
Appeal Decision

Site visit made on 20 February 2017

by Nicola Davies BA DipTP MRTPI

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

Decision date: 13 March 2017

Appeal Ref: APP/C1435/W/16/3162196

Ridgeway, The Street, East Sussex, Framfield TN22 5NX

- 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 Morpew against the decision of Wealden District Council.
 - The application Ref WD/2016/0690/F, dated 21 March 2016, was refused by notice dated 28 July 2016.
 - The development proposed is demolition of existing substandard residential dwelling and erection of replacement 4 bedroom dwelling and replacement garage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues raised in respect of the appeal are the effect of the proposed development on: -
 - (a) The character and appearance of the area; and
 - (b) The living conditions of adjoining occupiers.

Reasons

Character and appearance of the area

3. The appeal site comprises a detached residential bungalow within a street of mixed character. The properties to this side of The Street are residential bungalows, chalet-bungalows and two and three-storey houses. The dwellings either side are single-storey and are of similar overall size to that of the existing dwelling at the appeal site, although of different designs. The properties have long rear gardens that drop in gradient from the rear of the dwellings to the end of the plots. The site is boarded to its sides and rear by a closeboard fence.
 4. The proposed dwelling would be two-storey but the first storey would be contained within the roof slope. The eaves and ridge would, therefore be kept low, albeit the overall height and shape of the proposed dwelling when viewed in the street scene would be different to those either side. However, the proposal's frontage design and scale would not be overly large or conspicuous set between the single-storey dwellings and would not be as large as other properties close by. I do not consider that the existing properties either side of
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the appeal site to have such a strong appearance of symmetry that would justify resisting this proposal. Whilst the design may be individual it would not appear out of keeping when viewed against the variety of designs and style of properties within this streetscape. The separation to the side boundaries of the appeal site would prevent the dwelling appearing visually cramped within the appeal plot.

5. Overall, I conclude that the proposed development would not harm the character and appearance of the area and, for the reasons given, would not materially conflict with Policies GD2, EN27 and DC18 of the Wealden Local Plan 1998 which seek development layout and design to respect the character of the locality, amongst other matters. The proposed development would also comply with the aims of paragraphs 7, 17, 56, 58, 59 and 60 of the National Planning Policy Framework (the Framework) that seek to secure high quality design.

Living conditions of adjoining occupiers

6. The Council indicates that the proposed replacement dwelling would be approximate 0.7m taller than the existing bungalow and would be around 5.5m deeper to the rear. The appellant advises that the floor level would be 0.5m lower than that of the adjoining dwelling to the east, Carpinus Lodge. The proposed plans illustrate the internal ground floor level would be higher than that of the declining garden level to the rear of the property. The proposal at the rear would have a greater scale and height to that of the front of the property as it would have an elevated internal floor level to that of the declining rear garden ground level. As a result, the rear part of the proposed dwelling, incorporating a double pitched roof, would be of a substantial size and height.
7. The proposed dwelling would extend beyond the rear wall of Carpinus Lodge. The Council indicates that this projection would be around 7.4m. This adjoining property has windows in its west side elevation and a conservatory addition to the rear. The appellant considers the main outlook from this adjacent dwelling would be down their long rear garden. The conservatory has side windows that have outlook toward the appeal site, therefore outlook from this living space would be toward the flank wall of the proposed dwelling as well as southward down the garden. Whilst there is a closeboard fence between properties, the proposed flank wall of the replacement dwelling would be clearly visible to the occupiers of this property in their outlook. Despite the separation between developments the size and bulk of the replacement dwelling at the rear would overwhelm the outlook from the conservatory. However, the proposal would not, in my view, reduce light to the internal living space of this adjoining property.
8. With regard to Colindale to the west, the depth of the replacement dwelling would be similar to this existing dwelling which I observed has window openings in its eastern and rear elevations, some serving habitable rooms. Although there is a closeboard fence between dwellings, the proximity of the proposed development would be very close. The combination of the height and proximity of the proposed dwelling would block out light and make the internal rooms gloomier as a result.
9. I acknowledge that the rear building lines in the area vary and the proposed dwelling would be comparable in height to other dwellings within this row and the roof would incorporate hips and slope away. However, the proposed

dwelling would appear a substantial structure and would be clearly visible over the boundary fences and outbuildings, including that of the proposed garage within the appeal site. Although the appellants indicate that the existing boundary planting would contain views and outlook, I observed there was little in the way of vegetation within the appeal site along the fenced boundaries in the rear garden. The proposed dwelling would dominate and overwhelm the outlook from the rear gardens of the adjoining properties and would be harmful to the enjoyment of the outdoor private garden areas, particularly that part immediately to the rear of the dwellings. It would also be highly visible to the occupiers of Colindale despite the presence of trees and shrubs along their side boundary.

10. I note that a formal determination is in place that confirms that prior approval is not required for single-storey rear extensions to the existing dwelling at the appeal site. However, this would not make the proposal more acceptable in respect of the proposed depth of the dwelling and its height and bulk. For this reason I attach limited weight to the existence of this formal determination.
11. For these reasons I conclude that the proposal would be harmful to the living conditions of adjoining occupiers. The proposed development would be contrary to Policies GD2, EN27 and DC18 of the Wealden Local Plan 1998 which require development not to have an unacceptably adverse impact on the privacy and amenities of adjoining developments by reason of scale, height and form, amongst other matters. The proposed development would also be contrary to the aims of paragraphs 7 and 11 of the Framework that seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

Other Matters

12. The appellant highlights that paragraphs 14 and 49 of the Framework state that housing application should be considered in the context of the presumption in favour of sustainable development. The Framework and Policy WCS14 of the Wealden Core Strategy Local Plan 2013 require decisions to be made with regard to the presumption in favour of sustainable development.
13. I acknowledge that the proposal would involve the re-use of previously developed land. However, on the basis the proposal is for a replacement dwelling it would not add to the existing housing stock. The proposal offers some social and economic benefits in that it would provide a larger family dwelling to the District's housing stock replacing the existing dwelling of rundown appearance. It would be self build project that would create an energy efficient building and proved local employment during construction.
14. However, I have found that the proposed development would harm the living conditions of adjoining occupiers, placing it in conflict with the environmental dimension of paragraph 7 of the Framework. I find the scheme is not sustainable development as the benefits do not outweigh the environmental harm that I have identified above which leads me to conclude that there is conflict with the development plan when viewed as a whole.
15. Neighbouring residents have raised concerned about other matters but in view of my conclusions on the second main issue there is no need for me to address these in the current decision.

Conclusions

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

Nicola Davies

INSPECTOR