
Appeal Decision

Site visit made on 14 January 2017

by David Reed BSc DipTP DMS MRTPI

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

Decision date: 23 January 2017

Appeal Ref: APP/U1430/W/16/3157517

Honeysuckle, Donald Way, Winchelsea Beach, East Sussex TN36 4HF

- 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 Robert Charters against the decision of Rother District Council.
 - The application Ref RR/2016/865/P, dated 29 March 2016, was refused by notice dated 10 August 2016.
 - The development proposed is to divide the land adjacent to the existing dwelling to build a new 3 storey dwelling using roof void.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on the character and appearance of the area and the effect of the proposal on the living conditions of the occupiers of Little Cottage and White Gates in relation to privacy.

Reasons

Character and appearance

3. The proposal is for a three storey detached house with attached double garage on a rectangular site between Honeysuckle Cottage and Little Cottage on the south eastern side of Donald Way. The site, part of the grounds of Honeysuckle Cottage, is currently occupied by an outbuilding and large static caravan. Donald Way, together with Victoria Way and Windsor Way, comprises an estate of residential plots characterised by low profile bungalows and chalet bungalows together with numerous static mobile homes.
4. The application was originally for a lower profile two storey chalet bungalow but, in response to advice from the Environment Agency, this was amended to the current proposal in order to ensure that the living and bedroom accommodation would be above the level of potential coastal flooding.
5. However, by increasing the height of the building with a third storey, it would appear significantly taller than both Honeysuckle Cottage on one side and Little Cottage on the other. Both of these are large bungalows with accommodation in the roof space at first floor level, but the proposal would have rooms in the roof space at second floor level. This would be readily apparent from the road with a building taller to the eaves and to the ridge than those on either side

and with front facing windows at a higher second floor level. Contrary to the appellant's view, it would not have the appearance of a two storey house.

6. There are no three storey buildings in the vicinity of the site and even chalet bungalows are in the minority, bungalows and mobile homes being more common. As a result, the proposal would appear out of place, a prominent and intrusive feature within the estate and in the context of the other buildings lining both sides of Donald Way.
7. For these reasons the proposal would cause significant harm to the character and appearance of the area in conflict with Policies OSS4, RA1 and EN3 of the Rother Local Plan Core Strategy 2014 (RLPCS). These require development to respect and not detract from the character and appearance of the locality, to protect locally distinctive character and to be of high design quality.

Living conditions

8. The proposal would include full height windows with french doors and Juliet balconies at both first and second floor level on the rear elevation facing south east. These would serve the main living room and a bedroom respectively. Whilst the views from these vantage points over the rear gardens of Little Cottage and Honeysuckle Cottage would only be oblique, there would be direct views into the garden of Little Gates to the rear. The boundary screening between the two properties is minimal and the separation distance between the windows and garden would only be relatively modest. As a result, the two sets of windows, particularly those at second floor level, would result in a significant loss of privacy to the occupiers of Little Gates.
9. Two windows would face south west towards Little Cottage, but the side elevation of that property has no windows which would be affected. The second floor side facing window would only have oblique views over small parts of the garden and serves a landing rather than a main habitable room.
10. For these reasons the proposal would cause significant harm to the living conditions of the occupiers of Little Gates, but not Little Cottage, in relation to privacy. This would conflict with Policy OSS4 of the RLPCS which seeks to ensure development does not unreasonably harm the amenities of adjoining properties.

Other matters

11. The design constraints arising from the Environment Agency guidance in relation to potential flood levels are appreciated. However, no examples are provided of inconsistent decisions locally and the Council point out that most mobile homes in the area are subject to seasonal occupancy conditions.

Conclusion

12. The proposal would provide an additional house which would have important social and economic benefits for the area. However, this does not outweigh the findings in relation to the two main issues. The appeal should therefore be dismissed.

David Reed

INSPECTOR