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## Appeal Decision

Site visit made on 27 June 2019

**by A. J. Boughton MA (IPSD) Dip.Arch. Dip.(Conservation) RIBA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 12 September 2019**

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**Appeal Ref: APP/U1430/W/18/3217744**

**Aztec House, Main Street, Beckley, Rye TN31 6RL**

- 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 Trevor Clark against the decision of Rother District Council.
  - The application Ref RR/2018/1302/P, dated 6 May 2018, was refused by notice dated 9 July 2018.
  - The development proposed is a new two storey detached house.
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### Decision

1. The appeal is allowed and planning permission is granted for new two storey detached house at Aztec House, Main Street, Beckley, Rye TN31 6RL in accordance with the terms of the application, Ref: RR/2018/1302/P, dated 6 May 2018, and the plans submitted with it, subject to the 5 conditions on the schedule appended.

### Preliminary Matter

2. The Council draw attention to three appeal decisions for development on this site, in 2006, 2007 and 2009. Although I have regard to those decisions and their conclusions, all pre-date the introduction of the National Planning Policy Framework (Framework) to which I must have regard as a material consideration in this decision.

### Main Issue

3. The main issue is effect of the development on the character and appearance of the settlement.

### Reasons

4. Aztec House is a detached village house fronting the B2088 Main Street, Beckley which sits adjacent to another detached dwelling (on its right-hand side when viewed from Main Street) and, beyond that, a village hall. Beckley is a village which is accepted as a suitable location for some housing and the front of the appeal site is within the settlement boundary. The proposed dwelling would occupy an area of side garden which tapers to a point adjacent to the residential curtilage of 'Freshfields' a bungalow on its western (left) side, which is set back some 30m or so from the road. The proposed dwelling would be located relatively close to Aztec House.
5. The Council say the gap between Aztec House and Freshfields is of 'particular significance' and, by reference to previous appeal decisions, 'it is still

considered that the proposed dwelling would reduce the established visual break in built form, causing unacceptable harm to the locally distinctive character of the village'. The significance of the gap is not further explained, other than by reference to an appeal (2009) and reference to the effect of the proposed development on the character and appearance of the settlement (as opposed to the countryside), a matter to which I now turn.

6. I have considered carefully the conclusions of Inspectors in previous appeal decisions on this site but for the reasons explained in the preliminary matter, I cannot give these significant weight. This decision is made upon the evidence before me including my observations at the time of my site visit.
7. It follows from the linear nature of the village that the significance of 'gaps' lies in their interruption of frontages of built development rather than as any, or all, spaces between individual buildings.
8. Although the character of the settlement may be perceived as an abstracted interpretation of a pattern of built form and the spaces between, I consider a primary component of character is the experience of users, and in this matter, what is perceived by users of Main Street, the 'spine' of the settlement. In that respect, noting there are sections of Main Street where frontage vegetation wholly or substantially conceals what lies behind, the screening (or enclosing) effect of hedging or other visual obstruction is a consideration to which I must have regard.
9. I consider the significance of 'gaps' to the matter before me arises from the availability of views of countryside from Main Street. This leads me to conclude that the open view provided by the (approximately) 50m of low hedging on the western side of Freshfields is particularly significant. This is because it affords a surprising and generous view into open countryside after (for users moving in an easterly direction) a long section of built development on the north side of Main Street.
10. From that point, however, high frontage hedging extends across its frontage up to the caravan on the appeal site frontage such that the absence or presence of built form between Freshfields and the existing access point to Aztec House is not obvious. Consequently, I attach reduced significance to the absence of built form between Aztec House and Freshfields. It follows that any effect upon the character of the settlement from the insertion of built form next to Aztec House should attract reduced weight.
11. The development would replace an obtrusively located caravan with a well-designed dwelling of suitable scale and character for the location. I therefore conclude that although there would be change to the appearance of the appeal site, the change would not result in inappropriate density or appearance and would not cause significant harm to the character of the settlement. On that basis the proposal would not conflict with Policy OSS4 of the Rother Local Plan Core Strategy (2014) (RLPCS) which seeks to ensure development does not detract from the character and appearance of the locality and would accord with Policy RA1 of the RLPCS which supports the development of suitably located housing (including windfall) in villages to meet housing need, whilst protecting the locally distinctive character of villages.
12. Having concluded that the proposal does not conflict with relevant policies and thereby accords with the development plan as a whole, the proposal is

sustainable development for which permission should be granted as Paragraph 11(c) of the Framework indicates.

13. Further, in consideration of the previous decisions referred to which confirm an absence of harm to the AONB for what were more substantial proposals, even if I were to conclude there were harm to the character and appearance of the village from the loss of an important gap, Paragraph 11(d)<sup>1</sup> of the Framework (the 'tilted balance') would be engaged due to the Council's confirmation that they are able only to demonstrate 3.9 years housing land supply. As I consider the harm alleged would not significantly or demonstrably outweigh the benefits of providing even one dwelling in this sustainable location, together with its attendant economic and social benefits, a similar conclusion would result.
14. Consequently, having regard to all matters raised, the appeal succeeds.

### **Conditions**

15. I have considered the Council's suggested conditions and made adjustments having regard to the tests set out in guidance. A 'plans' condition, together with the approval of external materials is necessary to ensure the development proceeds on the basis approved. Similarly, due to the constrained site, details of hard and soft landscaping, together with layouts for parking and details of boundary treatments require careful consideration. The provision of secure cycle parking will support the use of sustainable modes of transport. The site is in an archaeologically sensitive location and a scheme of investigation and related implementation is appropriate, but there is nothing before me to suggest the parking area would be used other than by the occupier once completed. The Council have also suggested a lengthy condition in relation to drainage whereas, for a single dwelling, a simple requirement for details of storm water attenuation is appropriate and proportionate. The suggested condition for obscured glazing of a bathroom window is not necessary as it is unlikely this will not be implemented in accordance with the approved plan given the appellant/landowner would be the neighbouring occupier.

*Andrew Boughton*

INSPECTOR

### **Schedule of Conditions**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the approved plan 2346/17/LP1, 2346/17/01 Revision A dated May 2018.
- 3) No development shall take place before the implementation of a programme of archaeological works in accordance with a written scheme of Investigation which has been previously submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall not be first

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<sup>1</sup> By reference to footnote 7 and Paragraph 11(d)(ii)

occupied unless and until the Scheme of Investigation has been completed to the reasonable satisfaction of the Local Planning Authority.

4) No development above ground shall take place unless and until a scheme for the surface water drainage, including details of attenuation, has been completed in accordance with details that have been previously submitted to and approved in writing by the Local Planning Authority.

5) No development above ground level shall take place before details of the following matters have been submitted to, and approved in writing by, the Local Planning Authority:

- details of manufacturer's/supplier's specifications of external facing materials

- layout and detailing of parking and turning areas

- soft Landscaping and boundary treatments

- cycle parking spaces

The development shall thereafter proceed in accordance with the approved details and not first occupied unless and until the cycle parking, vehicle parking and turning areas have been completed.