

# Appeal Decision

Site visit made on 29 September 2016

by **R J Maile BSc FRICS**

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

Decision date: 30 September 2016

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## **Appeal Ref: APP/C1435/D/16/3157164**

### **5 Keld Avenue, Uckfield, East Sussex, TN22 5BN.**

- 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 Mr Matthew Corke against the decision of Wealden District Council.
  - The application, ref: WD/2016/0501/F, was refused by notice dated 17 June 2016.
  - The development proposed is: "Full depth first floor rear addition, i.e. amendment to planning application ref: WD/2015/0956)."
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## **Decision**

1. The appeal is allowed and planning permission is granted for full depth first floor rear addition, i.e. amendment to planning application ref: WD/2015/0956 at 5 Keld Avenue, Uckfield, East Sussex, TN22 5BN, in accordance with the terms of the application ref: WD/2016/0501/F dated 26 February 2016, subject to the following conditions:
    - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
    - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
    - 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking, re-enacting or modifying that Order) no windows shall be constructed above ground floor level in the side (north or south) elevations of the extension hereby permitted.
    - 4) The development hereby permitted shall be carried out in accordance with the following approved plans:

|                |                                                                                                |
|----------------|------------------------------------------------------------------------------------------------|
| Drawing no. 1: | Proposed Plans & Elevations – scales 1:100 and 1:50.                                           |
| Drawing no. 2: | Plans & Elevations (as approved by Planning Application WD/2015/0956) – scales 1:100 and 1:50. |
| Drawing no. 3: | Location Plan – scale 1:1250; Block Plan – scale 1:500.                                        |
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## **Main Issue**

2. The main issue here is the effect of the full depth first floor extension upon the living conditions of existing and future residents of 3 Keld Avenue, Uckfield.

## **Reasons**

3. The appeal property is one of a pair of inter-war, semi-detached houses located within a mixed residential area.
4. Material to my determination of this appeal is the grant of planning permission for a part single storey/part two storey extension to the rear of the property on 22 June 2015 (ref: WD/2015/0956/F).
5. The drawings submitted with that application indicate that the extension would project rearwards by some 4.3m at ground floor level and would immediately abut the common boundary with no. 3, which forms the other half of this pair of semi-detached dwellings. The first floor element of the extension would, however, project only 3.350m from the rear elevation of the property. This lesser depth was negotiated between the parties to reduce the impact of the first floor element of the extension upon the amenities of the residents of 3 Keld Avenue.
6. At the time of my site visit the external walls of the extension at ground floor level had been constructed, such that I was able to gauge the impact of the full depth first floor element of the proposal in relation to its effect upon the occupiers of no. 3 next door.
7. National policy at paragraph 17 of the Framework<sup>1</sup> sets out 12 principles that relate to decision-taking in planning matters. These include high quality design and a good standard of amenity for all existing and future occupants of land and buildings. "Saved" Policy EN27 of the Local Plan<sup>2</sup> requires that development should not create an unacceptable adverse impact on the privacy and amenities of adjoining developments by reason of scale, height and form. Similarly, Chapter 10 of the Council's Design Guide SPD<sup>3</sup> seeks to ensure that neighbours' amenities are not harmed.
8. As part of my site visit I was able to assess the proposal from within 3 Keld Avenue next door. This property has a single storey extension with a lean-to roof that immediately abuts the common boundary with no. 5. The most adjacent rear-facing window serving no. 3 at first floor level is obscure glazed and serves a bathroom.
9. The subject property lies to the north of the neighbouring dwelling. As a result, I am satisfied that there will be no loss of sunlight. Having regard to the layout of no. 3, in particular its ground floor extension, I am also satisfied that there will be no material loss of daylight to its habitable room windows by virtue of the extended first floor element as now proposed.
10. The small grassed sitting out area to the rear garden of no. 3 is located beyond the proposal and will not be overshadowed or overlooked. The privacy of this

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<sup>1</sup> The National Planning Policy Framework.

<sup>2</sup> The Wealden Local Plan: December 1998.

<sup>3</sup> The Wealden Design Guide – Supplementary Planning Document: November 2008.

area is further strengthened by the mature cupressus hedge between the two properties.

11. Accordingly, I have found upon the main issue that development as proposed would not unacceptably impact upon the living conditions of existing and future residents of 3 Keld Avenue as required by national policy at paragraph 17 of the Framework, "saved" Policy EN27 of the Local Plan and guidance at Chapter 10 of the Council's adopted Design Guide SPD.

### **Conditions**

12. I have considered the three conditions put forward by the Council against the tests of the Framework and advice provided by the Government's Planning Practice Guidance issued on 6 March 2014. I find all of them to be reasonable and necessary in the circumstances of this case. I must also impose a further condition (no. 3).
13. My reasons for the conditions are:
14. Condition 1 is the standard commencement condition imposed in accordance with section 91(1) (a) of the Town and Country Planning Act 1990. Condition 2 will ensure a satisfactory appearance to the completed development in the interests of the visual amenities of the area.
15. When granting planning permission in 2015, the Council imposed a condition that removed certain Permitted Development rights in respect of the insertion of windows within the flank elevations of the extension at first floor level. I consider such a condition to be necessary in this case also in order to prevent any overlooking and loss of privacy to neighbouring occupiers (Condition 3).
16. Condition 4, which requires the development to be carried out in accordance with the approved plans, provides certainty.

### **Conclusion**

17. For the reasons given above, I conclude that the appeal should be allowed.

*R. J. Maile*

INSPECTOR