

Appeal Decision

Site visit made on 28 March 2017

by David Troy BSc (Hons) MA MRTPI

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

Decision date: 7th April 2017

Appeal Ref: APP/C1435/D/17/3170125

Oast View, Five Ash Down, Uckfield TN22 3AP

- 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 G Dadswell against the decision of Wealden District Council.
 - The application Ref WD/2016/2671/F, dated 1 November 2016, was refused by notice dated 21 December 2016.
 - The development proposed is conversion of garage at rear to residential annexe including raising of roof and alterations and installation of dormers.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - (i) The effect of the development on the character and appearance of the garage building and area, and
 - (ii) The impact on the living conditions of the occupiers of Meadow View House with particular regard to outlook.

Reasons

Character and appearance of the garage building and area

3. The appeal building comprises a detached double garage at the end of the rear garden of a two storey detached dwelling that forms part of a well-established linear residential development, typically characterised by detached properties set in relatively spacious plots. The detached garage is served by a private unadopted lane running along the rear of the site, which also provides access to several other residential properties to the south and north-east of the site.
 4. Where garages and other outbuildings associated with the adjacent residential properties exist, these are low, clearly subsidiary, and have little impact upon the sense of space and openness in the area. This gives the area a strong unifying character and appearance, which is further enhanced by the presence of mature landscaping and established trees within the gardens of the surrounding properties and the open fields to the east of the site
 5. The proposal would entail the conversion of the detached garage to a residential annexe with new living accommodation above including the installation of two dormers and the raising of the roof. The ridge height of the
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- dual pitched roof would be increased by about 1.6m to approximately 6m, with a small increase in the eave heights.
6. The Wealden Design Guide Supplementary Planning Document 2008 (SPD) states that garaging and outbuildings should be of a modest scale and detailing appropriate to the main dwelling and that roof space should not be used for accommodation purposes as this often requires increased ridge and/or eaves which are often inappropriate¹. Saved Policies EN27, HG10 and DC19 of the Wealden Local Plan 1998 (LP) and Policy SPO13 of the Wealden District Core Strategy Local Plan 2013 (CS) state, amongst other things, that proposals for extensions and alterations to ancillary buildings should normally be of an appropriate scale and design that should respect the character of the existing building, adjoining development and promote the local distinctiveness of the area through good design in all new development. This is consistent with Paragraph 60 of the National Planning Policy Framework that states that it is proper to promote or reinforce local distinctiveness.
 7. The proposed converted garage, by virtue of its greater height, scale and visual bulk would be considerably more prominent than the existing garage and would compromise the sense of space and openness in the area. It would not amount to a subservient form of development and would fail to promote or reinforce the distinctive characteristics of the area. These shortcomings would be exacerbated by the proposal's prominent position, which would be visible from a number of vantage points along the private access at rear of the site. As such, I consider the development would result in an incongruous and out-of-keeping addition that would adversely harm the character and appearance of the appeal building and the open character and appearance of the area.
 8. I have considered the appellant's comments that the scale and appearance of the building would be in keeping with the other buildings in the area in accordance with the relevant local planning policies, and the amendments made since the previously refused scheme on the site². Whilst the use of matching materials, fenestrations and high construction specifications would assist in integrating the proposal with the existing building and the area, these aspects do not overcome the adverse effects outlined above.
 9. I have noted the appellant's comments regarding the dormers on the existing nearby property at Hillview and the examples of the garages with rooms above granted elsewhere in the Wealden District Council area. However, these have different development characteristics to the appeal scheme. In any event, based on the limited evidence provided, I am unaware of the full circumstances associated with these other developments. I therefore accord them limited weight as precedents in this case.
 10. Consequently, I conclude that the proposal would have a harmful effect on the character and appearance of the appeal building and the area. The development would conflict with Saved Policies EN27, HG10 and DC19 of the LP, Policy SPO13 of the CS and the Council's SPD. These policies and guidelines, amongst other things, seek to ensure that residential extensions and alterations demonstrate a good design that respects the scale and character of the existing building and adjoining development and promotes the local distinctiveness of the area.

¹ SPD: Paragraphs 8.5 and 8.10

² WD/2016/0956/F

Living conditions of the occupiers of the neighbouring property

11. The southern gable end elevation of the proposed converted garage would be located about 2m from the common shared boundary with the neighbouring property at Meadow View House and would be at a slightly lower level. The neighbouring property currently has an uninterrupted view over the single storey section of the appeal building and the open garden areas and fields at the rear of the adjacent properties, that provide space and light between the properties. Whilst this view is largely a private benefit, it is nonetheless something which the neighbouring property can reasonably enjoy given it contributes to the green and semi-rural character of the area.
12. The appellant argues that the relationship between the proposed converted garage and Meadow View House would not be materially different to the existing situation on the site. Given the relatively low eave heights of the converted garage, together with its inset from the common boundary, site levels and orientation, I consider that there would not be significant loss of available light and overshadowing. However, this is not a determinative factor on its own.
13. In relation to outlook, whilst the boundary treatment and lower site levels would reduce the impact of the development to some degree, given the overall scale and height of the proposed converted garage and the distance between the properties, I consider that the proposal would give rise to an unacceptable loss of outlook from the rear garden and rooms at the rear of Meadow View House. It would introduce a dominant and enclosing structure in close proximity to the common boundary and have an overbearing effect on the occupiers of Meadow View House.
14. I have considered the appellant's comments regarding the dwelling at Meadow View House and its relationship with the adjacent property at No. 78 Five Ash Down. This relates, however, to a different form of development that is not directly comparable to the proposal and as such is accorded limited weight in making my decision.
15. Consequently, I conclude that the proposal would result in harm to the living conditions of the occupiers of Meadow View House with particular regard to the outlook. It would conflict with Policies Saved Policies EN27, HG10 and DC19 of the LP and the Council's SPD. These policies and guidelines, amongst other things, seek to ensure that the proposed development does not have an unacceptable adverse effect on the amenities of the occupiers of neighbouring properties.

Other matters

16. I have considered the appellant's comments regarding the family's personal circumstances and the benefits to the family arising from the proposed additional accommodation for their relatives. I have considerable sympathy for the appellant's circumstances. However, the courts have generally taken the view that planning is concerned with land use in the public interest. Although personal circumstances can sometimes justify a personal or temporary permission, that would not be appropriate here where a permanent structure is intended and as such are matters to which I can attach only limited weight in making this decision.

17. I have noted the support for the proposal from local residents on the basis that it would not detract from the area nor affect the living conditions of the adjacent properties and the benefits to the appellant's family. However, I have addressed these issues above and I can attach only limited weight to these matters.
18. I have noted the objections raised by local residents and Buxted Parish Council to the proposal. However, in light of my findings on the main issues of the appeal, my decision does not turn on these matters.

Conclusion

19. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

David Troy

INSPECTOR