

Appeal Decision

Site visit made on 15 August 2017

by J Bell-Williamson MA MRTPI

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

Decision date: 31 August 2017

Appeal Ref: APP/U1430/D/17/3177182
'Burnaby', 31 Waites Lane, Fairlight TN35 4AX

- 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 Levett against the decision of Rother District Council.
 - The application Ref RR/2017/307/P, dated 2 February 2017, was refused by notice dated 30 March 2017.
 - The development proposed is 2 storey side extension to form 2 bedrooms and family room.
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Decision

1. The appeal is allowed and planning permission is granted for 2 storey side extension to form 2 bedrooms and family room at 'Burnaby', 31 Waites Lane, Fairlight TN35 4AX. The permission is granted in accordance with the terms of the application, Ref RR/2017/307/P, dated 2 February 2017, 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 development hereby permitted shall be carried out in accordance with the following approved plans: 2016,101,1 (floor plans and elevations) and 2016,101,2 (block plan).
 - 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Main Issues

2. The main issues are the effect of the proposal on the living conditions of the occupiers of St Peters, with regard to outlook; and on the living conditions of the occupiers of Spring Cottage, with regard to outlook and privacy.

Reasons

3. The appeal property is a detached dwelling, part one and part two storey, set back from the frontage of Waites Lane behind No 33. Waites Lane is a residential street of mixed property types.
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4. The proposal is for a two storey extension to No 31 to the north of the main dwelling. The nearest building to this boundary is the community hall immediately to the north, while a residential property known as St Peters is located next to this. The appeal property stands on higher ground than these neighbouring buildings and the extension would bring it closer to St Peters' rear boundary.
5. The distance between No 31's northern elevation and the rear of St Peters itself is relatively generous. This separation would not be diminished by the extension to such an extent that the larger property would appear overbearing viewed from the rear windows of St Peters. The principal issue, therefore, is the effect on views from its back garden looking towards No 31. The extension would retain a reasonable degree of separation from the boundary to the north, which includes substantive planting in the form of mature trees and shrubs. Despite No 31's higher position, the degree of separation that would exist combined with the effective screening provided by the existing boundary planting means that the occupiers of St Peters would have only limited views of parts of the extended dwelling. It would not, therefore, be a prominent or overbearing feature in views from this neighbouring garden.
6. The side of Spring Cottage to the east of No 31 would be closer to the extended dwelling than St Peters. Nonetheless, as with St Peters, the degree of separation between dwellings is sufficient to ensure that there would be no overbearing effects of the addition to No 31 seen from the facing windows of Spring Cottage. Existing planting to the boundary between these properties would help shield views of the extension from the side garden. I note, also, that additional planting has been undertaken to this boundary and this will supplement the existing vegetation such that it would further reduce any views that are available. Consequently, there would be no material harm to the outlook from Spring Cottage's garden
7. With regard to privacy, the northward extension of the appeal property would add a first floor bedroom window to those already facing the side of Spring Cottage and its garden. Views from the existing northernmost window of Spring Cottage and its garden are largely shielded by boundary planting. As already noted, this has been supplemented by additional planting and this together with the existing vegetation will serve a similar purpose to shield views from the new window. Moreover, some views of neighbouring gardens are not uncommon in suburban areas such as this. The combination of the separation distances retained between properties and existing and additional boundary planting will ensure that there is no loss of privacy due to the different ground levels between the two dwellings.
8. Accordingly, for all these reasons, I conclude that the proposal would not have an unacceptably harmful effect on the living conditions of the occupiers of St Peters, with regard to outlook; or on the living conditions of the occupiers of Spring Cottage, with regard to outlook and privacy. As such, there is no conflict with Policy OSS4 (ii) of the Council's Core Strategy or with Policy HG8 of its Local Plan, both of which require development to protect and not harm the amenities of adjoining properties. These policies are consistent with the National Planning Policy Framework.

Other Matters

9. I have had full regard to a number of other matters raised by interested parties. With regard to any effect on No 45 Waites Lane, the separation between this and the appeal property and their relative orientation to each other means that the extension would not cause harm to this neighbouring property. While the dwelling known as Rosemont has views of No 31's northern elevation, this neighbouring property is further away from it than St Peters. Consequently, for the reasons already given, there would be no harmful effects to the outlook from this property or its garden. With regard to privacy, the proposed extension would reduce the number of windows on the northern elevation, with the only first floor window belonging to a bathroom and therefore including obscured glass; and the ground floor window would be on the furthest side of the elevation from Rosemont. As such, no material harm would arise from the extension to the living conditions of these neighbouring occupiers.
10. The design and materials of the extension match those of the existing dwelling. Furthermore, the proposal involves an addition of typical domestic scale that would not harmfully alter the proportions or appearance of the host dwelling and wider area. There is no evidence from the plans or other submitted material to suggest that development of this type and scale within the existing curtilage cannot be accommodated without causing harm through inadequate surface water drainage. Therefore, while I have had full regard to these other matters they do lead me to reach a different overall conclusion.

Conditions

11. Of the Council's suggested conditions I have imposed the standard time condition and, to ensure the proper implementation of development in accordance with the submitted details, one requiring development to be carried out in accordance with the approved plans. I agree also that a condition requiring the external materials used to match those of the existing building is needed in the interests of the appearance of the host dwelling and wider area. I disagree, however, that a condition requiring materials and contractors' vehicles to be contained within the site is required, as suggested by an interested party. There is no evidence to suggest that the relatively large curtilage of the appeal property and the domestic scale of the extension will not enable this to occur or that the temporary construction activity will otherwise be harmful.
12. For the reasons given above and having regard to all other matters raised, it is concluded that the appeal should be allowed.

J Bell-Williamson

INSPECTOR