

Appeal Decision

Site visit made on 29 July 2016

by Timothy C King BA (Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 20 September 2016

Appeal Ref: APP/C1435/D/16/3150228

Down House, Down Street, Nutley, East Sussex, TN22 3LG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs E Gibson against the decision of Wealden District Council.
 - The application Ref WD/2016/0562/F, dated 4 March 2016 was refused by notice dated 4 May 2016.
 - The development proposed is '*Minor alterations to development approved on 21st December 2015 (WD/2015/1511/F) relating to 'demolition of existing garage and development of garage/store with home office above.' Alterations relate to amendments to roof form and detail of dormers.*'
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a garage and store building with office accommodation above at Down House, Down Street, Nutley, Uckfield, TN22 3LG in accordance with the terms of the application Ref WD/2016/0562/F, dated 4 March 2016, subject to the following conditions:
 - i) The development hereby permitted shall begin not later than three years from the date of the decision.
 - ii) The development hereby permitted shall be carried out in accordance with the following approved plans: 1 Rev P1, 2 Rev P1, 3 Rev P1, and 4 Rev P1.

Procedural Matters

2. Following my site visit, and in accordance with a prior request, I visited the 'Oasthouse', a neighbouring dwelling, and viewed the appeal site from first floor windows and also from points within its curtilage. However, this has not affected my conclusions.
3. I have slightly altered the proposal's description to more closely focus on the development involved.

Main Issues

4. The Council has not raised any clear objections as to the proposal's effect on the High Weald Area of Outstanding Natural Beauty (AONB) within which the site falls. Although its reason for refusal includes reference to Policy EN6 of the
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Wealden Local Plan (LP), which serves to protect the AONB, the case report does not directly refer to any considered consequential impact on the designated land. The decision notice refers, instead, to the proposal detracting from the character and appearance of "the area". Given the extant planning permission recently granted for a similar development I have reasonably inferred that this is a reference to the site's immediate surroundings, and the case report assesses the proposal in this regard based on design considerations. I agree with this more focussed approach and, as such, the main issues in this appeal are:

- i) The effect of the proposal on the character and appearance of the surrounding area; and
- ii) The effect of the proposal on the living conditions of neighbouring occupiers, with particular regard to those living at the 'Oast House'.

Reasons

Character and appearance

- 5. The starting point for this appeal must be the extant planning permission, granted in December 2015, for a similar development to that now proposed, which covers the same footprint. The approved scheme remains capable of implementation and this, therefore, represents the fallback position.
- 6. Involving the demolition of an existing garage the proposed replacement building would be set parallel to, and cutting into, a shallow bank where the land level rises. It would have timber clad elevations on a brick plinth under a tiled roof. At ground level the building would be used as a domestic garage and store, and its upper level would be used as a home office along with additional storage space, accessed via a small bridge from the land behind.
- 7. The earlier scheme, although occupying the same footprint and with identical height levels in terms of its eaves and general ridgeline, differs in the following ways; firstly, the east facing flank wall would now change from the catslide roof, previously proposed, to that of a straight elevation with a chamfered roof end to reflect that of the opposite flank. The upper end section would be changed to contain a series of small window openings. Secondly, a modest south facing dormer window would be altered to a wider and bulkier roof extension, serving to light the first floor office. A similar arrangement would result on the opposite, rear elevation.
- 8. The proposed chamfered ends draw on similar features at a neighbouring building on the adjacent 'Old Woodcocks' site and also from Down House itself. Whilst the former site can be seen from Down Street, Down House and its curtilage are set further back, accessed via a lengthy driveway and are not visible to road users. The Council has, however, raised concerns that the increased roof area and wider dormer features make for an outbuilding which would not be subordinate to Down House. Reference is made to the building having a top heavy appearance yet, to my mind, with the eaves and ridge height relationship generally identical in both proposals the deep roof relative to the building's lower section would be the same for either scheme. The catslide roof might serve to temper any impact but, arguably, the revised design would also provide symmetry to the building's flank walls.

9. I understand that the approved design was the subject of negotiations between the appellant and the Council, and the now proposed design reflects that originally put forward. However, as an extant permission is now in place, and due to the similarities in form and dimension between the two schemes, I consider that the east facing flank mirroring the west end would not result in an unduly harmful development. As regards the enlarged front and rear dormer extensions I accept that this would add some bulk to the proposed building and that the window openings thereto would be wider, but I also consider that it would still have the appearance of an outbuilding, subordinate to, and not competing with, Down House to which it would be obviously ancillary. The previously approved design might have been negotiated but that does not necessarily mean that the proposal, as now put forward, would not be an acceptable form of development in its contextual setting.
10. On the first main issue I conclude that the proposal would not be harmful to the character and appearance of the surrounding area, and there would be no material conflict with LP Policies EN1, EN6, and DC19, Spatial Planning Objectives SPO1 and SPO13 and Policy WCS14 of the Council's Core Strategy, and relevant advice within both the Wealden Design Guide and the National Planning Policy Framework (the Framework).

Living Conditions

11. The Council considers that the proposal would have an overbearing impact on the neighbouring dwelling, the Oast House, positioned beyond to the south, whose occupiers have made representations objecting to the proposal. The Council raises concerns in this regard as to what it considers to be a substantially glazed front dormer and also its consideration that the increased bulk of the roof would impact on the occupiers of this neighbouring dwelling. In turn, the occupiers have referred to the proposed four windows in the eastern flank wall which, they consider, would allow for the overlooking of three of Oast House's habitable rooms.
12. I have had regard to the above concerns, but am not in agreement with the assertions made. The proposed building's south facing elevation is adequately distanced from the Oast House so as not to give rise to overlooking or to appear intrusive. The wider panes of glass now proposed would not necessarily result in a different effect to that which would prevail should the previously approved scheme be built. Dispensing with the catslide roof to allow for the revised design might give rise to a slightly different outlook for the neighbours but this would not reasonably constitute resultant harmful impact. The eastern flank wall, being parallel to the bank, would be angled away from the Oast House's elevations and any first floor views of the neighbouring property from these windows would be significantly oblique at best.
13. I thereby conclude that the proposal would not be harmful to the living conditions of neighbouring occupiers and the aims and objectives of LP Policy EN27 would not be compromised. Neither is the proposal in conflict with relevant advice from the Framework in this regard.

Other matters

14. Interested parties have made representations against the proposal commenting that the building would have the potential to become a commercial office or

even a separate dwellinghouse. This is conjecture and the proposed development would not allow for such uses, both of which would require a separate grant of planning permission. The potential for such is not, therefore, a material consideration when weighing up the planning merits, or otherwise, of the proposal before me.

Conclusion and Conditions

15. I have found that the proposal would be acceptable with regard to both main issues. For the above reasons, and having had regard to all other matters raised, the appeal succeeds. In terms of conditions, apart from the statutory time limitation, in the interests of good planning and for the avoidance of doubt, I also attach a condition requiring that the development be implemented in accordance with the approved plans. The materials to be used in the construction of the building are acceptable and are specified within the planning application itself.

Timothy C King

INSPECTOR