



Design Statement  
Proof of Evidence of  
Ben Smith, Design Director, Churchill Living  
68 & 70 KEYMER ROAD, HASSOCKS, BN6 8QP

Churchill Living  
Churchill House  
Parkside  
Ringwood  
BH24 3SG

AUGUST 2024

TOWN & COUNTRY PLANNING ACT 1990

APPEAL BY CHURCHILL LIVING AGAINST MID SUSSEX DISTRICT COUNCIL'S FAILURE TO DETERMINE AN APPLICATION FOR REDEVELOPMENT TO FORM 41 APARTMENTS FOR OLDER PERSONS INCLUDING ASSOCIATED COMMUNAL FACILITIES, ACCESS, PARKING AND LANDSCAPING.

SITE AT: LAND AT 68 & 70 KEYMER ROAD, HASSOCKS, BN6 8QP

LPA REF: DM/23/3114

PLANNING INSPECTORATE REF: APP/D3830/W/24/3344121

PLANNING INQUIRY DATE: 17<sup>th</sup>-18<sup>th</sup> September 2024

PROOF OF EVIDENCE AUTHOR: BEN SMITH

Design Director, South East Division

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## 1. INTRODUCTION

### 1.1. Qualifications and Experience

1.1.1. I, Ben Smith, am a Member of the Chartered Institute of Architectural Technologists (ACIAT) and currently serve as the Divisional Design Director at Churchill Living. With a robust career spanning over two decades, I bring a wealth of expertise in design, planning, and construction, providing a strong foundation for my role as an expert witness in this planning inquiry.

My educational background includes five years studying a BA (Hons) in Architecture and Interior Design from Nottingham Trent University and a BTEC Diploma in Art and Design from Oxford School of Art and Design. During my 14 years at Churchill Living, I have held a senior position for the past decade, overseeing the architectural design of over 60 retirement development schemes. Each of these projects successfully navigated the planning system, with nine of them achieving success through planning appeals.

Prior to my tenure at Churchill, I gained significant experience working with both a large international firm and a smaller, specialised architectural practice. At Atkins in Qatar, I spent a year managing complex projects in a multidisciplinary environment, enhancing my ability to deliver high-quality designs on a large scale. My time at Woodfield Brady in Oxfordshire provided me with hands-on experience in detailed, site-specific design and local planning processes. This blend of international and local experience further strengthens my expertise, allowing me to approach the planning process with a comprehensive and adaptable perspective.

These academic qualifications, combined with my professional experience, have equipped me with the necessary skills to analyse, evaluate, and present detailed architectural and planning evidence effectively.

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## 1.2. Scope of Evidence

1.2.1. This statement presents evidence supporting the design aspects of the proposed development at 68 & 70 Keymer Road, Hassocks. It addresses the design rationale, contextual integration, compliance with planning policies, and responses to matters in dispute. Three reasons for refusal were given (*CD. 3.2*), this statement deals with reasons for refusal 1 and 2 listed below:

1.2.1.1. *'Reason 1. The proposal is considered to be an over development of the site and due to the footprint, scale and mass of the proposed building, it is considered that the development would harm the character and appearance of the area by reason of the overdevelopment of the site in conflict with the predominant positive characteristics of the area. The proposal therefore does not comply with Policy DP26 of the District Plan, Policy 9 of the Hassocks Neighbourhood Plan and the design principles set out in the Design Guide SPD.'*

1.2.1.2. *'Reason 2. It is considered that the proposed development would result in an unneighbourly form of development and would give rise to a perceived impact on privacy to the rear gardens of adjoining properties from habitable windows. In addition, it is considered that the location of the parking area and scooter storage in close proximity to the rear garden of 66a Keymer Road would be unneighbourly and likely to lead to noise and disturbance, and light pollution, from their use, and would cause unacceptable harm to their residential amenity. The proposal would therefore not comply with Policy DP26 of the District Plan, Policy 9 of the Hassocks Neighbourhood Plan and the residential amenity principles set out in the Design Guide SPD.'*

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## 2. BACKGROUND

### 2.1. The Appellant

- 2.1.1. The appellant is a national developer specialising in apartments for the over 60s, founded in 1994 and operating continuously for 30 years.
- 2.1.2. The appellant has completed 190 developments and has sold over 6000 units. Churchill Estates Management manages over 200 retirement developments across the UK and serves around 7500 apartment owners.
- 2.1.3. The appellant was the first ever retirement specialist to win the coveted Whathouse? 'Housebuilder of the Year' award in 2016 and in 2019 were named 'best medium house builder'.
- 2.1.4. The appellant continues to regularly win awards for their developments, recently including Bronze for 'Best Medium Housebuilder' at the 2021 Whathouse? awards.
- 2.1.5. The appellant takes the responsibility of designing developments within urban built environments very seriously and carefully considers the local context to inform design. Each proposed development design is unique, taking on board the opportunities and constraints of the site, character and is bespoke to the location.
- 2.1.6. The appellant has some specific operational requirements which inform the design. These are discussed in the Design and Access Statement (*p.8 - CD.1.15*).
- 2.1.7. The appellant, through a sister company Churchill Estates Management, continues to maintain developments throughout their lifetime. The average length of apartment ownership is 8 years. Apartment resales are part of the business, and it is therefore in the appellants interest to build developments of a high quality that will continue to look good and be well maintained.

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- 2.1.8. The appellant has successfully achieved planning and completed numerous projects across the UK on house assembly sites such as the appeal site. A number of these were included in the supporting Design and Access statement (*p.9-11. CD.1.15*). Further case studies have been compiled and are submitted for consideration by the Inspector (*fig 4.1 to 4.6*). These projects have received positive feedback for their design quality, functionality, and community impact, demonstrating Churchill Living's capability and commitment to excellence. These additional case studies have been selected for their relevance to the appeal site and demonstrate how a larger apartment block can successfully integrate into a residential street scene without an adverse effect on character.
- 2.1.9. Churchill Living have a good track record of working with the LPA at Mid Sussex and their development at East Grinstead is provided as one of the examples of good design on p.105 of the Council's 'Mid Sussex Design Guide SPD' (*p.104-105. CD.8.6*).

## 2.2. The Site

- 2.2.1. A description of the site can be found on page 12 of the supporting design and access statement (*p.12-13. CD.1.15*). This has been refined and expanded upon within this hearing statement and within *section 2* of the figure document supporting this appeal statement.
- 2.2.2. The site lies within the built up area of Hassocks and is a short walk east along Keymer Road from the village centre (*fig.1.1*).
- 2.2.3. The site is rectangular in shape with an area of approximately 0.45 hectares, measuring 58m east to west and 78m north to south.
- 2.2.4. There is a gradient across the site with the greatest fall from the northeast corner to the southwest with a level difference of approximately 4.5 metres (*fig.2.1*).
- 2.2.5. The site consists of an assembly of two residential properties (No 68 and 70 Keymer Road) (*fig.2.2 to 2.5*). Both have extensive gardens to the south

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and generous fore-gardens with drives large enough to accommodate several vehicles. Both front and rear gardens are verdant, and all boundaries are typically well screened with mature hedges and trees. To the north and east boundaries, a significant number of the trees are TPO'd (*fig.1.3,2.3 & 2.5*)(*CD.2.12*). The level of vegetation to the front of the site significantly screens the existing dwellings from the highway and public realm.

- 2.2.6. Both properties are typically set lower than the highway along Keymer Road (no 68 by circa 760mm and no 70 by circa 530mm) which is gradually rising towards the east. This contrasts with most of the other properties along Keymer Road which are set level to or higher (*fig.3.1*).
- 2.2.7. Individually both properties have curtilages that are considerably larger than other residential properties in the area (*fig.8.1*). For example no 70 Keymer Road is approximately six times larger than the majority of properties along both Dale Road & the Minnells. It is considered that the overall coverage of properties that make up the appeal site are uncharacteristic of its context.
- 2.2.8. 70 Keymer Road is a mid-20th-century, brick building set over three floors with a hipped roof (*fig.2.4 & 2.5*). It features a catslide roof on the left side and a two-storey projecting gable over the central entrance. There are two single-storey garages to the east, one with a flat roof and one with a pitched roof, connected to the main building by a gated brick arch leading to the rear gardens. The second-floor accommodation is within the roof, making the building appear as two storeys from the front. The building has simple ornamentation with brown/red multi-coloured brick and contrasting red brick details for headers and quoins. Windows are white casements of varying sizes, and there are two brick chimneys on either side of the structure. The roof is finished with brown tiles and bonnet tiles on the hips. The front is slightly asymmetrical, while the rear elevation is balanced. Features include two projecting hipped gables with bay windows facing south, sections of tile hanging, a recessed covered terrace, and a large flat roof dormer which dominates the rear elevation.
- 2.2.9. 68 Keymer Road was built around the same time (circa 1937 -1959) as 70 Keymer Road but is smaller (*fig.2.2 & 2.3*). It is a two-storey building, with

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the first floor mostly in the roof space, except for the fully two-storey element on the right-hand side, which is recessed from the single-storey part of the elevation. The front is asymmetrical, with a main roof eave at two storeys extending down to entrance level in a catslide, featuring a wide flat roof dormer above an imitation classical portico entrance. To the left is a single-storey flat roof garage. The rear mirrors the front, with a prominent single-storey element. To the rear the ground floor has two large patio windows, and above are two flat roof dormers aligned with these windows. A large chimney is also present. The walls are typically painted white brick or white render, with a red tile roof with gable ends. The rear patio is raised above a garden that slopes to the south. Windows are white casements, and fascia's, soffits, and rainwater goods are typically black. The building features minimal ornamentation. The west flank is exposed and visible when heading east along Keymer Road.

2.2.10. It is considered although not unpleasant buildings neither property are of any architectural merit and do not contribute greatly to the character along the street which focuses more on the natural and verdant setting provided by mature trees and hedges in the foreground with the built form stepped back from the pavement edge by a generous amount.

2.2.11. A boundary treatment plan (*CD.2.14*) was submitted with the application which provides a visual summary of the perimeter of the site. This has been expanded on in *fig.2.6 & 2.7* of the figure document supporting this application. It is bounded on east, south and west sides by other residential gardens. The below provides a summary of existing boundaries to the site:

2.2.11.1. The north boundary of the site abuts Keymer Rd there is a footpath along this edge. There are two residential accesses and the boundary treatment consists of either native hedge, brick or block walling or a timber slatted fence which is untreated and overgrown by the hedge. TPO trees form the characteristic and verdant setting along this stretch of Keymer Rd. Opposite the site is the Parish hall, Garden of Remembrance and Adastra park. There is limited built form to the north side of the road and the park and gardens give this part of the street scene a verdant yet open quality not afforded to other sections of Keymer Road (*fig.3.1*).

