



Appeal Decision

Site visit made on 18 July 2017

by Philip Willmer BSc Dip Arch RIBA

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

Decision date: 16 August 2017

Appeal Ref: APP/U1430/D/17/3173462

46 Church Square, Rye, East Sussex, TN31 7HE.

- 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 and Mrs Redmond against the decision of Rother District Council.
 - The application Ref RR/2017/173/P, dated 20 January 2017, was refused by notice dated 23 March 2017.
 - The development proposed is described as addition of first floor bedroom and en suite shower room over the existing single storey kitchen together with first floor minor layout changes.
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Decision

1. The appeal is allowed and planning permission is granted for the addition of first floor bedroom and en suite shower room over existing single storey kitchen with minor layout changes at 46 Church Square, Rye, East Sussex, TN31 7HE in accordance with the terms of the application, Ref RR/2017/173/P, dated 20 January 2017, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans, drawings: P1632-PL-50, 225 and 350.
 - 4) The development hereby permitted shall not be commenced until larger scale detailed plans and drawings showing (a) all new joinery including, doors, windows and rooflights with elevations at a scale of 1:10, 1:1 sections through cills/thresholds, framing members, including opening lights and mullions, showing the relationship with the adjoining structure and (b) the eaves of the extension at a scale of 1:10, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Procedural Matters

2. The appeal property and its immediate neighbour number 44 (part of a group that includes numbers 20 to 46 (even) and number 33 which forms a group with numbers 27 to 30 (consec) Watchbell Street are, I understand from the evidence, listed grade II. Listed building consent was granted by the Council for the proposed extension on 23 March 2017 (Ref: PR/2017/174/L). Nevertheless, I am required to take account of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended which states that, in considering whether to grant planning permission for development which affects a listed building or its setting, I shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
3. In addition the appeal site is located in the Rye Conservation Area. I am required therefore to also take account of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended which states that, with respect to buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
4. Although therefore not reasons for refusal, I shall nevertheless, as I am required to do, consider the effect of the proposal on the listed buildings and the conservation area as one of the main issues in this appeal.

Main Issues

5. The main issues in this case are:
 - a) firstly, the effect of the proposed development on the living conditions of the occupiers of 44 Church Square (also identified as Watchbell Street by the Council), in terms of its potential to appear overbearing; and
 - b) secondly, the effect of the proposed development on the special architectural and historic interest of the buildings listed grade II and thereby whether the proposal would serve to preserve or enhance the character or appearance of the conservation area.

Reasons

Living conditions

6. The property the subject of this appeal, 46 Church Square, is a two-storey grade II listed building located at the junction of Watchbell Street and Church Square. The current building, which I understand mainly dates from the late 1890's, is built over a 13 century cellar, listed in its own right. Unlike its neighbour number 44, the property is set back from the road so that it projects well to the rear of number 44.
7. The appellants propose to build an extension at first floor level over an earlier existing single storey addition. The extension would appear as a new hipped roofed projecting gable. The ridgeline would be set below that of the main dwelling. In addition to two new rooflights in the eastern roof slope, a pitched roof dormer is proposed in the southern roof slope with a small flat roof dormer at high level in the western roof slope.

8. The eaves line of the proposed extension would align with that of the host property. This would result in some increase in the height of the flank wall to the boundary of number 44. However, in relation to the overall height of the existing walling to the boundary, I do not consider that this increase in height, given the high density built up grain of development here, would alone render the new extension significantly more overbearing when viewed from the garden of number 44 than the existing extension.
9. While not being as high as that of the main roof, the ridge line of the proposed extension would be higher than the ridge line of the existing pitched fascia arrangement to the single storey projection. However, the roof would slope away from the boundary thereby reducing its visual impact.
10. In addition, the proposed extension, by reason of its three dimensional form, subservient scale and cohesive architectural detailing, would appear as a well-mannered addition that would overall be visually attractive.
11. For all these reasons and based on my observations on site, I therefore conclude that on balance the proposed extension would neither be so overbearing nor dominant as to cause harm to the living conditions of the occupiers of number 44. It would therefore accord with Policy HG8 of the Rother Local Plan (Adopted 2006) and Policy OSS4 (iii) of the Rother Local Plan Core Strategy (Adopted September 2014) as they relate to the protection of residential living conditions.

The effect on the identified heritage assets

12. I have found the proposed extension, which would be a modern addition to the listed building with limited impact on its fabric, to be well mannered and indeed would replace a less attractive flat roof rear addition with a pitched fascia.
13. Accordingly, therefore, and having taken all matters into consideration, I conclude in respect of the second main issue that the proposed development, would serve to preserve the building, its setting and any features of special architectural or historic interest which it possesses. Further, due to the extension's relationship to the neighbouring listed buildings I do not consider that it would impact in any significant way on their setting. Finally it would, in my judgement, serve to enhance the character and appearance of the conservation area. The development would thereby accord with the requirements in Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Conditions

14. The Council has not suggested any conditions in the event that I were minded to allow this appeal. However, as listed building consent has previously been granted I shall adopt those conditions, amending them as necessary, as they seem to me to be the most apt in this case.
15. To ensure a high quality development, I shall include a condition about the materials to be used in the construction of the external surfaces of the building. Further, I shall require details of new joinery (including doors, windows and rooflights) along with eaves detailing to be submitted to the local planning authority prior to commencement of the development.

16. In the interests of certainty, I shall also impose a condition requiring the development to be undertaken in accordance with the approved plans.

Conclusions

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

Philip Willmer

INSPECTOR