
Appeal Decision

Site visit made on 9 May 2025

by **S M Holden BSc (Hons) MSc CEng MICE CTPP FCIHT MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16 May 2025

Appeal Ref: APP/D3830/W/25/3361435

Triple Trees Care Home, 70 Ferndale Road, Burgess Hill, West Sussex RH15 0HD

- 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 Bijo Joseph against the decision of Mid Sussex District Council.
 - The application Ref is DM/24/1334.
 - The development proposed is front and side 2 storey extension with alterations to the roof space and designing an internal stairwell with lift to service all floors as well as a single storey infill extension with light wells.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. An amended plan providing greater details of the parking arrangement within the front garden was submitted during the Council's assessment of the proposal. It was the subject of additional consultation. The highway authority was satisfied with the proposed layout, and I have determined the appeal accordingly.
3. There were some notable anomalies on the submitted plans. The position of the chimney stack in the proposed scheme was unclear. The proposed lift is intended to serve the fourth floor. However, the absence of any roof plans, either existing or proposed, resulted in a lack of clarity about the requirement for, and any effect of, the lift overrun. There were no plans provided of the building's second floor. Notwithstanding these omissions and anomalies, I am satisfied that I had sufficient information to determine the appeal based on the plans and evidence provided.

Main Issue

4. The main issue is the effect of the proposed extension on the character and appearance of the area, with particular regard to the setting of the Silverdale/Birchwood Grove Conservation Area.

Reasons

5. The appeal site comprises a substantial mid-late 19th century house which has been significantly altered and enlarged over the years. It currently operates as a care home for 29 residents. It is set back from the road behind a deep front garden which includes what appears to be the original carriage driveway arrangement with a double entrance/exit which sweeps around a central area of lawn.
6. The houses immediately opposite Triple Trees are within the Silverdale/Birchwood Grove Conservation Area (CA). The CA's boundary is also close to the western side of the appeal site. Therefore, although the appeal site is not within the CA, it

is within its setting. The significance of the CA is derived from the character of its large detached houses set in generously proportioned plots. The buildings, which are mostly Victorian and Edwardian in style are well maintained, set back from the road and many of the gardens include mature trees. The houses in Ferndale Road, both within and immediately beyond the CA boundary, have similar characteristics being enclosed by mature hedges. This gives the street a mature appearance which is not dominated by built form. The remainder of Ferndale Road is characterised by a variety of detached dwellings. Although not set back as far from the street as Triple Trees they follow a common building line and have good sized front gardens. Some are open, others are enclosed by hedges. Trees of varying size and maturity also contribute to the verdant appearance of the street.

7. From Ferndale Road Triple Trees is seen as a substantial two storey property with a hipped roof. Its elevations are rendered and painted, and its tall narrow windows are a strong vertical feature of the front of the building. The front entrance is almost centrally positioned and gives the property an imposing appearance. To the side and rear of the property there is a large extension which provides accommodation on three floors. However, this is set back so far from the front elevation that although it is of a similar height it appears subservient to the original. The metal fire escape on the side elevation, although not an attractive feature, also partially obscures the bulk and scale of the rear extension.
8. The proposed extension would replicate the height and fenestration pattern of the original building. As such it would be both tall and bulky. It would also project beyond the front elevation of the original house. This would completely alter the appearance of the property from the road, dominating the front elevation and significantly disrupting the proportions and symmetry of the existing building. Furthermore, it would bring the building closer to the boundary with No 64 and the narrow driveway that provides access to No 66. This would disrupt and erode the well-established boundary vegetation and result in the property appearing much more cramped on its plot. As the fire escape does not have a solid appearance, it is not a feature of the existing building which competes with the proportions, scale or features of the original. However, any benefit arising from its removal would be offset by the harm caused by the over-sized proportions of the proposed extension. In my view the proposal would be an unsympathetic addition to the building which would be detrimental to its appearance and would diminish its positive contribution to the setting of the CA.
9. Triple Trees is set on ground that is a little higher than Ferndale Road. Its front garden and lawn are on rising ground which has been landscaped with two level areas and an intervening slope. This contributes to the sense of grandeur of the original house and is an important characteristic of the property. There is also a mature tree which occupies a prominent position in the front garden close to the roadside boundary wall. The building and its grounds therefore make a positive contribution to the character and appearance of Ferndale Road and the setting of the CA.
10. The proposal would remove most of the lawned area in order to provide hard surfacing and an additional 11 parking spaces. This would effectively transform the front garden from an open, green area into a car park, significantly and adversely affecting the appearance of the care home from the street. In addition, the tree near the roadside boundary would almost certainly require pruning of its lower branches to facilitate the provision of the parking area. The health of the tree could

also be at risk arising from disturbance to its roots during the construction period. The loss of the garden and any damage to the tree would not only be significantly at odds with the character of the street but would also be harmful to the setting of the CA.

11. Taking all the above considerations into account, I conclude that the proposal would harm the character and appearance of the area and the setting of the CA, which would not be preserved. There would be conflict with Policy DP37 of the Mid Sussex Local Plan 2018 (Local Plan) which seeks to protect the setting of conservation areas. The proposal would conflict with Policies DP26 and DP37 of the Local Plan which, amongst other things, require high quality design and development to protect trees and gardens that contribute to the character of the area. The scheme would also be contrary to the provisions of the Planning (Listed Building and Conservation Areas) Act 1990 which requires me to give special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. Policy H1 of the Burgess Hill Neighbourhood Plan relates to proposals within conservations areas, rather than their settings, and seeks to retain non-listed buildings of merit which make a positive contribution to the street scene. As Triple Trees is not included in the list of Buildings of Merit, this policy is not directly relevant to the appeal scheme.

Heritage balance

12. The proposal would result in harm to the setting of a designated heritage asset, the Silverdale/Birchwood Grove Conservation Area. Although this harm would be less than substantial in terms of the National Planning Policy Framework (the Framework), it still amounts to a significant planning objection. It is therefore necessary for me to weigh this harm against the public benefits of the proposal in accordance with paragraph 215 of the Framework.
13. The proposal would enlarge a care home close to the town centre by providing an additional five bedrooms. These are public benefits which attract modest weight. However, paragraph 213 of the Framework states that any harm to the significance of a designated heritage asset, including from development within its setting, requires clear and convincing justification. This is therefore a matter to which I am required to attach considerable importance and weight. In this case the modest benefits would not outweigh the identified harm. I therefore conclude that the proposal is unacceptable.

Other Matters

14. The Council also refused the scheme due to the lack of information provided to demonstrate that the requirements of the Mandatory Biodiversity Net Gain could be achieved. However, as I am dismissing the scheme for other reasons, it has not been necessary for me to address this matter in detail.

Conclusion

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

S M Holden

INSPECTOR