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- 2.2.11.2. The eastern boundary abuts the rear gardens of neighbouring properties [No 72 Keymer Road and no 9, 10, 11 The Minnels]. All face onto the site apart from 72 Keymer Road which fronts onto the main road. All properties are screened by mature trees of significant height along the length of the boundary and a 2m high close bordered fence. Low level planting on both the application side and the neighbouring side of the boundary further limits intervisibility between the two gardens. Some visibility between gardens is apparent to the south end opposite no 9 The Minnels; this is due to raised canopy of tree T20 (fig.2.6) (a TPO'd Copper Beech) which had its lower branches pruned and the canopy significantly reduced as part of 2020 application by the neighbour (DM/20/2081). Levels of existing screening are still considered by the Appellant to be good.
- 2.2.11.3. Due to the typography in the area properties along the Minnels are generally set higher than and are elevated above the garden no 68 and 70. The rear facades of no 9, 10 and 11 The Minnels face onto the site and the gardens are all approximately 13m in length (*fig.8.6*).
- 2.2.11.4. The south boundary adjoins the rear gardens to Dale Avenue and are separated by a small stream along its length. The stream has brick retaining walls and is about 1 meter lower than the lowest points of the adjoining gardens. Both sides of the stream are well screened by trees, hedges, other vegetation and outbuildings /sheds, creating an open boundary with no fences or physical barriers.
- 2.2.11.5. The west boundary is shared with the garden of 66a Keymer Road. It has fewer trees, especially towards the southern end. The northern section is well screened by mid-level vegetation and a 2m high block wall extending halfway down the application garden. Beyond this, there is a 1.2m high timber fence with little vegetation, making the boundary quite open. This part of the garden appears to be secondary and is used for growing vegetables and garden storage with several sheds and greenhouses. The private and more active lawn and amenity area are within the confines of the wall which splits the garden into two parts. The front garden and driveway are separated from the neighbour's by a low-level block wall (*fig.2.7*).

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## 2.3. The Context

2.3.1. Keymer Road is a long distributor road running from east to west with the village of Hassocks at its centre. The site is located to the eastern end of this, and it is considered that this section from the edge of the village to the junction with Ockley Lane forms the main character area of the appeal site. The wider context has been considered to provide a comprehensive analysis.

2.3.2. The supporting Design and Access statement provides a detailed visual assessment of the character along Keymer Road, the surrounding area and the wider context of Hassocks (*p.14-23. CD.1.15*). This has *been refined and* expanded upon within *section 3* of the figure document supporting this appeal statement.

2.3.3. The 'Hassocks Townscape Appraisal' (*CD.8.9*) outlines the character of the village of Hassocks, but no detailed description is available to the area immediate to the Appeal site. A summary of key characteristics taken from the 'Hassocks Townscape Appraisal' is listed below:

- Verdant arcadian charm and domestic scale.
- Mid-Twentieth century character.
- Subtle period charm.
- The use of local materials, especially local soft-coloured red brick with plain, soft brown, clay roof and red wall tiles.
- Idealistic Model Village movement and often Arts and Crafts inspired details can be seen on large, detached villas and modest cottages, some early 20th century social housing.
- Beautiful mature tree groups, especially old pines, are characteristic of this ridge top settlement, and add enormously to the streetscape, working to frame views, dwarf the buildings and landmarking segments of the Keymer Road.

2.3.4. The site is at the edge of the village and is a fringe site marking the transition to a more sub-urban character. Properties are typically detached

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with some limited developments of semi and terraced dwellings. Although scale and spacing do vary, the context typically consists of smaller and tighter grain residential properties than presented at the appeal site (*fig.3.2*).

- 2.3.5. A detailed study of historic maps (*fig. 3.4 to 3.12*) was undertaken as part of the contextual analysis to better understand the character and sense of place surrounding the application site. Much of the existing development, which dates from the latter part of the 20th century to the present (*fig. 3.3*), contrasts sharply with the few remaining properties and fragmented boundary walls from the pre-1940s era. The two properties on-site, 68 and 70 Keymer Road, are among the last remnants of the early 20th-century development, when properties along Keymer Road were typically larger and set within expansive curtilages. However, this pattern has significantly changed over time. Most of the larger pre-1940s properties have been demolished and replaced by smaller residential infill developments or new streets as the village has grown. This intensification has resulted in a sporadic and fragmented collection of buildings along Keymer Road, with many properties now set back from the road or oriented towards quieter side streets. Consequently, the appeal site is now out of character with the surrounding area.
- 2.3.6. Directly opposite the site is a large green space, memorial gardens and collection of community buildings. Although still tree lined and verdant it is more open than the south side of Keymer Road. It is this openness that provides a sense of relief and draws focus away from the appeal site and its more solid vegetative frontage.
- 2.3.7. Keymer Road features a mix of architectural styles, including Victorian villas, mid-20th-century houses and more modern late 20<sup>th</sup>/21<sup>st</sup> century residential developments, contributing to a rich and varied streetscape.
- 2.3.8. Buildings in the wider context typically range from single-storey bungalows up to three and half storey houses and apartment buildings, adding to the dynamic visual appeal of the area.

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- 2.3.9. Predominantly residential there are other building uses in the area and although less common, larger building footprints and scales do exist within the context of the appeal site (*fig.8.2 to 8.5*).
- 2.3.10. Near to the site are several carparks and large areas of hard landscaping near residential properties and their associated gardens. All have been concealed either to the rear of development or screened by boundary planting and trees (*fig.3.15*).
- 2.3.11. Common materials used along Keymer Road include brick (both red and brown), render, painted brick tile and weather boarding. These materials are used consistently, providing a sense of cohesion despite the architectural variety. Roof styles are mixed, with hipped, barn hipped and gabled roofs being common, and many buildings feature dormer windows and catslide roofs, adding architectural interest (*fig.3.19*).
- 2.3.12. Properties typically have well-maintained and mature front gardens with associated driveways, low boundary walls or hedges fronting onto the highway. Setbacks vary, but most houses are set back from the road, providing a green buffer and a pleasant streetscape. Mature trees, shrubs, and well-kept lawns are prevalent, enhancing the village feel and providing a natural, scenic environment.
- 2.3.13. The road features regular street lighting, signage, and pedestrian pathways, with minimal street furniture, maintaining an uncluttered appearance. Despite the variety in individual building designs, the consistent use of materials and greenery create a harmonious and visually cohesive streetscape with the natural environment taking centre stage over the built form. Nearly all foliage is to the back of narrow pavements and is within private gardens.
- 2.3.14. There are a number of recent 21<sup>st</sup> century development in the immediate area which to draw reference. For example Ewart Close, Flowers Close and Orchard House / Lane (*figure 3.16 to 3.18*). The most recent and closest to the application site is the circa 2010 development at Orchard House / Orchard Lane(*fig.3.16*) which is a residential development of 2.5 storey terrace houses with the second floor partly / fully in the roof space. The appearance is considered vernacular in design and draws reference from a

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local palette of materials. For Example: Weather boarding, red brick with contrasting headers, render, slate and red tiled roofs etc.

2.3.15. Approved in 2009 Orchard House is a similar application to the appeal scheme in that it was for the demolition of 2 large detached properties (Wilmington Lodge and Beech House) to erect 14 dwellings comprised of 8 houses and 6 apartments (Planning ref: 09/00102/FUL). This application has a relevant appeal decision on an outline application which was allowed (APP/D3830/A/07/2054498) **(CD.6.4)**; the approved scheme was for consideration of minor amendments and outstanding reserved matters not considered. The main issues for consideration included:

*2.3.15.1. 1) the effect the proposed development would have on the character and appearance of the area, with particular regard to the loss of trees protected by a Tree Preservation Order;*

*2.3.15.2. 2) the effect of the development on the living conditions of neighbours, with regard to overlooking and loss of outlook.*

2.3.16. The inspector found the appeal scheme acceptable in both regards. Similarities can be made to the appeal scheme presented by Churchill Living.

2.3.17. Throughout the Inspectors decision he outlines the character of the area. A summary of this is provided below to further expand on the Appellants analysis:

2.3.17.1. The inspector's description of the character emphasises several key aspects. The site is situated in a predominantly residential area characterised by a mix of detached and semi-detached houses with varied architectural styles and periods, contributing to a rich and diverse streetscape. The area is described as having a verdant and spacious quality, with properties generally set back from the road, providing front gardens and greenery that enhance the suburban feel. This green buffer contributes significantly to the area's charm and appeal.

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- 2.3.17.2. Furthermore, the inspector notes the importance of maintaining the visual cohesion of the streetscape, despite the architectural variety. This is achieved through the consistent use of materials such as brick, render, and tile, which provide a sense of unity and continuity. The inspector highlights the significance of mature trees and well-kept lawns in enhancing the suburban environment, framing views, and dwarfing the buildings, thereby adding to the overall character of the area.
- 2.3.17.3. In summary, the inspector's description underscores the necessity for any new development to respect and reflect the existing character of the area. This includes maintaining the verdant and spacious quality, using materials that harmonise with the existing streetscape, and ensuring that the development does not disrupt the visual cohesion and charm of the neighbourhood.
- 2.3.18. Orchard Lane is also a good example of where large dwellings were demolished and previously undeveloped garden land to the rear of the main building line been optimised for development as the village has grown either side of the main road over the years. Earlier examples of this can be seen at the Minnells, Willow Brook Way, The Populars etc.

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### 3. THE APPEAL APPLICATION

#### 3.1. The Process

- 3.1.1. Prior to the submission by the applicant there has been no relevant planning history on the site.
- 3.1.2. The application was submitted on 4th December 2023 and validated on 5th December 2023.
- 3.1.3. The appellant actively engaged in the consultation process, attending and presenting at the Mid Sussex Design Review Panel Meeting on 17th January 2024. Following feedback from the design review panel and comments from the Council's urban designer, the scheme was amended on 10th April 2024. Details of these discussions can be found in section 3.2.
- 3.1.4. An online public consultation was held between 24<sup>th</sup> November to 3<sup>rd</sup> December 2023 on a dedicated website, where plans were available to view, together with an interactive feedback form. Letters were issued on 22<sup>nd</sup> November 2023 to circa 213 residential and commercial addresses bordering and within close proximity to the site. In addition, a press release was issued on 24<sup>th</sup> November 2023, and was published by the Sussex World on the same day. The project website received 976 views by 340 people during the event. Of those people who visited the website, only 17.6% of visitors left feedback. 10 feedback forms were received during the public consultation. Feedback acknowledged that the proposed development would provide significant benefits to the local economy and reduce pressures on NHS services. The need for older persons housing was also recognised during the consultation by several respondents, as well as one response identifying the development of older persons housing would be a great opportunity in returning to Hassocks to live. Overall, the feedback was generally positive, with any queries raised throughout being responded to within the SCI.
- 3.1.5. On 10th May 2024, the appellant chose to appeal against the Council's failure to determine the application within the statutory timeframes. The Council subsequently took the application to the Planning Committee on 13th June 2024, accompanied by an officer's report recommending refusal.

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- 3.1.6. The officer's report to the committee was issued on 6th June 2024, along with an Agenda Update Sheet presented to the committee members on 13th June 2024. The update included amended wording for reasons 1 and 2 but did not provide further updates regarding the initial reasons for refusal.
- 3.1.7. Ultimately, the Planning Committee upheld the officer's revised recommendation for refusal.
- 3.1.8. It is noted that Hassocks Parish Council were in support of the application and other than previously mentioned objections there were no other objections from the consultees.
- 3.1.9. The Appellant received the Councils Statement of Case on 5<sup>th</sup> July; this does not provide any further clarification regarding the original reasons for refusal.

