



Appeal Decision

Site visit made on 30 July 2025

by Stewart Glassar BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 August 2025

Appeal Ref: APP/C1435/W/25/3360266

16 Hawthylands Drive, Hailsham BN27 1HE

- 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 B George against the decision of Wealden District Council.
 - The application Ref is WD/2024/1047/F.
 - The development proposed is the erection of a single dwelling with associated curtilage and access.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. There is a small inconsistency in the submitted drawings as to the use of half-hipped gables on the proposed dwelling. However, I am satisfied that this has not prevented me from fully understanding the proposal or its effect in relation to the main issue.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area, having regard to the adjacent mature oak tree.

Reasons

4. Hawthylands Drive comprises a mix of one and two storey dwellings. There is some variation both in the appearance of the individual houses, plot sizes and the gaps between buildings. Nonetheless, there is broad homogeneity in the use of external materials, plots being generously sized which in turn enables the houses themselves to be set back into the plots. This, together with limited built form close to street corners and junctions gives the area an open and spacious character to which the appeal site positively contributes.
5. The proposed scheme would involve the demolition of the existing garage and see it replaced by a new two-storey detached dwelling. Such a structure would not, in and of itself, be out of keeping with the character of built form in the area.
6. However, given the size and shape of the proposed plot, the dwelling would be positioned close to the front boundary onto Hawthylands Drive and the junction with Harebeating Drive. As a result, it would be noticeably forward of the other houses on this side of the road. This positioning, together with its distinct styling, would result in a highly conspicuous building. Not only would it appear unduly prominent, but it would also appear squeezed in and out of keeping with the more spacious pattern and character of development in the area.

7. The oak tree in the neighbour's garden, adjacent to the appeal site, similarly contributes to the character of the area. Although not subject to a preservation order, it adds to the verdant qualities within the vicinity.
8. The submitted tree report indicates that the works necessary to remove the garage and construct the new dwelling could be undertaken while protecting the long-term integrity of the oak tree. Even if that were to be the case, the tree's canopy would extend over much of the dwelling's main parking area and close to the house itself.
9. Future occupiers would be likely to experience leaf fall, fallen branches and other detritus associated with the tree close to the dwelling and above the car parking area. The adverse effects arising from such proximity could see pressure from future occupiers to lop, top or carry out other works to the tree. The loss of, or work detrimental to, the appearance of this tree, which makes a positive contribution, would be harmful to the wider area. This reinforces my overall impressions as to the harmful effect the proposal would have on the character and appearance of the area.
10. This harm would be contrary to Policies EN12, EN14, EN27 and HA1 of the Wealden Local Plan 1998; Spatial Planning Objective SPO13 and Policy WCS14 of the Wealden Core Strategy Local Plan 2013; and Policies HAIL D1 and HAIL D2 of the Hailsham Neighbourhood Plan 2021 which, amongst other things, seek to ensure that development is sustainable and respects the character and appearance of the surrounding area, including through the retention of trees which positively contribute to the character of an area.
11. The proposal would also be contrary to the National Planning Policy Framework (the Framework) which, amongst other things, seeks to ensure developments are sympathetic to local character.

Other Matters

12. The Council has indicated that since its decision on the planning application the housing supply situation has worsened and confirms the latest figure to be 3.68 years. The Council's current planning policies are therefore failing to deliver the houses required to meet government targets. This is a matter which weighs positively in favour of the proposal.
13. The host dwelling would retain a sizable front garden and a smaller side garden. The garden area immediately to the rear of the existing dwelling would also be retained. Collectively this provides a reasonable garden area which would be usable and sufficiently private. It would not be harmful to the living conditions of residents.
14. I am mindful that the requirements of the Wealden Design Guide Supplementary Planning Document 2008 are guidance. Nonetheless, the rear garden of the proposed dwelling would be noticeably smaller than those around it and the usable space for future residents would be somewhat constrained.
15. Therefore, while the matter of garden space quantum and quality for the new house may not be a determining factor in its own right in this case, the approach taken to it does add weight to my concerns which primarily lay with the main issue above.

16. The appellant has provided observations in relation to the size of other curtilages which the Council has previously approved. Given the context of the appeal site and the harm the constrained plot has on the character and appearance of the area, these other decisions do not alter my overall conclusions in relation to the appeal.
17. I have been referred to two other appeal decisions. While the scheme for Melrose Cottage was for a new infill dwelling, it is evident from the site plan which has been supplied, that the prevailing context is not directly comparable to that of the appeal scheme before me. The scheme at Five Ash Down Road was for 35 dwellings and the Inspector concluded that there would be harm to the character and appearance of the area. These decisions do not lead me to allow the appeal.

Planning Balance

18. Given the absence of a 5 year supply of housing land and that there are no policies in the Framework which offer a strong reason for refusal, Paragraph 11(d)(ii) of the Framework is engaged.
19. The proposal would make a positive, albeit small numerical contribution towards boosting housing supply. It would also result in some economic benefits during the construction phase and subsequently upon occupation. There may also be some social benefits too. The dwelling would be within the built-up area of Hailsham and could be built out quickly. The Framework highlights the importance of ensuring an adequate supply of housing sites, and the need to support economic growth and productivity. Despite the proposal only being for a single dwelling, I give considerable weight to its provision given the context of the declining housing land supply position.
20. Weighed against this is the harm that I have identified to the character and appearance of the area. This harm is likely to be substantial and long lasting. The need to avoid such harm is perennial and in direct compliance with the Framework. Indeed, there is nothing in the Framework which indicates that the provision of housing should be at the expense of local character and appearance. Accordingly, I ascribe this harm substantial weight.
21. I therefore find that the adverse impacts of the development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Consequently, the presumption in favour of sustainable development does not apply in this case.

Conclusion

22. In conclusion, the proposal conflicts with the development plan when taken as a whole. There are no material considerations, including the provisions of the Framework, that indicate that a decision should be made other than in accordance with it. The appeal is therefore dismissed.

Stewart Glassar

INSPECTOR