



Appeal Decision

Site visit made on 11 March 2025

by **C Coles MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 04 APRIL 2025

Appeal Ref: APP/D3830/D/24/3356629

1 Oakwood Close, Burgess Hill, West Sussex RH15 0HY

- 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 Mrs Jayne Millard against the decision of Mid Sussex District Council.
 - The application Ref is DM/24/2254.
 - The development proposed is described as '1st floor extension'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the banner heading above is taken from the application form, on the basis of the submitted plans, the proposal would be more accurately described as two-storey side extension. The Council determined the application on this basis, and I shall deal with the appeal in the same manner.
3. The decision notice refers to Principles DG49 and DG50 of the Mid Sussex District Plan. However, it is clear from the Council's report that this should have been a reference to Principles DG49 and DG50 from Mid Sussex Design Guide Supplementary Planning Document 2020 (SPD). The Council has provided relevant extracts from the SPD and I have based my assessment of the appeal on this information.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the host building and the area.

Reasons

5. The appeal property is a two-storey detached dwelling with catslide roofs projecting either side of the two-storey core of the dwelling. The property is located on the corner of Oakwood Close and Oakwood Road with an open aspect and spacious feel to the side (south). Oakwood Close is a small cul de sac of dwellings of a similar design. 1 Oakwood Close (No 1) is located at the corner of Oakwood Close and Oakwood Road. In common with the dwelling on the opposite side of the close there is a gap between the side elevation and Oakwood Road which gives the entrance to the cul de sac an open aspect and spacious character. The alterations and extensions to some of the houses does not undermine the character of the cul de sac.

6. The proposed development is for a two-storey side extension to the south of the dwelling. The extension seeks to replicate the design of the two-storey core which will unbalance the appearance of the dwelling and detract from the characteristic catslide roof slope and dormer window arrangement. The extension is not set back from the front of the dwelling and will compete with the existing two-storey element for dominance.
7. The proposed development would be located forward of the building line on Oakwood Road and close to the southern boundary which would make it prominent on the street scene and reduce the feeling of openness at the corner by enclosing the space which is replicated on the property at the opposite corner and forms part of the character of Oakwood Close. The appellant argues that the trees which were present on the Oakwood Road frontage of the site enclosed the entrance to the cul de sac. Whilst that appears to have been the case from the evidence before me, those trees formed part of the vegetated character of Oakwood Road. They would not have had an equivalent of the harmful visual impact to the enclosing nature of the two-storey extension that I have found.
8. During my site visit I took account of the impact of the gradient of Oakwood Road. The prominence of the proposal will alter depending on where you approach the site from, but it will remain incongruous on the street scene due to its location on the corner plot. The fact that Oakwood Road is a private road with no footpath does not alter the harm that would arise to the character of the area from the proposed development.
9. For these reasons, I conclude the proposed development would be harmful to the character and appearance of the host building and the area. Consequently in this regard it would conflict with Policy DP26 of the Mid Sussex District Plan 2014-2031 which seeks to protect open space which contributes to the character of the area, resist side extensions where they have an adverse effect on the street scene and requires extensions to be subservient to the main dwelling and set back from the front of the house allowing the original building to remain the dominant element of the property.

Other Matters

10. The appellant has suggested amending the proposed plans. However, I am mindful that the appeals process should not be used to evolve a scheme to overcome the Council's reasons for refusal and instead a fresh planning application should usually be made.¹
11. In support of the appeal, my attention was drawn to 6 Oakwood Close (No 6) which has been extended in a similar way to the proposal. The location of No 6 in the close is fundamentally different to the appeal site, it does not occupy a prominent corner plot therefore the impact of the proposal on the street scene is not comparable. Photographs of other properties were also provided but I have no details of the circumstances under which they were constructed or where they are located, therefore I cannot draw any comparison with the proposal that would weigh in its favour. The presence of these does not overcome the harm that I have otherwise found.

¹ Annexe M of the *Procedural Guide Planning Appeals – England* advises that 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 what people's views were sought.

12. I note the letters of support for the scheme, however, the letters of support do not outweigh my findings.

Conclusion

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

C Coles

INSPECTOR