### 3.2. Design Review Panel, Urban Designer, and Churchill Living response

- 3.2.1. As mentioned above during the application a design review panel (17<sup>th</sup> January 2024) was held on the originally submitted drawings **(CD.1.1 to 1.15)** **(fig.5)**. Feedback was also available from the LPAs Urban Designer and third party representations. A summary of their initial comments is included below:

#### 3.2.1.1. Site Coverage and Layout

- Overall site layout lacks legibility and cohesion.
- Residents would benefit from well-defined, interconnected paths throughout the site and gardens, ideally creating a continuous or looped journey.

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- Suggested relocating the residents' lounge and communal patio to the east to face the garden area, creating a more pleasant environment and direct link from the accommodation to the gardens.
- The pedestrian route from the building to the garden entrance is confusing and of poor quality, needing better design.
- The main gardens to the south and east may be overshadowed by existing trees, with afternoon sun benefiting primarily the car parking area.

### 3.2.1.2. Parking and Access

- The car park and access road are correctly located at the rear/side of the building but are too close to the neighbouring garden to the west.
- The finishes of the car parking surface could be designed to prioritise pedestrians.

### 3.2.1.3. Massing and Elevations

- The development feels too large for the site; shortening the south end of the building would be beneficial.
- Building elevations could be improved by better organising window proportions and creating a more consistent approach.
- The roof form at the back feels too monolithic and needs to be broken down to correspond better with vertical divisions on the elevations.

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- The architectural language used at the front should be continued on all other elevations.
- The roof canopies overhanging the ground floor lounges are not strong enough.
- Window proportions appear squat in relation to the traditional style of the building.
- The classical columns at the main entrance are inconsistent with the Arts and Crafts aspirations.
- All building entrances need enhancements to make them more readable.
- Care needed to ensure roof junctions work in three dimensions and downpipes are shown throughout.

#### 3.2.1.4. Internal Layout

- The long second-floor corridor terminating at a wall without any outlook is confusing, dark, and uninviting.
- The overall layout and distribution of spaces need to be reconsidered to provide better connection and usability.

#### 3.2.1.5. Additional Suggestions

- More detailed explanation of boundary treatments is needed.
- East-west sections and all long sections should provide more context.

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- It would be helpful to see 3D visuals of the proposed development in its context.
- Landscaping aspirations should not be left to detailed conditions and should be clearly defined.

3.2.2. Their response subsequently led to internal review by Churchill Living's team to respond to many of the comments by all parties and has led to the current amended drawings before the Inspector to review (*fig 6*).

3.2.3. Changes made included:

- 3 additional parking spaces (18 total);
- Obscure windows to all flanks (BB1, CC2 & DD2);
- Reconfiguration of the owners lounge to provide improved connectivity with the main amenity on the east side of the building;
- Paths and seating areas added to the amenity area for improved interconnectivity throughout the site;
- Providing a more active frontage to elevation CC2;
- Additional Juliette balconies where possible;
- A revised entrance canopy more reflective of the local vernacular;
- Prominent entrance features/porches to the principle elevation;
- A review of the architectural language and changes to the material composition to improved consistency and rhythm across all facades.

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- 3.2.4. In response to these changes the LPAs Urban Designer (*para 12.17 -CD.3.1*), states:

*3.2.4.1. 'I am satisfied with some of the changes and improvements proposed to address the issues I raised, particularly the improvements to the internal layout, the introduction of the Juliet balconies and the enhancement of all the entrances to the building to make them more easily readable.' 'Moreover, the improvements to the elevations B-B1 and C-C2 especially, regarding the latter, the lowering off the eaves that helps to reduce the perception of the 3 stories massing.'*

*'However, I still have concerns over the site coverage. Also, I feel the elevational design of B-B2 and D-D1 would benefit from continuing the architectural approach used at the front (here the front elevation is staggered and articulated to appear as two separate units, with a lower level linking volume).'*

*'The car park and access road are located correctly at the rear/side of the building; however, I still have concerns about the parking area's proximity to the next-door garden located to the west. I still feel that the boundary treatment as presented might not provide enough screening and won't address the issue sufficiently.'*

**'Subject to the revisions set out above I would support it.'**

- 3.2.5. Throughout the planning process, Churchill Living actively participated in the Mid Sussex Design Review Panel and consulted with the Council's Urban Designer and local stakeholders. This engagement allowed them to incorporate valuable feedback, addressing concerns related to site layout, massing, privacy, and visual impact. Demonstrating their willingness to adapt and improve. This approach aligns with the National Planning Policy Framework (NPPF), which emphasises sustainable development, high-quality design, and meaningful stakeholder engagement.

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## 4. THE DESIGN

### 4.1. General

- 4.1.1. The design is set out in the supporting Design and Access Statement. However changes were subsequently made during the application process to respond to comments made by the Planner, Urban Designer, Design Review Panel and third party representatives during the consultation process. Below is a summary of the final scheme presented for the Inspector to consider following the application amendments.
- 4.1.2. As described in previous sections prior to undertaking the design a robust analysis of the site and the surrounding context was undertaken and the constraints and opportunities identified *(CD.2.1 to 2.15)(fig.6)*.

### 4.2. Use and density

- 4.2.1. The proposal is for 41 apartments providing living accommodation for older people including communal facilities, access, carparking and landscaping. The mix consists of 27 one bed and 14 two bed apartments.
- 4.2.2. This equates to a density of 89 dwellings per hectare. There are not many other solely flatted developments within the area in which to make a direct comparison. The nearest flatted development to the site is Fitzjohn Court consisting of 18 apartments with a mix of one and two bedroom units similar to the appeal site. This development equates to a density of 110 dwellings per hectare.
- 4.2.3. The break down of the site in terms of coverage is 28% built form, 15% hard landscaping and with the remaining 57% existing vegetation and new professionally landscaped gardens designed for high levels of visual interest.
- 4.2.4. An analysis of coverage ratios for properties near the site was conducted as part of the Appellant's due diligence (fig. 9.2). While the existing site coverage is out of character with the surrounding residential development, the appeal scheme is comparable in terms of built form, hard-standing, and

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landscaping ratios to all the recent developments studied. Although neighboring developments typically feature lower densities due to the type of dwellings provided, the appeal scheme aligns closely with the coverage patterns observed in these more recent developments.

- 4.2.5. The appeal scheme optimises the potential of the site to accommodate development on a brownfield site and in locations close to facilities or with good public transport links.

### 4.3. Layout

- 4.3.1. The rationale for the layout of the appeal scheme is set out on page 33 of the supporting DAS (*CD.1.15*).
- 4.3.2. The appeal development has a T-shaped footprint with a stepped frontage to transition between the varying building lines adjoining properties at 66A and 72 Keymer Road. This is not dissimilar to the line of the existing buildings on site and the design is set back from the pavement edge to maintain the verdant character to the fore of the site.
- 4.3.3. The floor plan includes an even distribution of one and two-bedroom apartments with varying orientations.
- 4.3.4. Flats are typically single sided and positioned either side of a central axis corridor; this helps to create a sense of community / neighbourliness.
- 4.3.5. The layout and distribution of spaces follow the model of a typical Churchill Living development (*p.8. CD1.15*) with legible transition from carpark to entrance, owner's lounge / communal spaces and through to the main amenity space on the building's east side.
- 4.3.6. Site layout and legibility are critical considerations, aligning with feedback from the Design Review on improving interconnected paths throughout the site and gardens, creating a continuous or looped journey, and relocating the residents' lounge and communal patio to face the garden area.

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4.3.7. Due to the requirement of the product, the site constraints and the need to provide an active frontage responding to the street scene along Keymer Road, there are several single sided north facing flats within the proposed development. However, lighting levels within the scheme have been reviewed throughout the design process and a daylight & sunlight assessment of the spaces internal to the building undertaken (**appendix.8.1**) to ensure its acceptability. It concludes:

4.3.7.1. *'The results confirm that a number of rooms fall short of the daylight provision targets during the summer. However, the BRE guide explains that providing the targets are met in the winter months, daylight year-round is likely to be adequate. In this case, around 80% of all habitable rooms tested meet or surpass the BRE minimum winter recommendations (i.e. 78 of the total 98 rooms meet or surpass their winter targets). In our opinion this demonstrates a high level of compliance with the BRE guide.'*

4.3.7.2. *'In the case of the proposed development, 26 of the 41 units have a living room window which faces within 90 degrees of due south. When considering the deciduous trees as opaque objects, 27 units have a living room which receives a total of at least 1.5 hours of sunlight on 21 March. '*

4.3.7.3. *'The BRE guide acknowledges that in some cases, it may not be possible for every dwelling to achieve ideal levels of sunlight. The guide explains that where groups of dwellings are planned, site layout design should aim to maximise the number of dwellings with a main living room that:'*

- *faces within 90 degrees of due south, and;*
- *can receive a total of at least 1.5 hours of sunlight on 21 March.*

4.3.7.4. *'In our opinion, the proposed development represents good site layout design. Since the design maximises sunlight availability, as far as practically possible given the constraints of the site, the BRE exposure to sunlight recommendations for groups of dwellings have been met.'*

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- 4.3.7.5. *'The results show that all of the external amenity space will receive at least two hours of sunlight on 21 March. This is significantly better than the BRE recommendation which states that at least 50% of any garden or amenity area should receive at least two hours of sunlight on 21 March. The proposed development therefore passes the BRE overshadowing to gardens and open spaces test.'*
- 4.3.7.6. *'The numerical results demonstrate that most of the proposed rooms meet or surpass the BRE recommendations. Whilst not all rooms meet the recommendations, the BRE guide explains that the numerical guidelines should be interpreted flexibly, since natural lighting is only one of many factors in site layout design.'*
- 4.3.8. The rear leg extends southerly into the garden space and is positioned centrally to both east and west boundaries. The end of the leg terminates in line with the southern flank of 9 the Minnells and has a similar (if not more elevated) relationship with the rear gardens along Dale Rd (**fig. 8.6 and 8.7**).
- 4.3.9. Due to the width of the frontage there would be no significant views of the rear leg from anywhere along Keymer Road (**fig.10.1**).
- 4.3.10. Minor glimpses of the appeal site may be visible between some of the two-storey dwellings on Dale Avenue, located directly south of the site. However, these views are considered minimal, as the existing site levels and the two-storey homes with single-storey garages will largely screen the development, especially during the spring, summer, and autumn months due to extensive tree coverage. While this will represent a change from the current situation, it is not out of character for development along Keymer Road to be visible from Dale Avenue. Other developments, such as those on Minnells and the school, are already prominent in the backdrop of Dale Avenue due to the natural contours of the area (**fig. 3.1**).
- 4.3.11. A new access road runs parallel to the western boundary, leading to a rear parking court with 18 spaces. This design includes segregated pedestrian access, with refuse and buggies positioned along this route to minimise

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walking distances for residents. The refuse and buggies are sited against the blank, flank wall of 66A, minimising its impact. Further plans, elevations and details of the refuse and buggy store have now been produced for consideration by the Inspector (*fig.7.1)(appendix 8.8)*.

