
Appeal Decision

Site visit made on 21 March 2017

by David Reed BSc DipTP DMS MRTPI

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

Decision date: 12 April 2017

Appeal Ref: APP/U1430/W/16/3167593

Meads Cottage, Meads Avenue, Bexhill TN39 4SZ

- 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 Daniel Field against the decision of Rother District Council.
 - The application Ref RR/2016/1163/P, dated 26 April 2016, was refused by notice dated 16 June 2016.
 - The development proposed is the erection of bungalow together with access drive.
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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 No 11 Meads Road in relation to outlook and noise and disturbance, the occupiers of the host property Meads Cottage in relation to outlook and the occupiers of the proposed bungalow in relation to outlook, privacy and the provision of satisfactory outdoor amenity space.

Reasons

Character and appearance

3. The proposal is for a small two bedroom bungalow in the rear garden of Meads Cottage, a large two-storey house on the southern side of Meads Avenue. The property would be accessed from Kennel Lane, an unadopted public highway, which runs behind the rear garden from Meads Road to the west.
4. The site lies in an established residential area with a mix of building types including two storey houses, chalet bungalows and single storey bungalows. The proposed new bungalow would not therefore be out of place as a building type. However, the subdivision of the existing garden would lead to two relatively small residential plots, one for Meads Cottage and the other for the new bungalow. Whilst there are examples of bungalows in quite small plots nearby this is not the case for two storey houses, those on Meads Avenue and Meads Road occupying larger plots in keeping with their larger size. The proposal would result in Meads Cottage occupying an uncharacteristically small plot which would make it appear cramped next to the new bungalow when they are seen together by the occupiers of surrounding properties.

5. In addition, there are a number of trees along the southeastern boundary of the site which make an important contribution to the character of the area. One of these, within the appeal site, would be removed to facilitate the proposal. The others, including two tall Sycamore trees, lie just outside the site within Kennel Lane but would overhang and for much of the day overshadow the small garden of the new bungalow. As such, it is likely there would be pressure for their removal in the medium term. The loss of one or more trees on the boundary would harm the remaining verdant character of the area and result in a more visible and overly stark development.
6. For these reasons the proposal would cause significant harm to the character and appearance of the area contrary to Policies OSS4 and EN3 of the Rother Local Plan Core Strategy 2014 (RLPCS). These require new development to respect and not detract from the character and appearance of the locality, to be of a density appropriate to its context, to be of high design quality and to contribute positively to the character of the site and surroundings.

Living conditions

7. No 11 Meads Road is a single storey bungalow to the north west of the appeal site with a rear garden of reasonable depth. Contrary to the Council's view, due to the low profile of the bungalow roof, the separation distance involved and the tall fence on the common boundary, the proposal would not have a significant impact on the outlook from the rear facing windows or garden of the property. In addition, whilst the parking spaces for the bungalow would be immediately next to the boundary fence, the adjacent shed and length of garden would prevent undue noise and disturbance to the occupiers of No 11 from manoeuvring vehicles.
8. In relation to the host property, Meads Cottage the low roof profile of the proposed bungalow, the set back of the building into the plot and screening along the new common boundary would combine to minimise the impact on the outlook from rear facing windows.
9. However, from the perspective of the occupiers of the new bungalow, the close proximity of the two storey Meads Cottage would have an overbearing impact on the outlook from the larger north east facing window in Bedroom 2 and from most of the small garden. The first floor rear facing windows of Meads Cottage would also overlook the bedroom window and rear garden from close quarters leading to an unacceptable loss of privacy¹. Whilst these problems for the occupiers of the bungalow could be mitigated by tall boundary screening this would itself be overbearing and cause an uncomfortable sense of enclosure.
10. Partly due to the siting of the proposed bungalow towards the centre of its plot there would be little usable garden space available for the occupiers. The largest area, to the south east, would only be a strip a few metres wide and would be overshadowed by trees for much of the day² as well as overlooked by Meads Cottage. The result would be an unsatisfactory outdoor amenity space providing relatively poor living conditions for the residents of the bungalow.
11. For these reasons, although acceptable in other respects, the proposal would result in unacceptable living conditions for the occupiers of the proposed bungalow in relation to outlook, privacy and unsatisfactory outdoor amenity

¹ Even though the first floor balcony has now been removed.

² Unless removed, but see paragraph 5.

space. This would be contrary to Policy OSS4 of the RLPCS which seeks to ensure development meets the needs of future occupiers, including providing appropriate amenities.

Other matters

12. A number of nearby residents raise other concerns relating to the proposed development, including the implications of the access along Kennel Lane. However, in view of the conclusions on the two main issues, there is no need for these to be addressed in the current decision.
13. The existing garden of Meads Cottage is a good size but not excessive and being in use cannot be considered redundant.

Conclusion

14. The proposal would provide an additional small dwelling in a sustainable location which would be a suitable size for many households and offer social and economic benefits for the area. It would make a modest but worthwhile contribution to housing land supply in the district. It is also suggested that the proposal would conveniently accommodate an elderly relative of the appellant, although no mechanism is put forward to secure this. The proposal would help tidy up Kennel Lane. However, these advantages, even in combination, do not outweigh the significant harm that has been identified under the two main issues.
15. Having regard to the above the appeal should be dismissed.

David Reed

INSPECTOR