



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/U1430/D/16/3154180

30 Falconers Drive, Battle, East Sussex, TN33 0DZ

- 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 S Barnes & Ms J Harding against the decision of Rother District Council.
 - The application Ref RR/2016/555/P, dated 24 February 2016, was refused by notice dated 20 April 2016.
 - The development proposed is '*Proposed two-storey side extension and single-storey additions to front and rear.*'
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Decision

1. The appeal is allowed and planning permission is granted for a proposed two-storey side extension and single-storey additions to front and rear at 30 Falconers Drive, Battle, East Sussex, TN33 0DZ in accordance with the terms of the application Ref RR/2016/555/P, dated 24 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. 5047/LBP, 5047/EX and 5047/1/B.
 - 3) The materials to be used in the external surfaces of the extension hereby permitted shall match those used in the existing building.
 - 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no additional windows shall be inserted into the extension's flank elevation at upper floor level.

Main Issue

2. The main issue is the proposal's effect on the living conditions of neighbouring occupiers, with particular regard to those at No 29 Falconers Drive.
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Reasons

3. The appeal property is a relatively small and narrow fronted two-storey dwellinghouse. Semi-detached with No 31, the dwellings lie significantly set back from Nos 28 and 29 Falconers Drive, a pair of houses sited immediately eastwards. The appeal dwelling and No 29 are both set in from their respective side boundaries, and the proposal would involve erecting a two-storey side extension close up to the common fence divide. A shallow single storey projection is proposed to the dwelling's frontage and this would involve extending an existing pitched-roof addition to run its resulting full width.
4. In relation to the host dwelling the extension would be set down from the main ridgeline and would stop short of the dwelling's full depth, dropping down to single-storey height at its rear section. In the circumstances, this would give the extension a degree of subordination to the host dwelling.
5. The Council considers that the extension's mass and bulk, compounded by its depth, would result in a development that would be overbearing insofar as it would dominate No 29's rear garden. In assessing the resulting relationship I have had regard to the dwelling's orientations whereby the appeal property lies to the south west of No 29. Whilst there would be some material effect on the neighbouring property its occupiers would still continue to enjoy a south facing rear garden of reasonable width. Moreover, as the particular physical relationship between the two dwellings already exists, I do not consider that the outcome would be so awkward as to amount to an oppressive form of development. On balance, I find that the impact would not be so significant as to warrant withholding planning permission.
6. I conclude that the proposal would not be harmful to the living conditions of neighbouring occupiers and there would be no material conflict with the aims of Policy OSS4 (ii) of the Rother Local Plan Core Strategy or relevant advice contained within the National Planning Policy Framework.
7. 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 requirement I impose a condition stipulating the use of matching materials. I have also, in the interests of certainty, imposed a condition requiring that the development be implemented in accordance with the approved plans. Finally, to ensure that the privacies of No 29 are safeguarded I impose a condition prohibiting the installation of any additional windows, other than the proposed landing window, at first floor level.

Timothy C King

INSPECTOR