- 4.3.12. The substation has been sited in the south west corner of the site and has been positioned in a discreet location away from public view whilst still maintaining good access. Screening and landscaping will be provided to ensure any visual impact to adjoining gardens is mitigated (*fig.7.2)(appendix 8.9)*.
- 4.3.13. Separation distances and levels are clearly set out in the site distances and proposed levels plan (*fig.6.9*) and supplemented by sections showing relationships with adjoining properties (*fig. 8.6 and 8.7*).
- 4.3.14. Separation distances to the east are a minimum of 10m from flank to the boundary, 18m from habitable window to the boundary, and 31m from habitable windows to the rear windows in the Minnels.
- 4.3.15. To the south, distances from the flank are a min 10m to the neighbouring boundary and 27.5m to rear windows of properties on Dale Road (nb. Windows in the appeal scheme flank are all obscured), This is a comparable relationship from the flank of no 9 the Minnels to properties south of it.
- 4.3.16. To the west, distances are typically min 10m when flank to flank with 66a Keymer Road and 22 meters from habitable windows to the neighbouring garden. There are no window to window relationships facing west from the rear leg of the proposal.

#### 4.4. Scale and mass

- 4.4.1. Section 4.3 of the supporting design and access statement (*p.28 to 30-CD.1.15*) provides conceptual diagrams and outlines how the design for the

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site evolved, and how the footprint and mass was broken down to respond to the areas character.

4.4.2. Through the clever use of subdivision, articulation, steps, recesses and varying heights the building has achieved a more human scale relative to its setting. Section 5.4 of the supporting Design and Access Statement (**p.34 to 36- CD.1.15**) out the rationale for scale and massing.

4.4.3. Below is a summary of the design in this regard:

4.4.3.1. The proposal is for a 2.5 storey building with the second floor situated partially / fully in the roof space which is a comparable scale and mass to other development in the character area which is typically 2 and 3 storey, with occasional 3.5 storeys (**fig.3.13**). Half dormered elements have been tile hung to allow integration into the design without appearing out of character.

4.4.3.2. The siting of the proposed is positioned on the building line of the existing dwellings; this will ensure the existing deep zone of landscaping and mature trees (15-16m) is kept and enhanced, to ensure the important natural character along Keymer Road maintained (**fig.8.6**).

4.4.3.3. The main elevational mass is divided into two smaller components of comparable widths to other nearby detached properties. A deep recess and step between the two halves is provided to accentuate the division. The recess has been spaced to match other existing gaps in the wider area (**fig.8.7**). It has also been given a lower eaves and ridge height than its adjoining counterparts to accentuate its subservience.

4.4.3.4. The overall ridge and eaves of the eastern block is designed to be no greater than the existing no 70 Keymer Road. In fact the main ridge is lower by 735mm (**fig.6.6**).

4.4.3.5. The eaves of the western block is comparable to the 2 storey element of no 68 and although the ridge is slightly higher is stepped away

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significantly from the boundary shared with number 66a Keymer Road by 3740mm more over the existing 68 Keymer Road (*fig.6.6*).

- 4.4.3.6. The overall depth of the appeal scheme flanks has been stepped at the central corridor (*fig.6.7 & 6.8*) breaking it down visually into depths comparative with existing properties within the context of the site (*fig.8.8*) with the rear section being subservient to the front. This has been further accentuated by changes in material.
- 4.4.3.7. The ground floor finish level of the north part matches 68 Keymer Road and is typically below street level. This affords greater scale to the eastern part due to rising levels along Keymer Road. The eastern element is designed at 2.5 storeys with a half-dormer, approximately half a meter lower than the existing dwelling. The western part is also 2.5 storeys, set within the roof with full dormers except for a feature half-dormer gable adjacent to the recess. This creates a transitioning roofscape between the two elements and the adjoining properties at 66a and 72 Keymer Road.
- 4.4.3.8. Due to the natural topography across the site and the fall from north to south, there is a vertical step in the building to help accommodate the level change across the site, limiting the need for extensive under build and retaining walls (*fig.6.7*).
- 4.4.3.9. Careful thought has been given to creating a roofscape of harmonious composition which responds to the topography of the site and assists in deconstructing the overall mass into smaller components appropriate to its context. The flanks of the development have been hipped to conceal any flat roof and reduce perceived mass.
- 4.4.3.10. The appeal scheme refers to the precedent for scale & massing set by Orchard House/Orchard Lane and Ewart close (*fig.3.16 & 3.17*) and other larger developments in the wider context (*fig.8.2 to 8.5*). The aforementioned developments are a few of the most recent developments near the site and is considered an appropriate scale and bulk.

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## 4.5. Appearance

- 4.5.1. The frontage has been designed to appear like two detached residential properties typical to those that line both sides of Keymer Road. Features have been taken from the buildings they are replacing and the wider context to create an appearance that is appropriate to its setting (*fig.3.19*).
- 4.5.2. An overview of features that form part of the visual identity of place can be seen in the Design and Access Statement (*p.14 to 23 - CD.1.15*): This has been built on in a detailed assessment in (*fig.3.1&3.19*). These include:
- the selected palette of materials (red/brown brick, painted brick, render, tile hanging and weather boarding);
  - Roof design (mix of gables, hips and barn hips, dormer windows, bonnet tiles, a mix of red / brown and grey finishes).
  - Brick headers, cills and banding.
  - Metal railing to balconies;
  - A hierarchy of windows;
  - Porch features / canopies.
- 4.5.3. An appropriate balance of good quality materials has been drawn from its context and where possible materials will be sourced locally (i.e. bricks will be selected from factories as close as geographically to the site).
- 4.5.4. Changes in materials across all elevations have been carefully considered to create a harmonious composition and minimise the visual impact of downpipes and guttering. Both materials and downpipes have been used to create the impression of several smaller terraced dwellings of Acadian appearance.
- 4.5.5. The recess between the two main elements on the frontage has been given a dark appearance; this with the aid of the foliage of the mature trees in will create a subservience to the richer and more colourful masses to either side.

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- 4.5.6. The main entrance is situated centrally to the rear leg off the car park. The elevational appearance is a contrasting white painted brick façade with a vernacular style gabled entrance canopy for prominence/legibility.
- 4.5.7. Windows have been given a hierarchy according to the spaces they serve.
- 4.5.8. Both stairs on the street facing elevations have been given canopies to give the development a more domestic scale.
- 4.5.9. Dormers are a mix of pitched and flat roof items. Both of which can be found in the immediate locale.
- 4.5.10. The use of dormers has been deliberately avoided on elevation CC2 at the end of the leg as to give the impression of a two storey scale.
- 4.5.11. As well as stepping the flanks as described in the section above, each half has been given a contrasting appearance to break down the mass.
- 4.5.12. Downpipes have been indicated on the elevations and have been discreetly placed at changes in material and to assist in breaking the building visually into several smaller more domestic scale components.

#### 4.6. Landscaping

- 4.6.1. The Landscape Architects constraints plan and landscape strategy (*CD 2.16 & 2.17*) sets out the parameters of the appeal scheme.
- 4.6.2. From the site analysis undertaken the primary focus along Keymer Road is the rich landscape character rather than the built environment which is typically stepped back from the road and on the whole concealed by mature trees and hedges when viewed along its length.
- 4.6.3. Visual amenity is a very important part of the lifestyle, as a result Churchill Living place high value on maintaining good quality existing trees and new

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planting will be tailored to suit it. Unless indicated otherwise all boundary planting will be maintained as part of the development.

- 4.6.4. The landscaping proposals formed part of the discussions throughout the application stages and subsequent revisions and justification was provided to respond to officer and panel comments *(CD.1.1.9 & 2.16 to 2.17)*.
- 4.6.5. The sections submitted with the application clearly set out the parameters and relationship with each of the adjoining properties and their gardens *(fig.6.10 - 6.13)*; which is designed to be appropriate and neighbourly.
- 4.6.6. The site benefits from substantial planting / vegetative screening to all boundaries. This can be seen on the boundary treatment plan submitted with the application *(fig.2.6)*. Unless specified it is intended all existing vegetation, planting & trees are to be kept. Any new species on site will be selected from native species.
- 4.6.7. Between the boundary and appeal schemes access drive there is a planted verge to provide screening and separation. To the rear adjacent 66a' garden space, this verge has been increased to 2.5 metres and will retain much of the existing planting. As well as supplementing it with new specimens to enhance this already verdant buffer between the two properties. Thus ensuring the impact of the parking court is mitigated.
- 4.6.8. The introduction of deep planters at the boundaries will provide visual interest whilst keeping the more active communal amenity at an appropriate distance from sensitive edges of the site.
- 4.6.9. By moving the carparking to the rear, removes a large area of hardstanding from the front of site and carefully conceals it from the character area, making way for an abundance of new planting which will enhance the setting.
- 4.6.10. The submitted landscape strategy outlines how any gaps in the existing vegetation will be filled with planted borders, new hedges and sub canopy buffer vegetation to ensure there is no overlooking.

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- 4.6.11. Churchill livings apartments are maintained in perpetuity by its sister company by Churchill Estates Management. This will ensure the quality of the landscaping and gardens will be maintained.

#### 4.7. Sustainability

- 4.7.1. The appeal schemes approach to sustainability is set out in the supporting Design and Access Statement *(p.44 to 50 - CD.1.15)*.
- 4.7.2. The proposed development demonstrates compliance with Policy DP29 of the Mid Sussex District Plan (2014-2031) by effectively addressing noise, air, and light pollution mitigation. Through strategic building design, extensive landscaping, sensitive lighting solutions, and the promotion of sustainable transportation options, the development not only meets the requirements of Policy DP29 but also contributes to creating a healthier and more sustainable living environment for its residents.
- 4.7.3. To address noise mitigation, the building design and layout incorporate robust construction methods and materials that minimise noise transmission. The T-shaped footprint and strategic placement of communal areas help buffer noise between different parts of the building and the surrounding environment. Additionally, internal layouts are designed to reduce noise impacts, with quieter communal spaces and resident lounges situated away from potentially noisier areas like roads and parking spaces. The extensive landscaping, including substantial planting and vegetative screening, acts as a natural sound barrier. Trees and shrubs around the site help absorb and deflect noise from Keymer Road and surrounding areas.
- 4.7.4. For light pollution mitigation, the development employs sensitive lighting design to minimise light spillage. Low-energy, directional lighting ensures that illumination is confined to necessary areas, reducing light pollution and its impact on neighbouring properties and wildlife *(fig.8.9)*. Motion sensor controls and timed lighting systems further ensure that lights are only on when needed, reducing unnecessary light emissions.

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- 4.7.5. Air pollution mitigation is achieved through sustainable transportation options and green infrastructure. The development promotes reduced reliance on cars by being situated close to local amenities and public transport options, thereby minimising emissions from vehicles. Extensive landscaping and the introduction of green spaces within the development enhance air quality by increasing vegetation, which absorbs CO2 and other pollutants, contributing to the overall health and well-being of the residents and the local environment. The design also includes measures for managing surface water runoff, incorporating sustainable drainage systems (SuDS) that help maintain air quality by reducing dust.

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## 5. PLANNING POLICY

### 5.1. National Planning Policy Framework (NPPF)

- 5.1.1. Details of wider local and national planning policy in relation to this appeal can be found in Mr Shellum's proof of Evidence. This section focuses specifically on the relevant policy relating to the appeal schemes design.
- 5.1.2. The proposed development aligns with the NPPF's objectives of promoting sustainable development, providing high-quality housing, and supporting the needs of older people. Specifically, it addresses the following sections and as such considered by the appellant to be an appropriate response to its context:

#### 5.1.2.1. NPPF – Section 12 Para 126 seeks to ensure that developments;

The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.

