

## Appeal Decision

Site visit made on 24 January 2017

**by Kevin Gleeson BA MCD MRTPI**

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

**Decision date: 27 February 2017**

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**Appeal Ref: APP/U1430/W/16/3162903**

**Pottery Farm House, Pottery Lane, Cackle Street, Brede TN31 6HB**

- 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 & Mrs N Eede against the decision of Rother District Council.
  - The application Ref RR/2016/1222/P, dated 3 May 2016, was refused by notice dated 30 June 2016.
  - The development proposed is extension to garage building and partial conversion to provide ancillary accommodation for elderly relative.
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### Decision

1. The appeal is dismissed.

### Preliminary Matter

2. The Council's reason for refusal makes reference to part (v) of Policy RA3 of the Rother Local Plan Core Strategy, 2006 (the Core Strategy). In the Council's statement it is confirmed that this reference was made in error and that the relevant part of Policy RA3 is (iv). I have determined the appeal on that basis.

### Main Issue

3. The main issue the effect of the proposed development on the host property and the character and appearance of the surrounding area.

### Reasons

4. Pottery Farm House is a detached two storey dwelling at the end of a private access track from Pottery Lane. The access track also serves Old Pottery Cottage and Potters Cottage which are both Grade II listed buildings.
  5. At the entrance to the appeal site, close to its boundary with Old Pottery Cottage is a triple garage building. It is proposed to convert one of the existing garage bays and extend the building to provide ancillary accommodation for an elderly relative of the appellants. The garage block is a considerable distance from the dwelling.
  6. Policy OSS4 (iii) of the Core Strategy requires new development to respect and not detract from the character and appearance of the locality. The appeal site is located within the High Weald Area of Outstanding Natural Beauty (AONB) and outside of any recognised development boundary. It is therefore within the open countryside. Policy RA3 (iv) of the Core Strategy states that
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- proposals for development in the countryside will be determined on the basis of ensuring that extensions to existing buildings and their residential curtilages, and other ancillary development such as outbuildings, would maintain and not compromise the character of the countryside and landscape.
7. The proposed extension would be approximately 5 metres wide, 6.9 metres in length and 2.5 metres high. This would be a significant addition to the garage block. Together the proposed extension and existing garage building would have a footprint which would be larger than that of the existing dwelling and similar to Old Pottery Cottage and Potters Cottage combined. In terms of scale the extended building would appear dominant within the site rather than a subservient element to the main dwelling. Although the roof form and materials proposed would be in keeping with the original garage block it would create a building of a scale which would be out of keeping with the host property and neighbouring cottages.
  8. The Council has stated that the physical impact of the extension would not adversely impact upon the landscape character or appearance of the AONB. Although the development would not be particularly visible from outside the appeal site and adjoins an existing ancillary residential building it would nevertheless be a sizeable development. Consequently, I find that the introduction of the new residential development into the countryside would have an adverse impact on the character and appearance of the area and would also result in limited harm to the landscape character and appearance of the AONB.
  9. I have also had regard to the effect of the proposed development on the neighbouring listed buildings. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act, 1990 requires that when considering whether to grant planning permission for development which affects a listed building or its setting, special regard shall be had to the desirability of preserving the building or its setting. In this case I agree with the Council that the proposed development, whilst partially visible from Old Pottery Cottage, would have a neutral effect on the setting of the listed building.
  10. Accordingly I find that by virtue of its scale and location the proposed development would detract from the character and appearance of the locality and would compromise the character of the countryside contrary to Policies OSS4 (iii) and RA3 (iv) of the Core Strategy.

#### *Other Matters*

11. I have had regard to the appellants' objective to provide accommodation for an elderly relative and I note that the proposal has the support of the Parish Council. However I have not been provided with any details about the particular needs of the person for whom the proposed accommodation is intended. Nor has it been demonstrated whether alternative means of providing additional accommodation have been explored or whether the only realistic approach is to convert and extend the garage block. The appellants argued that extending the existing dwelling would adversely affect the living conditions of neighbouring residents but this has not been demonstrated to be the case. Accordingly it has not been demonstrated that the requirement to extend the garage for the elderly relative outweighs the harm which I have identified.

12. The appellants commented that the proposal would make use of an underutilised part of the garage. However, in the context of the harm arising from the proposed extension to the building I attach little weight to this aspect of the proposal.
13. In addition, there are no firm proposals for the new annexe when the proposed use ceases although a number of potential uses were identified. I have considered whether a planning condition or legal agreement could ensure that the proposed annexe did not function separately from the main house which was a concern raised by the Council. However, this would not overcome the harm which I have identified as a result of the scale of the development and therefore I do not consider a condition or obligation would address this matter.
14. The occupier of Old Pottery Cottage has raised concerns about noise and disturbance associated with the proposed use. As the appeal site is already in residential use it would be unreasonable to refuse permission on this basis.
15. The representation also made reference to rights under Article 8 of the European Convention on Human Rights being violated if the appeal were allowed. As I have decided to dismiss the appeal I do not need to deal with the question of whether the decision would result in a violation of those rights.

### **Conclusion**

16. For the reasons set out above, and taking account of all other matters raised, the appeal is dismissed.

*Kevin Gleeson*

INSPECTOR