
Appeal Decision

Site visit made on 15 November 2016

by Simon Warder MA BSc(Hons) DipUD(Dist) MRTPI

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

Decision date: 25TH November 2016

Appeal Ref: APP/C1435/D/16/3158207

29 Cuckoo Drive, Heathfield, TN21 8AR

- 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 Russell Clark against the decision of Wealden District Council.
 - The application Ref WD/2016/1113/F, dated 6 May 2016, was refused by notice dated 8 July 2016.
 - The development proposed is a first floor side extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal the living conditions of the occupiers of Nos 21-23 Cuckoo Drive with particular regard to outlook.

Reasons

3. The appeal property is a detached two storey dwelling with a single storey side projection adjacent to the boundary with rear gardens of the dwellings at Nos 21-23. The front part of the side projection is covered by a small pitched roof, whilst there is a flat roof over the remainder. The ground level slopes down from the appeal property towards Nos 21-23. The appeal property, therefore, sits at a significantly higher level than both properties and No 21 in particular.
 4. The rear gardens of Nos 21-23 are between 9m and 10m in length and the existing side projection sits some 1.0m to 1.35m off the boundary. The proposed first floor extension would span the full width of the appeal property (some 8.6m), but would be stepped in from the side projection by 1.4m. Its pitched roof would also span the full width of the property, albeit with a reduced eaves level.
 5. I recognise that the design of the proposed extension seeks to reduce its effect on the outlook of neighbouring occupiers. Nevertheless, by virtue of its proximity to the boundary, width and height, it would be an imposing built form in views from the rear windows and gardens of Nos 21 and 23. Having regard to the fairly modest length of those gardens and the elevated ground level at the appeal property, I consider that the imposing bulk of the proposed extension would have an overbearing effect on the outlook from those neighbouring properties.
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6. I have had regard to the proposed pitched roof design of the extension and the replacement of the flat roof with a pitched roof over the remainder of the existing side projection. This would result in a minor improvement to the appearance of the appeal property and would accord with the advice in the Wealden Design Guide Supplementary Planning Guidance 2008 (SPG) and the aims of the National Planning Policy Framework (the Framework). However, this benefit would not be sufficient to outweigh the impact of the proposal on the outlook of neighbouring occupiers.
7. Reference has also been made to the existing planting in the rear garden of No 21. Whilst this planting would help to screen views of the proposed extension from that property, it would have a negligible effect on the views from No 23. Moreover, the appellant has no control over the planting and the occupier of No 21 has indicated that the planting will be reduced in height over time. As such, I consider that it would not adequately mitigate the impact of the proposal.
8. Consequently, I find that the proposal would be harmful to the living conditions of the occupiers of Nos 21 and 23 by reason of loss of outlook. It would, therefore, conflict with Policies HG10 and EN27 of the Wealden Local Plan 1998 and Policies SPO13 and WCS14 of the Wealden Core Strategy Local Plan 2013. Amongst other things, these policies seek high quality living environments and require development to avoid adverse effects on the amenity of neighbouring occupiers. Nor would the proposal accord with paragraph 1.7 the SPG or paragraph 17 of the Framework to the extent that they have similar aims.
9. Whilst the Council does not object to the appearance of the proposal or its effects on access, parking, trees or protected habitats, the absence of further harm does not amount to positive benefit in favour of the development.
10. I have had regard to the other concerns expressed locally, but none has led me to a different overall conclusion.

Conclusion

11. For the reasons set out above, the appeal should be dismissed.

Simon Warder

INSPECTOR