



Appeal Decision

Site visit made on 5 July 2017

by Robert Mellor BSc DipTRP DipDesBEnv DMS MRICS MRTPI

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

Decision date: 1 August 2017

Appeal Ref: APP/U1430/D/17/3175943

Kestrel House, Heathfield Road, Burwash Weald, Etchingham, East Sussex TN19 7LA

- 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 John Wilson against the decision of Rother District Council.
 - The application Ref RR/2017/687/P, dated 13 March 2017, was refused by notice dated 8 May 2017.
 - The development proposed is the provision of a new access drive.
-

Decision

1. The appeal is allowed and planning permission is granted for provision of a new access drive at Kestrel House, Heathfield Road, Burwash Weald, Etchingham, East Sussex TN19 7LA in accordance with the terms of the application, Ref RR/2017/687/P, dated 13 March 2017, subject to the following conditions:

1. The development hereby permitted shall begin not later than three years from the date of this decision.

The development hereby permitted shall be carried out in accordance with the following plans, all dated 1/17: Location plan, Drawing no. 16-1293-LP; Drawing no. 16-1293-PDS2; Drawing no. 16-1293-VSP; and Drawing no. 16-1293-PD2.

Main Issue

2. I consider the main issue to be the effect of the development on the character and appearance of the area and of the High Weald Area of Outstanding Natural Beauty (the AONB).

Policy Context

3. I am required to determine the appeal in accordance with the provisions of the development plan unless material considerations indicate otherwise. No development plan policies have been cited in the decision notice. However the officer report refers to the potential relevance of Policies OSS4(iii), EN1(i), and EN3 of the Rother District Local Plan Core Strategy (2014)(the LP). The Report also claims conflict with Paragraph 115 of the National Planning Policy Framework (the Framework), which document is a material consideration.
4. LP Policy OSS4(iii) provides that all development should respect and does not detract from the character and appearance of the locality. LP Policy EN1(i) seeks to protect the distinctive identified landscape character, ecological features and

settlement pattern of the AONB. LP Policy EN3 sets out criteria for the achievement of design quality which include that new development should amongst other things: contribute positively to the character of the site and surroundings, including taking opportunities to improve areas of poor visual character or with poor townscape qualities; and that its design should be based on an understanding of the site and its wider setting.

5. Paragraph 115 of the Framework amongst other things accords great weight to conserving the landscape and natural beauty of the AONB.

Reasons

6. The appeal site is occupied by a mid-20th century house of plain form such as may be found in both rural and suburban areas. It is set in a large garden which at the front slopes steeply down to the main A265 road. The house is part of a small group that lies outside but close to the more built up area of the village where there is more concentrated frontage development. The main road is mainly lined with trees at this point and other nearby houses are typically fronted by trees or hedgerows. But on the appeal site the sloping garden is open and covered by closely mown grass. That openness of the front garden and the height of the house above the road make the house more prominent.
7. The appeal property and the adjoining group of houses share a rough and narrow rear access track with poor visibility to the west at its junction with the main road. Like its neighbours the house on the appeal site presently lacks safe pedestrian access to the village as there is no footway along the main road frontage. Pedestrians must therefore walk in the busy road which is here subject only to a 50mph speed limit.
8. The proposed development would provide Kestrel House with both a separate driveway and a pedestrian access directly from the main road. Pedestrians could use a short length of highway verge to join a footway west into the village. That would have safety benefits. The highway authority does not object to the access directly to the main road and safer visibility can be provided than at the existing shared access.
9. Many houses both within and outside the village already have direct access driveways in a variety of designs and materials. I do not consider the design of the appeal scheme to be out of character with other development along Heathfield Road. Neither would it be particularly suburban in character as the Council suggests. As such it would respect the site and its setting. The proposed planting to accompany the works would break up the expanse of mown grass and soften the relatively plain and stark appearance of the property. That would be in character with other frontage properties in the area.
10. I conclude that the proposed development would respect and not detract from the character and appearance of the locality and the AONB and would not be in conflict with the development plan or the Framework. The appeal should therefore be allowed subject only to standard conditions limiting the time within which development should commence and specifying the plans that are approved.

Robert Mellor

INSPECTOR