#### 5.1.2.2. NPPF - Para 130 seeks to ensure that developments;

- **Function well and add to the quality of the area over their lifetime;**

The appeal site is particularly suitable for retirement housing on account of its location within easy reach of transport and shopping facilities. Churchill Living schemes are specifically designed to meet the social, physical and occupational needs of its residents (see sections 1.2, 1.3, 1.4, 1.5 & 1.6 of the supporting DAS). The integration of a retirement housing development into

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the area would further add to the diversity and balance of the community and meet an identified local housing need.

- **are visually attractive due to good architecture, layout and landscaping;**

Detailed contextual analysis and design development as set out in the DAS informed the building so it is appropriate to its site and context. A landscape architect was appointed of national repute from the conceptual stage as part of the design team to ensure the external areas were afforded due importance and a holistic approach in terms of architecture and landscaping was taken. Key stakeholders were engaged with throughout the planning process specifically amended to ensure the appeal design positively responded to the street scene and reflected local character.

- **are sympathetic to local character and history including the built environment and landscaping, while not preventing or discouraging appropriate innovation or change including increased densities;**

References were taken from the key factors characterising the contextual area whilst designing the proposals. Factors such as the surrounding building scale, form, siting, articulation, elevation components and materials were referenced and used to inform the design proposal. The local policy / guidance notes were also used as a reference point for understanding the characteristics of the wider area and how to approach and the acceptability of any new development. To provide the social and security needs associated with this type of development, and aimed at older persons, retirement living schemes tend to be a singular block of accommodation with inherent increased density. NPPF encourages provision of older persons accommodation and its design polices enable innovation to meet housing needs.

- **Establish or maintain a strong sense of place to create attractive, distinguished places;**

The appeal proposals were designed to make a positive contribution to the public realm with a building of appropriate mass, scale and disposition for the site, having regard to the character of Hassocks.

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- **Optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development;**

A retirement housing development with car parking and landscaped gardens would both add to the mix of residential types within the locality whilst also ensuring that local facilities and transport are used to full effect. The future occupants of the proposed retirement housing would integrate into the community by shopping locally and using local services and facilities thereby contributing to a highly sustainable and inclusive development. In a district and village constrained from expansion by the natural environment the proposal would optimise the use of a long vacant brownfield site within the confines of the village.

- **Create places that are safe, inclusive and accessible, promoting health and wellbeing, with a high standard of amenity and where crime does not undermine the quality of life.**

One of the pre-requisites of sheltered housing is to provide a sense of security whilst designing a development which is integrated into, rather than separated from, the community.

#### 5.1.2.3. NPPF - Para 4.8

- **Design: Process and Tools:** The NPPF advises that well-designed places can be achieved by taking a proactive and collaborative approach at all stages of the planning process (Paragraph: 001 Reference ID: 26-001-20191001).

As discussed in section 3 of this proof the appellant looked to engage throughout the application process with the local planning authority, design review panel, consultees and the local community and the design has taken on board comments received throughout the process.

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## 5.2. The national design Guide 2019

5.2.1. The appeal scheme satisfactorily addresses the ten characteristics for well-designed development set out in 2019 National Design Guide. Section 5.1 of the supporting Design and Access Statement (**CD.1.15**) summarises how the appeal scheme adheres to these guidelines where applicable on an infill site such as presented. In doing so it meets the corresponding chapters of the NPPF. Characteristics relating to context, identity and built form are of relevance to this appeal about design. For example:

- **Context**

The national design guidance advises that well-designed places are based on a sound understanding of the features of the site and surrounding context, to integrate into surroundings, are influenced by and positively influence their context (p.10, para 39). The application was submitted with a Design and Access statement that clearly demonstrates this thorough analysis of the site and its context.

- **Identity**

The national design guidance advises that well-designed places have a character that suits its context and should be visually attractive to its occupants and other users (p.14, para 50). The Appeal design carefully considers the composition of the streetscene along Keymer Road and assimilates the local vernacular and existing factors such as: height & scale, roofscape, spacing, landscaping and façade design to inform the built form.

- **Built form**

The design guide advises (p.18, para 60) that built form is the three-dimensional pattern of development blocks, buildings and spaces. Well-designed places will have compact forms of development that are walkable, accessible to local public transport, provide recognisable spaces defined by buildings, have memorable features that create a sense of place, and makes efficient use of land. The guide informs that built form is determined by good urban design principles that combine layout, form and scale in a way that responds positively to context. The proposed design provides a legible building with a sense of arrival from boundary to car

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parking, to the principal building entrance. The design creates a coherent pattern of development that is in keeping with its context and reinforces existing attributes along Keymer Road and the wider context by being sympathetic to attributes such as building line, scale and massing & appearance.

### 5.3. National Model Design Code 2021

- 5.3.1. The National Planning Policy Framework (NPPF) makes clear that all local planning authorities should prepare design guides or codes consistent with the principles set out in the National Design Guide and National Model Design Code, and which reflect local character and design preferences. Design codes and guides should provide a framework for creating high-quality places.
- 5.3.2. The National Model Design Code sets a baseline standard of quality and practice which local planning authorities are expected to consider when developing local design codes and guides and when determining planning applications.
- 5.3.3. Although pre-dating the National Design Code, Mid Sussex District Council have previously commissioned the Hassocks Village Townscape Appraisal and adopted the Mid Sussex Design Guide SPD on which local policy is informed by; the key considerations from these documents are outlined later in this section. The appeal design has duly regarded both and the Townscape Appraisal has set the baseline for the Appellants site and contextual analysis.

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## 5.4. Local Development Plan Policies

### 5.4.1. Mid Sussex District plan (2014 -2031) – Policy DP26: Character and design<sup>1</sup>

- 5.4.1.1. Policy DP26 of the Mid Sussex District Plan (2014-2031) mandates that all development and surrounding spaces, including alterations and extensions to existing buildings and replacement dwellings, will be well-designed and reflect the distinctive character of towns and villages while being sensitive to the countryside. The policy requires applicants to demonstrate that their development is of high-quality design and layout, includes appropriate landscaping and greenspace, and contributes positively to, and clearly defines, public and private realms. Developments should normally be designed with active building frontages facing streets and public open spaces to provide natural surveillance. Additionally, the policy emphasises creating a sense of place while addressing the character and scale of the surrounding buildings and landscape, protecting open spaces, trees, and gardens that contribute to the area's character, and safeguarding valued townscapes and the separate identity and character of towns and villages.
- 5.4.1.2. Developments must also avoid causing significant harm to the amenities of existing nearby residents and future occupants, considering the impact on privacy, outlook, daylight, sunlight, and noise, air, and light pollution (as outlined in Policy DP29). The policy advocates for a pedestrian-friendly layout that is safe, well-connected, legible, and accessible, incorporating well-integrated parking that does not dominate the street environment, especially in high-density housing areas. Finally, it calls for positive sustainability considerations in both the layout and building design.
- 5.4.1.3. The appeal scheme complies with DP26 by incorporating several key design elements that align with the policy's requirements. The development is designed to integrate seamlessly with the surrounding built environment, reflecting the distinctive character of Hassocks. The

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<sup>1</sup> P.75. *Mid Sussex District Council (2018) MID SUSSEX DISTRICT PLAN 2014 -2031*

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architectural design includes features and materials that harmonise with the local vernacular, ensuring the development contributes positively to the townscape. The design and layout of the development are of high quality, featuring appropriate landscaping and greenspace that enhance the aesthetic and functional value of the area.

5.4.1.4. The scheme defines public and private realms clearly and features active building frontages facing streets and public open spaces, which help animate the environment and provide natural surveillance. The development creates a sense of place, respecting the character and scale of surrounding buildings and the landscape. Open spaces, trees, and gardens that contribute to the local character are protected within the design.

5.4.1.5. Moreover, the scheme ensures that there is no significant harm to the amenities of existing nearby residents and future occupants. This is achieved by carefully considering the impact on privacy, outlook, daylight, sunlight, and noise, air, and light pollution. The layout is pedestrian-friendly, safe, well-connected, legible, and accessible, promoting a sense of community and ease of movement.

5.4.1.6. The proposal incorporates well-integrated parking solutions that do not dominate the street environment. Sustainability considerations are addressed through the use of energy-efficient systems, sustainable materials, and designs that reduce environmental impact.

#### 5.4.2. Mid Sussex District plan (2014 -2031) – Policy DP29: Noise, Air & Light pollution<sup>2</sup>

5.4.2.1. Policy DP29 of the Mid Sussex District Plan (2014-2031) states that development will only be permitted where it is designed, located, and controlled to minimise the impact of noise on health, quality of life, neighbouring properties, and the surrounding area. It must demonstrate

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<sup>2</sup> P.79. Mid Sussex District Council (2018) MID SUSSEX DISTRICT PLAN 2014 -2031

good design, including fittings to restrict emissions from proposed lighting schemes, minimise the impact on local amenity in terms of the intensity and number of lighting fittings, and ensure that it does not cause unacceptable levels of air pollution.

5.4.2.2. The appeal scheme complies with Policy DP29 in several ways. Firstly, the design and location of the development have been carefully considered to reduce noise impact on health and the quality of life for both neighbouring properties and future occupants. This includes using appropriate building materials and incorporating soundproofing measures. Secondly, the scheme includes well-designed light fittings throughout the landscape to minimise emissions and reduce light pollution. The intensity and number of fittings have been limited to ensure that the impact on local amenity is minimal.

5.4.3. **Hassocks Neighbourhood Plan 2021 -2039 - Policy 9: Character and Design<sup>3</sup>**

5.4.3.1. Policy 9 emphasises several key aspects for development proposals: high-quality design and layout, positive contributions to private and public realms, respect for the character and scale of surrounding buildings and landscape, protection of open spaces and gardens, preservation of valued townscapes and the distinct identity of Hassocks, minimisation of harm to the amenities of nearby residents and future occupants, creation of safe, accessible, and well-connected environments, protection of existing landscape features and enhancement of the village's Green Infrastructure network, use of local materials appropriate to the local townscape character area, and a positive response to the local vernacular character.

5.4.3.2. The Appeal scheme aims to create a retirement living scheme comprising 41 one- and two-bedroom apartments with associated communal facilities, vehicular access, parking, and landscaping. The design incorporates a detailed assessment of its context, integrating with the

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<sup>3</sup> P.29. Hassocks Parish Council (2020) HASSOCKS NEIGHBOURHOOD PLAN 2021 -2039

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surrounding built environment, local culture, and history. The development includes a mix of scale, massing, appearance, materials, and landscaping to create a distinct and attractive identity.

- 5.4.3.3. The scheme aims to enhance local culture and character, contributing positively to the broader community. It includes green spaces, boundary planting, gardens, and sustainable landscaping to connect residents with nature. The architectural design respects the character and scale of surrounding buildings through careful attention to aesthetics, scale, and spatial arrangement. The use of varied materials and features reflects the local vernacular and breaks the overall mass into smaller, visually appealing components.
- 5.4.3.4. The development includes landscaped communal gardens and seating areas, providing private and communal outdoor spaces that enhance the green buffer and screen views both from and towards the proposal. The design preserves the separate identity and character of Hassocks by using materials and detailing that align with the local vernacular. The scale and massing of the building are in keeping with the urban grain of Keymer Road, ensuring a harmonious integration with the existing townscape.
- 5.4.3.5. Primary windows to habitable spaces in flank elevations are designed to avoid overlooking, with secondary or obscure windows used where necessary. The layout ensures good separation from neighbouring properties and all site boundaries, minimising any potential harm to amenities. The site is designed to be inclusive to users of all abilities and ages, with features such as step-free access, lift access to all floors, and wide communal corridors. The proposal also includes secure access points and a legible approach to communal facilities and garden spaces.

