

Appeal Decision

Site visit made on 29 November 2016

by Nicola Davies BA DipTP MRTPI

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

Decision date: 08 December 2016

Appeal Ref: APP/U1430/W/16/3155859

Land to the west of Cranleigh Close, Bexhill TN39 3NF

- 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 The Park Lane Group against the decision of Rother District Council.
 - The application Ref RR/2016/1289/P, dated 10 May 2016, was refused by notice dated 14 July 2016.
 - The development proposed is the erection of four, 3 bedroom houses together with associated parking and access.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue raised in respect of the appeal is the effect of the proposal on the living conditions of adjoining occupiers.

Reasons

3. To the west of the appeal site is an existing business complex although residential properties surround the other boundaries. The building to the south comprises flats. The dwelling to the north is a chalet bungalow and the bungalow to the east is set away from the appeal site by the access drive serving properties in Cranleigh Close. The proposal would introduce four 2-storey dwellings close to the boundary of the appeal site and in close proximity to surrounding dwellings.
 4. I acknowledge the proposal is a revised scheme to that of a previous proposal. Whilst the appeal site remains unchanged the proposal has reduced the height of the dwellings, introduced half-hipped gables to plots 1 and 4 and has increased the separation of the dwellings. For these reasons the proposal is a different scheme and, therefore, should be assessed on its own merits.
 5. The property to the north, No.1 Cranleigh Close, has a garage, driveway and an area of landscaped garden adjacent to the northern boundary of the appeal site which steps the dwelling away from the proposed development. Although this existing dwelling has windows and a dormer window that face toward the appeal site, there would be significant separation between this dwelling and the flank wall of the proposed development which is set in from the common side boundary by tandem parking. Whilst the development would be visible to the
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occupiers of this property in their outlook, I do not consider the relationship of the proposal would harmfully dominate their outlook from habitable rooms or the garden area to the front. These adjoining occupiers have a large private rear garden that would be unaffected by the proposal.

6. The property to the south, No.30 Collington Avenue, comprises flats over three stories with windows facing the appeal site, many of which serve habitable rooms. The garden relating to Flat 1 is positioned between the building and the common boundary of the appeal site. Although the flank wall of the proposed development would be set off this boundary by tandem parking and would be screened to some extent by the intervening fence along the common boundary, the height and bulk of the flank elevation would be in close proximity to the flats and gardens. Given the relationship with the flats to the appeal site, the proposal would be harmfully dominant in terms of the outlook of the rear facing flats and the garden associated with Flat 1.
7. The appellant has suggested landscape screening along the boundary but the tandem parking proposed adjacent to the common boundary would preclude planting where the relationship is at its most critical. Nonetheless, the screening required to obviate the harm created by the proposal would be of a significant height and intrusive in its own right.
8. The houses proposed on plots 1 and 2 would have first floor master bedrooms with window outlook toward No.5 Cranleigh Close in the east. Whilst there is a mix of vegetation and mature trees along the side boundary in the garden of this property, the limited separation and cramped relationship between developments would enable views of the private rear garden to be achieved from the master bedrooms. The privacy of the occupier's rear garden would be compromised even with the vegetation in place. Whilst the existing trees and vegetation provide some degree of screening, the retention of the trees and vegetation cannot be safeguarded or relied upon to mitigate the harm created by the proposed development. The two intervening brick walls would not prevent views from these elevated master bedroom windows.
9. The appellant contends that the master bedrooms would not generally be used during the daytime when the rear garden is most likely to be used. The proposed master bedrooms with en-suites, to my mind, would be rooms in which future occupiers could spend a reasonable amount of their time over the course of a day.
10. The appellant has drawn my attention to a number of Councils that have adopted minimum separation distance and habitable room windows to flank walls standards but no such standards or guidance is in place here. The proposal, therefore, should be assessed on its own merits.
11. For these reasons, I conclude that the proposal would have a harmful effect on the living conditions of adjoining occupiers. The proposal conflicts with Policy OSS4 (ii) of the Rother Local Plan Core Strategy which seeks all development to not unreasonably harm the amenities of adjoining occupiers.

Other Matters

12. The Council indicates that a 5 year Housing Land Supply is not in place. I acknowledge the proposal would provide four additional family sized homes within the urban area in keeping with the character and appearance of the area

that would contribute to the District's overall housing supply. Whilst the development would make effective and efficient use of the site and a valuable contribution to the supply of housing in the area, these benefits would not outweigh the harm that I have identified above in terms of the adjoining occupiers' living conditions.

Conclusions

13. For the reasons given above, I conclude that the appeal should be dismissed.

Nicola Davies

INSPECTOR