

Appeal Decision

Site visit made on 30 September 2016

by Timothy C King BA(Hons) MRTPI

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

Decision date: 10 October 2016

Appeal Ref: APP/P1425/D/16/3155214

2 Crink Cottages, Barcombe Mills Road, Barcombe, East Sussex, BN8 5BJ

- 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 & Mrs D Shaw against the decision of Lewes District Council.
 - The application Ref LW/16/0150, dated 25 February 2016, was refused by notice dated 22 April 2016.
 - The development proposed is '*Conservatory to rear and additional screening soft landscaping.*'
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of a conservatory at 2 Crink Cottages, Barcombe Mills Road, Barcombe, East Sussex, BN8 5BJ in accordance with the terms of the application Ref LW/16/0150, dated 25 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 development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Nos. 06/15/BMR-01, Sheets 1, 2, 3, 4, 5, 6, 7 and 8 and Site Location Plan.
 - 3) The materials to be used in the external surfaces of the extension hereby permitted shall match those used in the existing building.

Procedural Matter

2. I have slightly altered the proposal's description to focus on the actual development involved.

Main Issue

3. The main issue is the proposal's effect on the character and appearance of the surrounding area.

Reasons

4. The appeal dwelling is a two-storey semi-detached dwellinghouse. Of post-war age, the pair of houses were built considerably more recently than other nearby cottages, situated to both the east and west along Barcombe Mills
-

Road. The proposed conservatory would be single-storey in height and of modest depth. It would also be of partial width, occupying the eastern side of the dwelling's rear elevation.

5. Under householder permitted development rights, extensions which extend beyond a wall which fronts a highway, or in this case the dwelling's principal elevation, do not fall within the parameters of Class A thereto. Also, due to the unusual physical configuration there is little scope for otherwise extending this rather small dwelling at ground floor level. In effect, the lawn to the front of the dwelling is effectively the property's garden and is screened by hedging to allow for privacy from passers-by along the road.
6. Some fifteen years have passed since a previous proposal to erect a similar conservatory was refused planning permission by the Council, with the decision subsequently upheld on appeal. The then Inspector, in his decision letter, referred to existing vegetation to the road frontage but, in finding against the proposal, commented that there was no guarantee that this, or any additional planting would remain in place as long as the proposed conservatory. The hedging has since matured, and serves a particular purpose given the obvious use of the lawned garden and the privacy which the hedging provides.
7. The previous Inspector also referred to the likelihood of the proposed conservatory being visible when approaching the site from the east. I took particular note of this point at my site visit and, with the passage of time, views of the dwelling's front facing elevation at lower level have clearly diminished due to the perimeter hedge. Also, with the lie of the land the front garden appears slightly elevated in relation to the dwelling behind which, given the level of screening, would work in the proposal's favour. In this context, and with the appellants' apparent intention to provide additional planting I consider that the modest conservatory would be adequately screened from the road and the area's character would not be significantly affected. Given my findings I consider that such proposed additional screening should be a matter for the appellants when implementing the development.
8. The Council has not raised objections as to any considered impact on neighbouring occupiers and I agree with this approach. The issue of character is thereby the determining factor and, to this end, I note that Policy RES13 of the Lewes District Local Plan (LP) requires that all extensions and alterations should complement the existing building. In this particular instance Nos 1 and 2 Crink Cottages are untypical of the predominant local character and the degree of development proposed would have little effect on the appeal property, let alone the character of the wider surroundings, especially given its vegetative screening. In this regard I cannot, therefore, agree with the Council that the proposal would represent a prominent and intrusive feature within the streetscene. I also consider that too much reliance has perhaps been placed on the previous decision without due regard to the time that has since elapsed. Although the essence of the relevant local policies may not have changed during this period, other material considerations which I have highlighted should have a clear bearing on the proposal's acceptability.
9. I have reached my decision having considered what, if any, harm would result to local character from the proposal. The limited scale of the proposed development and the fact that, fifteen years on from the previous appeal

decision, the hedging has flourished and views towards the dwelling's lower level when approaching along the road from the east are impeded, leads me to conclude that the proposal would not be harmful to the character or appearance of the surrounding area. There would be no material conflict with either LP Policies RES13 and ST3 or Policy CP11 of the emerging Lewes District Joint Core Strategy.

10. For the above reasons, and having had regard to all matters raised, the appeal succeeds. In terms of conditions, in addition to the statutory time limitation, I impose a condition requiring that, for the brick built element of the conservatory, matching materials to that of the host dwelling be used. Also, in the interests of certainty, I also include a condition which requires that the development be implemented only in accordance with the approved plans.

Timothy C King

INSPECTOR