
Appeal Decision

Site visit made on 13 November 2019

by Neil Smith BA Hons BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 November 2019

Appeal Ref: APP/C1435/D/19/3236365

Elma Cottage, Horebeech Lane, Horam TN21 0HP

- 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 Nicholls against the decision of Wealden District Council.
 - The application Ref WD/2019/1192/FR, dated 30 May 2019, was refused by notice dated 19 July 2019.
 - The development proposed is a replacement garden shed, detached garden room outbuilding and lean-to carport to side elevation of the dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for a part retrospective garden shed, detached garden room outbuilding and lean-to carport to side elevation of the dwelling at Elma Cottage, Horebeech Lane, Horam TN21 0HP in accordance with the terms of the application, Ref WD/2019/1192/FR, dated 30 May 2019, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 0566-01; 0566-02 Rev A and 0566-03.
 - 2) All materials used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Main Issues

2. The main issues are the effect of the car port and garden shed on
 - (i) the character and appearance of the locality and street scene; and
 - (ii) the living conditions of the occupiers of the neighbouring property, 'The Willows', with particular regard to outlook and enclosure.

Procedural matters

3. I saw from my site visit that the garden shed has been built. The shed reflects the plans that were considered by the Council at planning application stage. I am also mindful that plan 0566-02 Rev A was incorrectly scaled as 1:500 and should have been annotated as 1:200. I have determined the appeal on this basis.

Reasons

Character and appearance

4. The appeal site accommodates a two-storey detached dwelling. It has a driveway and landscaped garden area to the front, hardstanding area to the side and a large rear garden area. There is a tall wooden fence which forms part of the boundary with the adjacent dwelling, 'The Willows'. This dwelling also has a double garage to the side which forms part of the boundary with the appeal property. There is also a shed in the rear garden.
5. The appeal proposal comprises three elements. A garden shed, a detached garden room outbuilding and a lean-to carport to the side elevation of the dwelling.
6. The Council did not oppose the proposed detached garden room, and on the evidence before me, I have no reason to reach a different conclusion in these respects.
7. The garden shed is constructed of wood and has a low-pitched tiled roof and a door and a window which are in keeping with the host property. It has an acceptable domestic appearance and is of an appropriate size in relation to the size of the rear garden and is similar in scale to the previous structure.
8. The proposed lean-to car port would have a mono-pitched single ply membrane roof which would be supported on timber posts and beams and would protrude from the side elevation of the house, adjacent to The Willows. It would be of an appropriate subservient scale and form to the host dwelling, due to its open, lightweight and permeable nature. The landscaped front garden also acts as a screen along the front boundary and its position to the side of the dwelling would be in keeping with the street scene.
9. The appeal proposal represents an appropriate form of development in keeping with the locality and street scene. The proposal is compliant with Policy EN27 of the Wealden Local Plan (LP) (December 1998), Policy BED1 of the submission Wealden Local Plan Submission Document (WLP) (January 2019), and the National Planning Policy Framework (the Framework), which seek, amongst other things, to ensure that the scale, massing and appearance of development leads to a high standard of design relating sympathetically to its surroundings.

Living conditions

10. I saw from my site visit that the only part of the garden shed which is visible from the adjacent garden area is the tiled roof as the main bulk of the shed is below the height of the boundary fence. It is also partially screened by a tree in the garden of The Willows. The shed has no harmful impact on the living conditions of the adjacent property in terms of outlook or creating a sense of enclosure.
11. The lean-to car port would be largely screened from the neighbouring property by the garage and the tall wooden fence which forms the boundary with the appeal property. Whilst the height of the car port would be above the that of the fence, it would not be sufficient to have a harmful impact on the living conditions of the adjacent property in terms of outlook or creating a sense of enclosure.

12. The appeal proposal would not harm the living conditions of the occupiers of the neighbouring property, The Willows, with particular regard to outlook and enclosure. The proposals are compliant with Policy EN27 of the LP, Policy BED1 of the WLP, and the Framework, which seek, amongst other things, to ensure no unacceptable harm to the amenity of occupiers of nearby properties.

Other matters

13. Local residents and the Parish Council have raised a number of concerns relating to the proposals including impact on trees, drainage and that there would be no further development to the site, following the grant of planning permission for the host dwelling. The Council did not raise an objection in relation to the impact on trees and drainage and I have no reason to reach a different conclusion in these respects. Whilst there is a planning condition attached to the property which revokes certain permitted development rights this does not prevent development entirely.

Conditions

14. I have imposed a condition that the development is carried out in accordance with the approved plans in the interests of certainty. A condition concerning external materials is required in the interests of the character and appearance of the area. It is not necessary to impose the standard time condition as the development has already commenced.

Conclusion

15. For the reason above the appeal is allowed.

Neil Smith

INSPECTOR