
Appeal Decision

Site visit made on 1 October 2019

by N Thomas MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st November 2019

Appeal Ref: APP/U1430/W/19/3234367

Cartref, Dixter Lane, Northiam TN31 6PR

- 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 Mrs Lisa Hopper against the decision of Rother District Council.
 - The application Ref RR/2019/797/P, dated 27 March 2019, was refused by notice dated 24 June 2019.
 - The development proposed is a ready-built metal motorbike garage/shed to be put up on a concrete foundation on the existing driveway.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have taken the description of the development from the Council's decision notice as this was more concise than the description given on the application form. The concrete foundation is already in place.
3. The Rother Development and Site Allocations Local Plan (DSALP) Proposed Submission October 2018 is subject to examination, and public consultation has taken place on Main Modifications. The Council has referred to an emerging DSALP policy in its reason for refusal. The DSALP is at a relatively advanced stage of preparation, but I have insufficient evidence to form a view as to whether the objections are resolved. I therefore give the policy limited weight.
4. The appellant has suggested that the proposal could be amended so that the garage/shed would be larger. However, this was not considered by the Council in refusing the application. The appeal process should not be used to evolve a scheme. Furthermore, I cannot be certain that interested parties were aware of the revised proposals when they were consulted on the appeal. Accordingly, the interests of these parties may be prejudiced, were the suggested amendment to be taken into account. I have therefore considered the appeal on the basis of the plans and details determined by the Council.

Main Issue

5. The main issue is the effect of the proposal on the character and appearance of area, including the landscape character and scenic beauty of the High Weald Area of Outstanding Natural Beauty (AONB).

Reasons

6. The appeal site is a modest semi-detached house fronting onto Dexter Lane. It is set back from the road behind a hard surfaced parking area, with a small section of hedge separating it from the lane. In the vicinity of the site, the pattern of development is informal, but dwellings are generally modest and traditional in appearance. This part of the lane is narrow, and the opposite side is marked by a hedge with open fields beyond, so that the lane marks the edge of the village. As a result, this short stretch of the lane has a distinctive rural character, where roadside hedges are a dominant feature on both sides. This contrasts with the more suburban appearance of the lane at its junctions with Station Road and Cavix Field. The area is on the edge of the settlement and adjacent to the open countryside, it is thus part of the landscape character of the AONB. Paragraph 172 of the National Planning Policy Framework (the Framework) requires great weight to be given to conserving and enhancing the landscape and scenic beauty in AONBs.
7. The garage/shed would be small and would be sited behind the front boundary hedge, which would partially screen it. However, due to the width of the access, it would be readily visible from Dexter Lane, despite the slightly lower land level. The building would be covered in steel sheeting, which would contrast with the traditional materials prevalent in the area. Due to its relatively prominent siting, it would be a noticeable feature in views along the lane, albeit glimpsed. While there are garages and other outbuildings in the area, there are none which would be comparable with this one, in terms of its siting close to the lane and its wholly steel finish. As a result, it would appear incongruous and would detract from the appearance of the site and the rural character of the area.
8. I appreciate that there are metal garage doors on garages elsewhere in the lane, but this is not the dominant material used in those structures. Moreover, my concern relates not only to the steel material but also to the siting of the building close to the front boundary. Garages close to the junction with Station Road are particularly visible in the street scene, but as noted above, that part of Dexter Lane has a more suburban character, and I do not therefore find that the presence of those garages justifies the harm that would be caused by the proposal.
9. I note that the building could be provided in a range of colour finishes, but an alternative to the dark green that was shown in the application details would not overcome the harm I have identified, which relates to the material as well as the siting of the garage. The view into the appeal site is currently of the dwelling and its adjoining neighbour, and although the area to the front is dominated by hard surfacing and parked cars, this does not justify the harm that would be caused by the garage.
10. The appellant suggests that the garage could be screened by planting, but the space available is limited by the existing hard surfacing. I am not satisfied that a landscaping scheme would be effective in overcoming the harm I have identified.
11. For the reasons set out above, the proposal would be harmful to the character and appearance of the area, including the landscape character and scenic beauty of the AONB. It would thus be contrary to policies OSS4, EN1 and EN3 of the CS, which seek, amongst other matters, to ensure that new

development respects the character and appearance of the locality, and protects the distinctive identified landscape character of the AONB.

12. For the same reason, the proposal would also be contrary to emerging DSALP Policy DHG9, however I attach only limited weight to this conflict. It would also be in conflict with the Framework.

Other Matters

13. The appellant is concerned that the Council has not substantiated its concerns, but I have taken into account the submissions of both parties and considered the proposal on its merits. I am aware that the appellant has considered alternative locations for the garage, but found that none would be suitable. However, this does not outweigh the harm I have identified.

Conclusion

14. For the reasons set out above, and taking into account all matters raised, I conclude that the appeal should be dismissed.

N Thomas

INSPECTOR