



Appeal Decision

Site visit made on 22 January 2018

by Nicola Davies BA DipTP MRTPI

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

Decision date: 29th January 2018

Appeal Ref: APP/U1430/W/17/3180786
3 Little Twitten, Bexhill TN39 4SS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Andrew Weeks against the decision of Rother District Council.
 - The application Ref RR/2016/3192/P, dated 12 December 2016, was refused by notice dated 13 February 2017.
 - The development proposed is the erection of a detached three bedroom house on land adjoining 3 Little Twitten.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The planning application was made in outline with all matters reserved. Notwithstanding this, the application that is subject of this appeal has been supported by proposed site, location and block plans, along with proposed house plans and elevations. It is clear from the appellant's statement that a great deal of consideration has been given to the layout, design and appearance of the proposed dwelling and the illustrative plans have been submitted to assist the consideration of the proposal. It is apparent to me that the indicative plans provide a clear indication as to how the appellant wishes to develop the site. For this reason I have given significant regard to the details of the proposed scheme as illustrated upon the indicative plans.

Main Issue

3. The main issue raised in respect of the appeal is the effect of the proposed development on the living conditions of adjoining occupiers.

Reasons

4. The established residential development in the area is made up of predominantly two-storey detached and semi-detached dwellings of varying styles, appearances and plot sizes. No 3 Little Twitten is a two-storey semi-detached dwelling that has a side and rear garden. The appellant's indicative plans illustrate a three bedroom two-storey detached dwelling with a third storey contained within the roofspace within the side garden of No 3 Little Twitten.

5. There is no dispute between parties that two on-site parking spaces would be required. The indicative plans illustrate parking of two vehicles within the frontage of the proposed site. In providing the required parking spaces the proposed dwelling would be positioned deeper into its plot than that of No 3 Little Twitten.
6. The new dwelling would project a significant distance beyond the rear building line of No 3 Little Twitten. As a result the proposed dwelling would be clearly visible in close proximity in outlook from the rear private garden of that dwelling. Despite the gap between respective developments, the height, mass and close relationship of the proposed dwelling would substantially visually dominate the outlook from the rear garden. Consequently, the proposed dwelling would be intrusive and oppressive in outlook and, as such, would be harmful to the living conditions of the occupiers of No 3 Little Twitten.
7. The Council is also concerned that the outlook from the internal living space within No 3 Little Twitten would be detrimentally impacted. However, given the orientation of this existing dwelling to the proposed property, I do not consider the new dwelling would be appreciably prominent in the outlook from the rear living environment within this existing dwelling.
8. The illustrative plans show bedrooms at first and second storeys. Outlook from these rooms would create elevated observation toward the rear garden of the adjoining dwelling known as 'Dolphins'.
9. I have taken into consideration the distance between the proposed dwelling and the rear garden of Dolphins. I observed that there is some vegetation along the boundary within Dolphins and outbuildings adjacent the boundary within the appeal site. However, these are not so substantial as to prevent views into the rear garden of Dolphins from the upper floor windows. I therefore consider that the proposed dwelling would compromise the privacy of the occupiers of that adjoining property, even if their main outdoor seating area is located to the northern side of its plot. Accordingly, the proposed development would be harmful to the living conditions of the adjoining occupiers of Dolphins.
10. In reaching this conclusion I have taken into consideration the rising gradient of the appeal site toward the northern boundary and the height of the existing boundary fence between the appeal site and Dolphins relative to the land levels at the southern part of the appeal site. I have also taken into account the photographs of the appeal site and surrounding area provided by the appellant.
11. I accept that enhanced landscaping at the appeal site could reduce the potential for overlooking but this in itself would likely raise an unneighbourly adverse impact upon adjoining residents. I acknowledge the proposal has been made in outline. Nonetheless, I have not been provided with any substantive evidence that would lead me to conclude that the proposed dwelling could be erected without causing harmful impacts to the occupiers of both No 3 Little Twitten and Dolphins. I am therefore not convinced that imposing a reserved matters condition requiring details of layout and design to be subject to further Council consideration would overcome the harm that I have identified above. Nor am I convinced that an obscure glazing condition, particularly one pertaining to rear windows, would be appropriate taking into consideration the living conditions of future occupiers. Furthermore, I am not persuaded that the removal of permitted development rights or the imposition of conditions aimed

at safeguarding other design issues would satisfactorily address these concerns.

12. For the above reasons, the proposed development would be harmful to the living conditions of the adjoining occupiers. The proposed development is therefore contrary to the aims of Policy OSS4 (ii) of the Rother Local Plan Core Strategy that seeks, amongst other matters, to ensure development does no unreasonably harm the amenities of adjoining properties.

Other Matters

13. The development would be within the existing residential area of Little Common and Bexhill and make use of the side garden, which the applicant indicates is surplus to requirement. There are no specific land designations in place relating to the appeal site and no listed buildings close by. The appellant has highlighted the layout and design merits of the proposal taking into account the surrounding residential development in the area and the contours of the land. I note that the Council has not raised objection to the principle of residential development at the appeal site or the illustrative design of the proposed dwelling. I also accept that the Council has not raised concern regarding the impact upon the living conditions of other occupiers in the area or the number of parking spaces to be provided for the existing and proposed dwellings.
14. The appeal site is within a relatively short walking/cycling distance from Little Common village centre where services, facilities, entertainment, employment and transport connections can be accessed. Furthermore, the scheme would provide a new family dwelling and employment during construction that would bring about social and economic benefits. The proposal would also contribute to the District's housing land supply, although being for one dwelling this contribution would be modest.
15. Taken collectively these are all benefits of the proposed scheme. Nonetheless, these benefits would not outweigh the environmental harm to the living conditions of the occupiers of No 3 Little Twitten and Dolphins that I have identified above or justify the proposed development. When the Framework is considered as a whole, I find the scheme does not constitute sustainable development. Furthermore, I conclude that the scheme conflicts with the development plan as a whole.
16. I note that a two-storey side extension to No 3 Little Twitten has previously been granted by the Council but the extension has not been constructed¹. I also accept that the proposed development would potentially overcome the parking, access and turning concerns that resulted in previous proposals² for a dwelling at the appeal site being rejected by the Council. Nevertheless, this proposal is a different scheme to that of the side extension and those developments previously proposed. The proposal therefore can and should be considered on its own merits.
17. My attention has also been drawn to an appeal decision at Meads Avenue in Little Common³. Whilst that proposal would be similar in that it would be constructed within an established residential area where the existing

¹ Council ref: RR/1998/0725/P

² Council ref: RR/1998/1829/P & RR/1999/0503/P

³ Appeal ref: APP/U1430/W/16/3167593

development is of mixed character, the appellant concedes that development is a wholly different scheme to that which is proposed here.

18. The appellant has referred me to other previous government guidance. However, I have considered the proposal before me on its own merits applying the appropriate national policy as set out in the National Planning Policy Framework and the policies contained within the Council's current development plan.

Conclusion

19. A number of nearby residents raise a number of other concerns about the proposal but in view of my conclusions on the main issue there is no need for me to address these in the current decision.
20. It is appreciated that pre-application advice was sought in this case. However, having regard to the above findings, the appeal should be dismissed.

Nicola Davies

INSPECTOR