarian covered parking spaces underneath, the proposal would nonetheless appear incongruous within the context of its surroundings. Consequently, the proposal would fail to provide an appropriate linkage between the dwellings on the northern and southern sections of Lincoln Way.
11. The dwelling would correspond with its closest neighbours in terms of internal floor levels and ridge height. Despite this, the proposed roof shape with different pitches and styles would stand out as an odd feature amongst the traditional roof shapes of the properties on Lincoln Way. Further, due to the modest size of the site, the dwelling would be sited further forwards of the properties to the south, and its narrow width means it would have a contrived and cramped appearance which together with its asymmetrical roof would appear jarring in the street scene. The proposal would therefore fail to respect its receiving context and significantly harm the character of the area, so it would not be an effective use of land. While suitable

landscaping could be secured by planning condition, this would not overcome the identified harm.

12. The massing of the proposal would be appropriate for the level of accommodation provided. Moreover, the proposal would have an active frontage, and it would respect the existing site topography. However, these acceptable aspects of the scheme would not address nor override the unsympathetic elements as identified above.
13. The proposed development would have a harmful effect on the character and appearance of the area. The proposal would be contrary to Policy EN27 of the Wealden Local Plan 1998 (LP) and Spatial Planning Objective SPO13 of the Core Strategy Local Plan 2013 (CS), insofar as these policies require proposals to respect the character of adjoining development and promote local distinctiveness.

Living conditions

14. Due to the land level changes, the proposed garden space would be in a gradient. This would likely affect its usability to some extent, notwithstanding the reduced garden gradient shown on the plans provided with the appeal.
15. However, in addition to the garden, the proposal would be provided with a patio terrace and decked terrace which would be levelled. This outdoor area would be appropriate in scale in relation to the size of the dwelling. Further, it would be functional and usable, with adequate space for typical outdoor activities such as sitting or dining outside or hanging washing.
16. Accordingly, the proposal would provide suitable living conditions for the future occupants in terms of private outdoor space. It would accord with LP Policy EN27, which requires development to ensure a satisfactory environment for future occupants including adequate garden space.

Other Matters

17. I understand that the proposal follows previous planning applications which were refused by the Council. Whereas it may be that the design of the dwelling has changed, as set out above, I find that the proposal would be harmful to the character of the area in its own right.
18. The appeal site is located within a 7km zone of influence of the Ashdown Forest Special Protection Area (SPA). Ashdown Forest is an attractive semi-natural area, and its qualifying features include the concentration of ground nesting birds. The conservation objectives for the SPA include ensuring that the integrity of the site is maintained or restored as appropriate so that it continues to support the population and distribution of its qualifying features.
19. The Conservation of Habitats and Species Regulations 2017 (as amended) requires that, where a project is likely to have a significant effect on a European site, either alone or in combination with other plans or projects, the competent authority must, before any grant of planning permission, make an appropriate assessment (AA) of the project's implications in view of the relevant conservation objectives.
20. As such, I cannot rule out, in the first instance, that the proposed development would cause likely significant effects on the integrity of the SPA through increased

residential use and associated recreation disturbance. Had I been in a position to otherwise allow this appeal, it would have been necessary to consider this matter within a separate AA. As the appeal is being dismissed for other reasons, I have not done so.

Planning Balance

21. The latest evidence provided by the Council sets out that it cannot demonstrate a 5-year supply of deliverable housing sites, and the figure is 4.45 years. This is not disputed by the appellant. In such circumstances paragraph 11 d) ii of the Framework states that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
22. Benefits of the proposal include the provision of residential accommodation in an accessible location within the urban area which would meet the Framework's objectives of boosting the supply of housing and support the Government's intention to increase house building. Additionally, the proposal would logically reduce the pressure for development in the High Weald National Landscape and in the South Downs National Park. The dwelling would use an energy efficient design, incorporate water efficiency measures and electric vehicle charging points. Some economic benefits would be accrued during the period of construction and once the dwelling is occupied. Some ecological enhancements would be delivered. However, given that the proposal would provide a single dwelling, these benefits would attract relatively minor weight.
23. The proposed development would result in harm to the character and appearance of the area for the reasons set out above. I ascribe substantial weight to this harm. The Framework supports development that is sympathetic to local character, including the built environment and maintains a strong sense of place. Therefore, the conflict with LP Policy EN27 and CS Spatial Planning Objective SPO13 should be given significant weight in this appeal.
24. Consequently, the adverse impacts of the proposal significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development as set out in CS Policy WCS14 and paragraph 11 of the Framework does not apply.

Conclusion

25. 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. For the reasons given above the appeal should be dismissed.

P Terceiro

INSPECTOR