
Appeal Decision

Site visit made on 6 August 2019

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th August 2019

Appeal Ref: APP/U1430/W/19/3221803

Land at Harmony, 25 The Highlands, Bexhill-on-Sea TN39 5HL

- 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 DHSB Management Ltd against the decision of Rother District Council.
 - The application Ref RR/2018/2665/P, dated 12 October 2018, was refused by notice dated 17 December 2018.
 - The development proposed is a bungalow served by new vehicular access.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

3. Within this part of The Highlands there are a mixture of detached bungalows and two-storey properties of varying designs, as well as two residential care homes. Buildings are generally set within large plots, and this can be appreciated from the street as a consequence of the spacing generally afforded to the sides of buildings and in elevated views from the north where land levels rise. Despite their varied appearance, the buildings in this part of the street scene are set back from the road contributing a sense of openness to the area. There are some single storey outbuildings set forward of dwellings. However, where present, these are of small scale and clearly have the appearance of ancillary structures. As such they do not detract from the overall feeling of spaciousness.
4. Hedging marks the boundaries of many of the plots, and in many cases this is supplemented by mature trees both at the boundaries and within gardens. Together, these give the area a verdant character.
5. The plot of No 25 is larger than others on The Highlands, and in common with the neighbours at Nos 21 and 27, No 25 is set significantly back from the road. The proposed bungalow would be set within the generous garden to the side of No 25 and given the diverse character of other buildings nearby, its appearance and footprint would not appear out of character.

6. However, it would be positioned close to the road, and the rear boundary of the plot would be set forward of the dwellings at both No 25 and No 21. The position of the development forward of both neighbours and its proximity to the road would significantly erode the open setting which is an important feature of this part of The Highlands, and it would be a prominent and incongruous feature.
7. Furthermore, the plot serving the dwelling would be at odds with the generous grounds typical to this part of The Highlands. In particular, it would have a significantly reduced depth in comparison to the prevailing character and this would be apparent from the street scene as a consequence of the rear boundary being set forward of the neighbouring dwellings. While there is dense hedging to the frontage of the appeal site, the roof of the development would be visible above this hedging, and a section would also need to be removed to accommodate the proposed access from The Highlands. As a result, there would be views of the bungalow from the street and it would be clearly read as a separate dwelling on this truncated plot, appearing cramped and discordant in the street scene.
8. I acknowledge that there are other bungalows on The Highlands further to the south which are sited closer to the road. However, in contrast to the appeal site, these are in a part of The Highlands characterised by bungalows with a generally consistent design and layout. I observed a clear distinction between these two parts of The Highlands, and they are further distinguished by the change in road surfacing material, the termination of pavements and the lack of kerbs to the edge of the carriageway as you move north from Nos 15 and 20. Given the markedly different character of the southern part of The Highlands to the part in which the appeal site sits, these examples are not directly comparable to the appeal before me and so do not support the siting of the proposed dwelling on its plot.
9. The development would therefore be a cramped and incongruous feature which would erode the spacious character to this part of the street scene. As such it would cause significant harm to the character and appearance of the area, and it would be contrary to Policy OSS4 of the Rother Local Plan Core Strategy (2014) (RLPCS). This Policy sets out requirements for new development, including at part (iv) that it respects and does not detract from the character and appearance of the locality.

Other Matters

10. The main parties agree that the Council is not able to demonstrate a 5 year supply of deliverable housing sites. The appellant comments that the Council's Local Plan Monitoring Report (2018) shows a housing land supply of 3.9 years and I have not been provided with any contrary evidence to point to a different supply position.
11. Notwithstanding my consideration of SAC matters below, the lack of supply would typically engage paragraph 11(d) of the National Planning Policy Framework (the Framework). This states that where the policies which are most important for determining the proposal are out of date, permission should be granted unless (i) the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development, or (ii) any adverse impacts of doing so would significantly and

demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

12. In terms of benefits, the proposal would provide one additional dwelling towards local housing supply. This would make a modest contribution bearing in mind the lack of 5 year supply and I have given this moderate weight. While limited by the small scale of the development, there would also be some economic benefits associated with the construction of the development.
13. However, achieving well designed places as sought by RLPCS Policy OSS4 is a key aspect of sustainable development, and I consider that the adverse impacts of the proposed development on the character and appearance of the area would significantly and demonstrably outweigh the benefits of the one additional dwelling. The Framework therefore, when considered as whole, does not indicate permission should be granted in this instance.
14. I note that the Council's report on the planning application advised that there would not be a concern in relation to potential impacts of the development on the Ashdown Forest and Lewes Downs Special Areas of Conservation (SAC). I am mindful of the judgement of the Court of Justice of the European Union (CJEU) which held that the decision maker must consider mitigation measures intended to avoid or reduce the harmful effects on a protected site within the framework of an Appropriate Assessment (AA), rather than at the screening stage. This responsibility now falls to me as the competent authority.
15. It would typically be necessary for me to seek additional information from the parties to enable me to undertake the AA and assess the effectiveness of any measures secured through a S106 agreement or other such mechanism. However, as I am dismissing the appeal for other reasons it has not been necessary to consider this matter further.

Conclusion

16. For the reasons given above, I conclude that the appeal should be dismissed.

J Bowyer

INSPECTOR