#### 5.4.4. Mid Sussex District Plan 2021-2039 (Submission Draft) - DPB1: Character and Design<sup>4</sup>

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<sup>4</sup> P.76. Mid Sussex District Council (2022) MID SUSSEX DISTRICT PLAN 2021 - 2039 Consultation Draft (Regulation 18)

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5.4.4.1. DPB1 emphasises new development should be of high quality and must respond appropriately to its context, be inclusive and prioritise sustainability (this includes the layout of new buildings and the design of surrounding spaces). The appeal scheme adheres to this policy in the following ways:

*5.4.4.1.1. Understanding the Context*

- The Appeal development respects and enhances the distinctive character of Hassocks by incorporating traditional architectural elements and materials. a footprint with a stepped frontage ensuring the new building integrates harmoniously within the existing building line / streetscape. This careful consideration of the building's massing and height maintains the visual continuity and character of Keymer Road and adjacent properties. The scheme also protects the separate identity of the site and context and responds to its topography.

*5.4.4.1.2. Layout, Streets and Spaces;*

- The design includes appropriate landscaping and greenspace, creating attractive communal gardens that enhance biodiversity. These green spaces are located to the periphery of the site assist screening the proposal from neighbouring amenity. The gardens are easily accessible and highly visual providing pleasant outdoor areas for residents. The development positively defines public and private realms with active building frontages facing streets and public open spaces, animating the area and providing natural surveillance. The scheme incorporates a green infrastructure that retains existing trees and introduces new ones, including tree-lined streets that enhance the character of the area. Parking and servicing areas are well integrated and do not dominate the street environment, ensuring a visually appealing streetscape.

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#### **5.4.4.1.3. *Establishing the Structure***

- The layout is organised around sustainable transport principles, creating a pedestrian and cyclist-friendly environment that is safe, well-connected, legible, and accessible. The development optimises the potential of the site by accommodating a high-density residential building in a location with good public transport links and close proximity to local amenities. The design encourages community interaction through well-planned communal areas and a strong neighbourhood focus, fostering a sense of community among residents.

#### **5.4.4.1.4. *High Quality Building Design***

- The development creates a strong sense of place while addressing the character and scale of the surrounding buildings and landscape. The design considers various aspects such as layout, size, scale, height, massing, spacing, orientation, views, materials, and the relationship with the public realm. Sustainable construction principles are incorporated, ensuring the building is designed for adaptation to future weather events and environmental sustainability. High-quality materials and construction methods are used to achieve a durable and aesthetically pleasing finish.

#### **5.4.4.1.5. *Residential Amenity***

- The development is designed to avoid causing significant harm to the amenities of existing nearby residents and future occupants. The design considers privacy, outlook, daylight, and sunlight, ensuring comfortable living conditions. Measures are implemented to mitigate noise, air, and light pollution, contributing to a healthy living environment. The layout and orientation of the building maximise natural light and

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ventilation, enhancing the residential amenity for all occupants.

#### **5.4.4.1.6. 20 Minute Neighbourhoods**

- The scheme embeds the principles of 20-minute neighbourhoods, ensuring residents have easy access to daily needs within a short walk or cycle. The development provides diverse and adaptable homes, supporting a mixed and inclusive community. The layout prioritises active and sustainable travel with high-quality, well-connected paths, streets, and spaces. Green spaces and infrastructure are strategically placed to connect with existing provisions.

#### **5.4.5. Mid Sussex District Plan 2021-2039 (Submission Draft) - Policy DPH3: Sustainable Development – Inside the Built-up Area<sup>5</sup>**

5.4.5.1. Policy DPH3 aims to promote sustainable development within built-up areas, optimising the use of available land and infrastructure while minimising environmental impacts. The policy encourages developments to be located close to facilities and services, promoting sustainable transport options and reducing the need for car travel.

5.4.5.2. The Appeal design aligns with DPH3 by utilising an existing built-up area efficiently. The site is strategically located near local amenities and public transport links, which supports sustainable travel options for residents. This reduces the reliance on private vehicles, aligning with broader environmental goals.

5.4.5.3. The development incorporates high standards of energy efficiency, using sustainable construction materials and renewable energy sources such as solar panels. These measures not only reduce the carbon footprint of the

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<sup>5</sup> P.112. Mid Sussex District Council (2022) MID SUSSEX DISTRICT PLAN 2021 – 2039 Consultation Draft (Regulation 18)

building but also contribute to the long-term sustainability of the development. Additionally, the proposal includes extensive landscaping and green spaces, enhancing biodiversity and providing recreational areas for residents, which aligns with the principles of sustainable urban living.

#### 5.4.6. Mid Sussex Design Guide (2020)

5.4.6.1. The appellant has reviewed the Mid Sussex Design Guide in detail and below is summary of the principles relevant to the appeal scheme. **Appendix 35** shows a summary of the Design Guide checklists and how the appeal scheme compiles with it:

- **Principle DG3: Work with the sites natural features and resources<sup>6</sup>** highlights the importance of integrating natural features and green infrastructure into new developments to enhance biodiversity, provide recreational spaces, and improve environmental quality. The appeal scheme design incorporates these principles by retaining existing mature trees and vegetation, which helps maintain the local character and supports wildlife. The development includes well-designed green spaces and landscaped gardens, creating a network of green infrastructure that connects different areas within the site and links to the surrounding environment. This enhances the biodiversity of the area through the inclusion of various plant species and habitats for local wildlife.

The appeal scheme also prioritises sustainable water management by incorporating features such as permeable paving and sustainable drainage systems (SuDS) to manage surface water runoff and reduce flood risk. These green spaces are designed to be accessible and cater to the recreational needs of the owners, promoting physical and mental well-being among residents.

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<sup>6</sup> P.44. Mid Sussex District Council (2020) MID SUSSEX DESIGN GUIDE SPD

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- **Principle DG4: Establish a Landscape and Green Infrastructure Network<sup>7</sup>** focuses on creating and enhancing landscape and green infrastructure networks. This principle aims to improve connectivity between green spaces, enhance biodiversity, and provide accessible recreational areas.

The appeal scheme design aligns with DG4 by incorporating existing natural features such as mature trees and hedgerows into the landscaping plan. The development features well-designed green spaces and landscaped gardens, which are connected to form a cohesive green infrastructure network within the site. This network not only enhances the visual appeal of the development but also supports local biodiversity by providing habitats for various species.

The inclusion of sustainable drainage systems (SuDS) helps manage surface water runoff, contributing to the environmental sustainability of the site. By providing accessible green spaces and ensuring connectivity to the surrounding environment, the development promotes the physical and mental well-being of its residents.

- **Principle DG13: Provide positive frontage to streets<sup>8</sup>** emphasises the importance of designing buildings that engage positively with the street, contributing to an attractive and coherent streetscape. This involves considering the building's frontage, the relationship between public and private spaces, and the creation of active frontages that enhance pedestrian experience.

The appeal design adheres to policy by ensuring that the building addresses Keymer Road in a positive and engaging manner. The T-shaped footprint with a stepped frontage transitions smoothly between the varying building lines along Keymer Road and the adjoining properties. This design choice helps to maintain a coherent and attractive streetscape.

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<sup>7</sup> P.45. Mid Sussex District Council (2020) MID SUSSEX DESIGN GUIDE SPD

<sup>8</sup> P.60. Ibid.

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The building's design has been to reflect the existing architecture in the context through carefully designed massing and appearance. This architectural approach not only respects the local character but also creates an active frontage that enhances the pedestrian experience. The inclusion of amenity areas facing the street, along with well-designed landscaping, further contributes to a welcoming and engaging streetscape.

- **Principle DG22: Integrate refuse and recycling into the design of new development**<sup>9</sup> focuses on integrating refuse and recycling storage into the design of new developments. It emphasises that these facilities should be suitably sized to accommodate all refuse and recycling containers necessary for residents, and acceptable to the refuse collection service. The storage areas should be carefully designed and located to avoid being visually obtrusive or obstructing passive surveillance of the street. They should also be placed where they will not be obstructed by car parking, within secure and well-ventilated areas, easily accessible from properties, and positioned to avoid causing nuisance through unpleasant odours or noise. Additionally, these facilities should be coordinated with cycle storage to ensure cohesive site planning. The Appeal scheme has due regard to this parking is strategically placed to the rear and sides of the building, screened by landscaping to minimize visual impact. This design choice ensures that parking is easily accessible for residents without overwhelming the aesthetics of the site.
- **Principle DG23: Integrate sub-stations stations into the design**<sup>10</sup> requires utility infrastructure like sub-stations and pump stations should be carefully designed and integrated within developments. These facilities should be unobtrusive and not detract from the quality of streets and public spaces. The sub station on the appeal scheme is discreetly located and screened by landscaping, ensuring it does not

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<sup>9</sup> P.70. Mid Sussex District Council (2020) MID SUSSEX DESIGN GUIDE SPD

<sup>10</sup> P.70. Mid Sussex District Council (2020) MID SUSSEX DESIGN GUIDE SPD

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detract from the visual quality of the development. This integration supports the functionality of the site while maintaining its visual appeal.

- **Principle DG24: Plan for cyclists<sup>11</sup>** states design must provide adequate cycle parking in suitable locations for both public and private users. Secure and convenient storage of bicycles in residential dwellings should also be included. Although due to the age of Churchill Living's demographic bike usage is extremely low. However, these principles have applied to the mobility scooter store and a number of Sheffield stands will be provided on site for visitor use.
- **Principle DG31- Focus development in sustainable locations<sup>12</sup>** New developments should respond to the scale, massing, and grain of adjacent areas and the settlement context. Opportunities exist to concentrate development in town centres, near brownfield sites, and accessible urban extensions, promoting green travel options.
- **Principle DG34 – Managing increased density in urban extensions<sup>13</sup>** - focuses on optimising and managing increased density to enhance legibility and distinctiveness, delivering a balanced community. The appeal scheme does this through the thoughtful design and planning of the site.

The development incorporates varying building heights and types to create a visually appealing and functional environment. Higher density elements are positioned in the more visually accessible area of the site, particularly along Keymer Road. The use of vertically articulated frontages along the main street creates a continuous and rhythmic streetscape that enhances the site's legibility and distinctiveness.

Additionally, the design includes higher buildings fronting onto communal spaces and public areas, providing increased overlooking and a greater sense of enclosure. This not only enhances the security

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<sup>11</sup> P.71. Ibid

<sup>12</sup> P.82. Ibid

<sup>13</sup> P.87.Ibid

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and usability of these spaces but also contributes to the overall character and identity of the development.

