

Appeal Decision

Site visit made on 26 January 2017

by **R J Maile BSc FRICS**

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

Decision date: 9th February 2017

Appeal Ref: APP/U1430/D/16/3164049

56 Links Drive, Bexhill-on-Sea, East Sussex, TN40 1TH.

- 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 Mrs J Dewar against the decision of Rother District Council.
 - The application ref: RR/2016/2393/P, dated 8 September 2016, was refused by notice dated 18 October 2016.
 - The development proposed is detached garage and vehicular access.
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Decision

1. The appeal is allowed and planning permission is granted for detached garage and vehicular access at 56 Links Drive, Bexhill-on-Sea, East Sussex, TN40 1TH, in accordance with the terms of the application ref: RR/2016/2393/P, dated 8 September 2016, subject to the conditions set out in Annex A to this decision.

Main Issue

2. The main issue here is whether the proposed garage, with a hipped roof, would have a negative effect upon the visual amenities of the area and the amenity of neighbouring properties.

Reasons

3. This property comprises the end one of a terrace of five modern houses. It abuts an open grassed area around which nos. 34-54 Links Road are arranged. A feature of the locality is the lack of front boundaries and access driveways to these dwellings, which benefit from designated garages within a block on the opposite side of the road.
 4. Material to my decision is the grant of a Lawful Development Certificate ('LDC') ref: RR/2016/1922/0 dated 24 August 2016. It relates to a proposal to erect a detached garage to be located within the garden to the side of 56 Links Drive, accessed by a new permeable driveway.
 5. I have been provided with a copy of the LDC, in which the Council confirms that those works, which are detailed on Drawing no. 5110/ LBP dated April 2016 and Drawing no. 5110/16/1 dated July 2016, comply with the provisions set out in the Town and Country Planning (General Permitted Development) (England)
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Order 2015 and are therefore considered to be permitted development. The drawings referred to by the Council in the LDC are identical to those the subject of this appeal save for the use of a flat roof as opposed to a pitched roof as now sought.

6. Given this information, and having regard to the relatively modest differences between the garage that could be constructed under permitted development and the scheme before me, it appears highly probable that in the event of this appeal being dismissed the appellant would erect the flat roofed garage.
7. Whilst I have some sympathy with many of the points raised by the numerous objections submitted by owners of neighbouring properties, my jurisdiction is limited to a consideration of whether or not a pitched roof to the garage would be detrimental to the character and appearance of the area and the amenity of nearby residents when compared with the permitted scheme.
8. I note the comments of the Case Officer in the Report to Committee that the design of the proposed garage with a pitched roof would be more aesthetically pleasing in the street scene and would have no greater impact. I agree with that assessment.
9. Given the format of surrounding development and having carefully considered the detailed drawings of both the flat roofed and pitched roof garages, I am in no doubt that the inclusion of a pitched roof would benefit the appearance of the proposed garage and thereby represent an improvement as compared to the lawfully permitted scheme.
10. For these reasons I have found upon the main issue that the proposed hipped roof to the garage would not have a negative effect upon the visual amenities of the street scene or upon the amenity of neighbouring properties. As such, development as proposed would accord with the requirements of Policies OSS4 (iii) and (v) and EN3 (i) and (ii) of the Rother Local Plan Core Strategy.

Other Matters

11. I have noted the concerns of neighbours that the pitched roof would impact upon their outlook and views across the open grassed area. However, given the modest height and dimensions of the pitched roof I do not accept that the residential amenity of nearby occupiers would be unacceptably affected.

Conditions

12. I have considered the six conditions put forward by the Council against the tests of the Framework and advice provided by the Government's Planning Practice Guidance issued on 6 March 2014. I find all to be reasonable and necessary in the circumstances of this case, although I have amended their wording where required.
13. My reasons for the conditions are:
14. Condition 1 is the standard commencement condition imposed in accordance with section 91(1) (a) of the Town and Country Planning Act 1990. Condition 2 will ensure a satisfactory appearance to the completed development in the interests of the visual amenities of the area. Condition 3 is imposed in order to

safeguard the character of the area and the residential amenity of neighbouring occupiers, while Conditions 4 and 5 are necessary in the interests of pedestrian and highway safety.

15. Condition 6, requiring the development to be carried out in accordance with the approved plans, provides certainty.

Conclusion

16. For the reasons given above, I conclude that the appeal should be allowed.

R. J. Maile

INSPECTOR

Schedule of Conditions

Annex A

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
- 3) The garage hereby permitted shall only be used for purposes incidental to the occupation and enjoyment of the dwelling known as 56 Links Drive, Bexhill-on-Sea, East Sussex, TN40 1TH. In particular, the garage shall not be used as habitable accommodation or for any trade or business.
- 4) The new vehicular access shall be in the position indicated upon Drawing no. 5110/16/ 1/A and shall be laid out and constructed in accordance with a scheme, details of which shall first have been submitted to and approved in writing by the Local Planning Authority.
- 5) No surface water shall be permitted to discharge from the new access drive onto the public highway.
- 6) The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing no. 5110/EX: Existing Site Plan and Elevations – scale 1:100.

Drawing no. 5110/LBP: Proposed Location and Block Plans – scales 1:1250 and 1:500.

Drawing no. 5110/16/1/A: Proposed Block Plan – scale 1:500; Site Layout – scale 1:50; Proposed Elevations – scale 1:100.