- **Principle DG37- Deliver high quality buildings that minimise their environmental impact<sup>14</sup>** emphasises the construction of high-quality buildings that minimise their environmental impact. This principle is reflected in the appeal scheme through various sustainable design approaches. The building incorporates high levels of insulation, energy-efficient windows, and renewable energy sources such as solar panels, reducing overall energy consumption and carbon footprint. The design also includes strategies to increase biodiversity, improve insulation, and manage stormwater runoff.
- **Principle DG38 - Design buildings with architectural integrity<sup>15</sup>** focuses on designing buildings that possess architectural integrity and a sense of place. The appeal scheme adheres to this principle by incorporating elements that reflect the local architectural style and character. These design choices create a cohesive and visually appealing streetscape that enhances the area's character and provides a unique sense of place for the residents.
- **Principle DG39 - Deliver appropriate scaled buildings<sup>16</sup>** addresses the design challenges posed by sloping sites. This principle is applied to the appeal scheme by stepping the building to follow the natural slope of the site. This design choice not only integrates the building seamlessly into the landscape but also ensures accessibility and functionality for residents. The stepped design helps to minimise the visual impact of the building and maintains a cohesive and attractive appearance from all angles.
- **Principle DG41 - Addressing sloping sites<sup>17</sup>** specifies developments on sloping sites should step buildings to follow the slope where

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<sup>14</sup> P.94. Mid Sussex District Council (2020) MID SUSSEX DESIGN GUIDE SPD

<sup>15</sup> P.96.Ibid

<sup>16</sup> P.104.Ibid

<sup>17</sup> P.110. Mid Sussex District Council (2020) MID SUSSEX DESIGN GUIDE SPD

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appropriate. This approach helps integrate buildings within the landscape and maintain harmony with the topography.

- **Principle DG42 – Consider the location and design of services and external pipes<sup>18</sup>** focuses on the discreet placement and design of services and external pipes. External service pipes are strategically located and grouped to ensure they do not detract from the building's aesthetic appeal and have also been used as a design tool to break down the mass and denote the change in materials. Through careful integration into the early design will ensure a clean and cohesive look to the development.

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<sup>18</sup> P.111.Ibid

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## 6. MATTERS IN DISPUTE

### 6.1. Reason for refusal 1: Over development of site and harm on character and appearance of area

*'The proposal is considered to be an over development of the site and due to the footprint, scale and mass of the proposed building, it is considered that the development would harm the character and appearance of the area by reason of the overdevelopment of the site in conflict with the predominant positive characteristics of the area. The proposal therefore does not comply with Policy DP26 of the District Plan, Policy 9 of the Hassocks Neighbourhood Plan and the design principles set out in the Design Guide SPD.'*

- 6.1.1. A broad description of character in Hassocks and Mid Sussex is provided in The 'Hassocks Townscape Appraisal' and the 'Mid Sussex Design Guide'. Both of which have been summarised in this statement. However, within these documents there is no description of the immediate character along Keymer Road.
- 6.1.2. The Appellant therefore undertook a detailed character appraisal in the supporting D&A (*p.12 to 23 - CD.1.15*) which has been summarised in this statement (*section 2.3*).
- 6.1.3. As demonstrated in this section, the existing properties comprising the appeal site curtilage are the abnormal to the area in terms of size, density and overall building coverage. The character of built form along this part of Keymer Road is typically subservient and concealed by the natural setting. With the rapid expansion of the town in the later 20<sup>th</sup> and early 21<sup>st</sup> centuries the urban grain has changed, becoming more compact and closer knitted. It is considered by the appellant that this brown field site in a sustainable location is able to cope with much increased density without effect on the character.
- 6.1.4. Justification for the design, its coverage, footprint, scale bulk and mass is set out in the supporting D&A (*p.34 to 36 - CD1.15*). It is summarised in **section 4.1.6** of this proof of evidence. **Section 5** of this statement also sets

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out how the Appeal scheme responds to both National and Locally cited policies.

- 6.1.5. When assessing the impact of a development on the character of an area, it is important to consider a range of factors. Character is defined not merely by the physical size or layout of structures but also by the architectural style, materials used, landscaping, and the relationship of buildings to their surroundings. Elements such as the scale, massing, design aesthetics, and integration with the existing streetscape play crucial roles in maintaining or enhancing the character of a neighbourhood. Thus, a building's footprint, while significant, is only one aspect of a complex interplay of elements that collectively define and contribute to the overall character of an area. It is essential to consider these broader design and contextual factors to fully understand the impact of any new development.
- 6.1.6. In addition to the detailed analysis already submitted with the application, **figures 8.1 to 8.8** have been produced to clearly demonstrate the parameters which dictate the appeal design and show comparable relationships that already exist in the immediate and wider context of Hassocks village.
- 6.1.7. The development is bounded on east, south and west sides by private gardens. Therefore the only part of the appeal scheme from the public realm that could perceivably have an impact on character is from Keymer Road. The overall footprint, scale, bulk, and massing of the appeal scheme are considered by the appellants to be appropriate from this vantage point.
- 6.1.8. Although minor glimpses of the appeal scheme may be obtainable from a few further afield locations such as a limited section of Dale Avenue immediately south of the appeal site, these views are negligible and limited to a few isolated vantage points between other buildings or through highly vegetated mature gardens that will soften any impact.

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- 6.1.9. Streets like The Minnells and Keymer Road, due to their elevated position and topography, are more prominent and exposed, contributing to the existing character (fig. 3.1). Any glimpses of the rear of the appeal development from Dale Avenue are minimal and considered appropriate within this established context.
- 6.1.10. In regard to footprint, scale, bulk and mass the LPAs primary concern as reiterated in the committee report **(CD.3.1)**, written response to Design Panel meeting, and the in-person meetings has been more limited to the length and scale of the rear leg. This element has been carefully designed to be concealed by the larger scale of the front block to which it is subservient, and the neighbouring buildings and mature trees along the Keymer Road street scene. If it is not visible from the character area then it can have no perceived impact on character and cannot be a reason for refusal.
- 6.1.11. The verified views **(fig.10.1)** submitted with the application demonstrate how the proposed is set within the context of Keymer Road and how it will have a negligible effect on the character once built. It is noted these images were taken in winter and show a worst-case scenario when all the deciduous trees and plants have lost their foliage.
- 6.1.12. As described in section 4 the facades have been subdivided visually into smaller components, comparable to other dwellings in the wider character area. This has been achieved using material changes, breaks, steps, and varying storey & roof heights and detailing. This treatment has been applied across all facades, resulting in the appearance of a collection of smaller domestic houses rather than a singular block of flats.
- 6.1.13. Since the application further CGIs have been commissioned around the building to demonstrate the well considered composition of the appeal design in breaking down the overall mass into an appropriate level **(fig.10.1 to 10.4)**. Although only artist impressions existing and proposed levels, landscaping and trees have been accurately modelled to give a good reflection of the development post completion.

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6.1.14. It is considered that through careful design the proposed has been sensitively broken down into a domestic scale with arcadian charm which is a positive characteristic of the area and if approved will have no impact on the positive verdant setting attributed to Keymer Road and this part of Hassocks.

6.1.15. Submitted with this appeal is a supporting rebuttal from the Landscape Architect (*appendix 8.3*). This too concludes:

*6.1.15.1. 'Whilst the development proposals would certainly bring about change to the character of the development. The site itself, it is considered that no unacceptable levels of harm are caused in terms of the effects on the landscape character and visual amenity of this particular area of Hassocks.'*

*'It has been demonstrated that matters concerning the effects on local landscape character and visual amenity contained in RfR 1 and RfR 2 are not justified and that the Site and the particular characteristics of this urban fringe location are able to accommodate the proposed development without resulting in unacceptable harm on local character or views.'*

6.1.16. In Section 2 the Appellant draws reference to the planning history for Orchard House / Orchard Lane on the opposing side of Keymer Road (circa 2008-2009) (*fig.3.16*)(*CD.6.4*). It is the Appellants view that the findings of the associated appeal for outline consent and the subsequent detailed planning application are material considerations to this Inquiry and the following comparisons of the designs for both historic consent and the appeal scheme subject of this Inquiry can be made:

6.1.16.1. Both schemes involved the demolition of 2 older detached properties with large curtilages for a development of much increased density.

6.1.16.2. Although slightly different due to the type of dwelling aspects such as site coverage, scale, and appearance are considered similar.

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- 6.1.16.3. Being opposite forms part of the same character area and setting as this appeal site.
- 6.1.16.4. In the setting of significant and mature TPO trees.
- 6.1.16.5. Comparable relationships with neighbouring development.
- 6.1.17. In relation to the development at Orchard House/ Lane both the Inspector and Planning officer found that the buildings impact on character acceptable leading to the subsequent approval.
- 6.1.18. The Council in both their committee report to members and the Councils Statement of Case for this appeal cite policy 9 of the 2020 Hassocks Parish Councils 'Neighbourhood Plan 2014 to 2031' as a material consideration leading to a reason for refusal. However, the Parish Council are in support of the scheme subject to a couple of unrelated points and raised no issue with impact on Character.
- 6.1.19. In summary the appeal scheme is appropriate to the context and character of the area as it thoughtfully integrates with the existing streetscape along Keymer Road, reflecting the local architectural styles, materials, and landscaping elements. The design breaks down the mass into visually smaller components, creating a sense of individual houses rather than a monolithic block, which aligns with the established character of the neighbourhood. Additionally, the scheme respects the verdant and spacious quality of the area, maintaining a green buffer and ensuring that the new development does not overwhelm the surroundings. Given the careful consideration of scale, massing, and overall design, the development complements the urban grain without causing visual discord or adversely affecting the area's character. Therefore, Reason for Refusal 1, which cites overdevelopment and harm to character and appearance, should be dismissed, as the proposal aligns with both national and local planning policies and positively contributes to the evolving urban context of Hassocks.

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## 6.2. Reason for refusal 2: Perceived impact on privacy of adjoining properties.

*'It is considered that the proposed development would result in an unneighbourly form of development and would give rise to a perceived impact on privacy to the rear gardens of adjoining properties from habitable windows. In addition, it is considered that the location of the parking area and scooter storage in close proximity to the rear garden of 66a Keymer Road would be unneighbourly and likely to lead to noise and disturbance, and light pollution, from their use, and would cause unacceptable harm to their residential amenity. The proposal would therefore not comply with Policy DP26 of the District Plan, Policy 9 of the Hassocks Neighbourhood Plan and the residential amenity principles set out in the Design Guide SPD.'*

- 6.2.1. As already set out earlier in this statement there are good separation distances maintained on all sides of the development to both boundaries and neighbouring windows; this has been made evident throughout the application documents.
- 6.2.2. The sections submitted with the application (*fig 6.10 to 6.14*) give a detailed view of the relationship between the appeal development and each of the surrounding properties. It is considered that in all instances this is appropriate and exceeds others in the immediate context (*fig. 8.6 and 8.7*). Although there is no local guidance for appropriate separation distances between properties it is considered a general rule of thumb deemed appropriate by many local authorities could be used in this instance to demonstrate that the appeal scheme would meet the suitable standard (*appendix 8.4 to 8.6*).
- 6.2.3. The boundary treatment plan submitted with the application provides a detailed visual account of the enclosed boundaries on east, south and west sides of the site. A summary of this can be seen in *fig.2.6*. It is considered although many of these photos were taken in February of this year and many of the deciduous trees are without foliage this represents a 'worse case' scenario and levels of vegetive screening even at this time of year are considered acceptable. Areas where existing coverage is minimal will be enhanced with additional planting / screening.

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- 6.2.4. Given the nature and age of the intended building user they are typically considered quiet and good neighbours. Garden space is generally highly visual and used as a place for quiet relaxation and car usage is low compared to other open market housing. Owners often move to a Churchill Living development to be close to amenities, so they don't need cars or quite often give them up soon after moving in. Noise disturbance caused by the nature of the development is low and has been considered in the design development and any identified localised areas of concern responded too through the use of new boundary treatments, additional landscaping etc.
- 6.2.5. All the properties to the east are typically elevated from the site with a dense line of mature trees and hedges between and as such will mitigate much of the perceived concerns of loss of privacy and overlooking.
- 6.2.6. The properties to the south benefit from similar levels of vegetation and natural coverage. There is no intervisibility between the boundaries. However the appeal scheme terminates in a flank and is a minimum of 10m to neighbouring boundary and in excess of 29m from flank to rear of neighbouring properties along Dale Avenue. This is comparable, if in excess of many of the relationships that already exist (*fig 8.6 and 8.7*).
- 6.2.7. 66a Keymer Road to the west, although adjacent the proposed car park is well screened from existing levels of vegetation which will be supplemented with new boundary treatments as required to mitigate any loss of privacy, light and noise pollution. It is noted that this will be a betterment on the relationship between 66a and the public carpark associated with Orion Court on the opposing side of their garden and relationships such as this (i.e. rear gardens to large areas of hardstanding) are not uncommon in the wider context (*fig.3.15*).
- 6.2.8. Distances to boundaries either side of the rear leg are considered acceptable with a min of 18m on the east and a min of 22m to the west. This is in excess of existing relationships. All flanks will be installed (as per the application drawings) with obscure glazing to mitigate any overlooking concerns.

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6.2.9. As mentioned previously the Appeal scheme presented here demonstrate comparable characteristics to the 2009 development at Orchard House/ Orchard Lane immediately opposite the site (*fig. 3.16*). One of the main matters in dispute within the associated appeal prior to approval was relating to the buildings impact on the living conditions of neighbours, regarding overlooking and loss of outlook. The Inspector found that scheme had been designed to overcome these problems and the appeal allowed. The Churchill Living scheme is of similar (if not better) relationship to in terms of scale, distance between and orientation to the development on that site and its relationship with the rear of Wilmlington Close (*fig.8.6*).

6.2.10. Although not directly mentioned as part of the reason for refusal a daylight and sunlight report has now been carried out on the impact of the appeal scheme on all the neighbouring properties and associated gardens (*appendix 8.2*) A summary of their findings is below and deemed to be acceptable:

6.2.10.1. *'There are no nearby gardens or amenity areas directly to the north of the development. The proposed development will therefore not create any new areas which receive less than two hours of sunlight on 21 March. The proposed development therefore satisfies the BRE overshadowing to gardens and open space requirements.'*

*In summary, the numerical results in this assessment demonstrate that the proposed development will have a low impact on the light receivable by its neighbouring properties. In our opinion, the proposed development sufficiently safeguards the daylight and sunlight amenity of the neighbouring properties.'*

6.2.11. The supporting landscape strategy (*CD2.16 & 2.17*) along with a landscape rebuttal submitted with this appeal (*appendix.8.3*) robustly demonstrate how through the implementation of a good landscape to complement the high quality appropriate building design will adequately result in a final building that is neighbourly and respects the privacy of adjoining properties. The rebuttal concludes:

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- 6.2.11.1. *'The consideration of residential amenity, concluded that the existing property No 66A Keymer Road, would not meet the Residential Visual Amenity Threshold, as the development is not considered to be overwhelming or overbearing in all directions, nor does it block key views. Therefore the additional matters contained within RfR 2, concerning visual amenity, cannot be substantiated.'*<sup>19</sup>
- 6.2.12. A proposed lighting strategy (**fig.8.9**) is being submitted for consideration by the Inspector to demonstrate the appellants intention for lighting and how it will be carefully located and controlled to mitigate light disturbance to neighbouring properties (particularly the garden of 66a adjacent the proposed carpark). Similar layouts are proposed across all our sites and no previous complaints have been made.
- 6.2.13. Proposed elevations of all the appeal scheme outbuildings (bins, buggies and sub-station) (**fig. 7.1 & 7.2**) are now provided for consideration by the Inspector.
- 6.2.14. Regarding the buggies and bins these will be provided in a combined shelter within easy walking distance of the main entrance access to the site. They are situated in a discrete location adjacent the flank wall of 66a Keymer Road and will be enclosed on all sides and of robust construction to mitigate any risk of light, noise and smells spilling across the boundary. The appearance of the enclosure like the main building has been designed with high quality materials and detailing drawing reference from the setting.
- 6.2.15. The substation has been placed in a discrete location to the back of the carpark and towards the south west corner of the site it will be suitably screened by a 2m close boarded timber enclosure with trellis to all sides which a ground grown living wall will be placed to ensure it recedes into the vegetative backdrop.

- 6.2.16. The Council in both their committee report to members and the Councils Statement of Case for this appeal cite policy 9 of the 2020 Hassocks Parish Councils 'Neighbourhood Plan 2014 to 2031' as a material consideration leading to a reason for refusal. However, the Parish Council are in support of the scheme subject to a couple of unrelated points and raised no issue with neighbouring amenity.
- 6.2.17. Although the appellant fully supports the placing of the bins and buggies as submitted, they submit an alternative site plan, plans and elevations for the buggies and bins should the Inspector consider this more appropriate instead (*fig.11.1 to 11.4*)(*appendix 8.10 to 8.14*). Outbuildings to the front of the building line although less common do occur in the more recent 21<sup>st</sup> century developments (*fig.11.5*).
- 6.2.18. The appeal scheme is acceptable concerning Reason 2 for refusal because it maintains appropriate separation distances and incorporates thoughtful design elements to protect the privacy and amenity of neighbouring properties. The development includes mitigation measures such as strategic placement of windows with obscure glazing, well-designed boundary treatments, low level external lighting and enhanced landscaping to minimise overlooking and noise disturbance. The parking area and scooter storage are carefully located and screened, reducing any potential impact on the adjacent property's privacy and tranquillity. Additionally, a detailed daylight and sunlight assessment has demonstrated that the development will not adversely affect the light available to neighbouring homes. With these considerations, the appeal scheme is designed to respect the character and residential amenity of the surrounding area, making the concerns cited in Reason 2 for refusal unfounded and therefore should be dismissed.
- 6.2.19. To aid the Inspector in their assessment of the impact of the building on neighbouring amenity the extents of the footprint of the appeal scheme will be marked out on the ground on site with survey paint and garden canes prior to the site visit.

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## 7. CONCLUSION

7.1. The proposed redevelopment at 68 & 70 Keymer Road has been meticulously designed to address both the immediate and broader context of the area. The development aims to provide high-quality housing for older persons, with features that promote accessibility, community interaction, and sustainability. Despite the reasons for refusal cited by the planning officers, the following points illustrate how the proposal aligns with relevant planning policies and addresses the concerns raised:

- 7.1.1. **Design and Massing** - The T-shaped footprint and stepped frontage ensure a smooth transition between adjoining properties, mitigating concerns of overdevelopment. The design minimises visual bulk and massing, adhering to the principles of good design as outlined in Policy DP26 of the District Plan and the Design Guide SPD.
- 7.1.2. **Separation Distances and Privacy** - The proposal maintains appropriate separation distances to protect the privacy and outlook of neighbouring properties. The commitment to obscure glazing on sensitive rear-facing windows further mitigates any potential overlooking issues. This approach complies with Policy 9 of the Hassocks Neighbourhood Plan and the residential amenity principles set out in the Design Guide SPD.
- 7.1.3. **Architectural Quality** - The architectural design reflects and enhances the local vernacular, using a cohesive palette of materials and high-quality detailing. The design breaks down the building's mass into smaller components, ensuring compatibility with the surrounding streetscape and contributing positively to the area's character, in line with Policy DP26.
- 7.1.4. **Sustainability and Landscaping** -The development incorporates sustainable construction practices and significant landscaping efforts. The provision of green buffers and the preservation of trees align with the ecological and aesthetic goals of the Design Guide SPD, enhancing the site's environmental value.
- 7.1.5. **Response to Consultation Feedback** - The design has evolved through a thorough consultation process, addressing feedback from the Design Review Panel and the Urban Designer. Improvements include enhanced connectivity

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within the site, better integration of communal spaces, and refined architectural details.

- 7.2. The planning balance strongly favours the proposed development. While the concerns about overdevelopment and neighbourliness were noted, the design modifications and mitigations effectively address these issues. The proposal meets national and local policy requirements for sustainable, high-quality residential development and offers substantial public benefits, including the provision of much-needed housing for older persons and enhancements to the local environment.
- 7.3. Given these factors, it is recommended that the appeal be allowed. The proposed development at 68 & 70 Keymer Road should proceed, as it aligns with the strategic objectives of creating inclusive, attractive, and sustainable communities while respecting and enhancing the local character.

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## 8. APPENDICES

- 8.1. Daylight and sunlight impact assessment – Internal to the development
- 8.2. Daylight and sunlight impact assessment – Neighbouring properties
- 8.3. Landscape architect appeal rebuttal
- 8.4. Extract from Arun design guide – Acceptable separation distances.
- 8.5. Extract from South Downs design guide – Acceptable separation distances.
- 8.6. Extract from Elmbridge design guide – Acceptable separation distances.
- 8.7. Orchard House appeal decision.
- 8.8. Proposed refuse / buggy storage drawing [PL025\_P1]
- 8.9. Proposed sub station plans and elevations [PL026\_P1]
- 8.10. Alternative buggy and refuse locations site plan [PL027\_P1]
- 8.11. Alternative refuse plans and Elevations [PL028\_P1]
- 8.12. Alternative buggy store plans and elevations [PL029\_P1]
- 8.13. Amended street scene and elevation AA [PL007\_P3]

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## 9. BIBLIOGRAPHY, EVIDENCE & OTHER REFERENCED DOCUMENTS

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- Mid Sussex District Council (2018) MID SUSSEX DISTRICT PLAN 2014 - 2031
- Mid Sussex District Council (2022) MID SUSSEX DISTRICT PLAN 2021 - 2039 Consultation Draft (Regulation 18)
- Mid Sussex District Council (2020) MID SUSSEX DESIGN GUIDE SPD
- Hassocks Parish Council (2020) HASSOCKS NEIGHBOURHOOD PLAN 2021 -2039
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- Mid Sussex Council (Jan 2024) NOTES OF MID SUSSEX DESIGN REVIEW PANEL
- Mid Sussex Council (Feb 2024) URBAN DESIGN OBSERVATIONS
- Mid Sussex Council (2024) COMMITTEE REPORT (DM/23/3114)
- Mid Sussex Council (2024) SUPPLEMENT AGENDA UPDATE SHEET (DM/23/3114)
- Whaleback (2024) STATEMENT OF CASE ON BEHALF OF MID SUSSEX DISTRICT COUNCIL
- James Blake Associates REBUTTAL - LANDSCAPE AND VISUAL MATTERS (01)

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