The Planning Inspectorate

Appeal Decision

Site visit made on 8 January 2020

by Mr Kim Bennett DipTP MRTPI

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

Decision date: 24 January 2020

Appeal Ref: APP/U1430/D/19/3241938
13 Dalmeny Road, Bexhill TN39 4HP

- 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 C Barnaschone against the decision of Rother District Council.
- The application Ref RR/2019/1487/P, dated 21 June 2019, was refused by notice dated 11 September 2019.
- The development proposed is the erection of conservatory and steps at front of dwelling.

Decision

1. The appeal is allowed and planning permission is granted for the erection of conservatory and steps at front of dwelling at 13 Dalmeny Road, Bexhill TN39 4 HP in accordance with the terms of the application, Ref RR/2019/1487/P, dated 21 June 2019, subject to the following 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 following approved plans: 6238/LBP; 6238/EX and 6238/1/A.

   3) The front boundary hedge immediately in front of the proposed conservatory and steps shall be maintained at a minimum height of 2 metres. Should the hedge or any parts of it die or become seriously diseased, it shall be replaced in the next available planting season with a similar size and species to be agreed in writing beforehand by the local planning authority.

Preliminary Matter

2. Since the decision was made, the Council formally adopted the Development and Site Allocations (DaSa) Local Plan in December 2019 and it now forms part of the statutory development plan for Rother District. Accordingly, I have given it full weight in reaching my decision above in so far as the applicable policies are relevant to this appeal.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

4. No 13 Dalmeny Road comprises a detached bungalow located at the eastern end of the road. It is sited on slightly rising ground and set back from the road, and is approached via a private drive shared with No 15 Dalmeny Road. There is a similarly designed bungalow adjacent to the west and further bungalows to the east which are also well set back from the road frontage. Elsewhere in the vicinity, there is a mixture of building types and designs, including detached houses.

5. The proposed conservatory would be located at the front of the dwelling, to take advantage of the southerly aspect, and as such the Council is concerned that it would appear as a discordant element in the street scene.

6. However, because No 13 is set well back from the road itself, the conservatory would not be prominent in the street scene, particularly as the front boundary hedge is some 2 metres tall and contains evergreen species so that even at the time of my site visit, it provided some degree of screening. Additionally, there is further vegetation in the form of small trees and shrubs in front of No 11 and 13 as well as a hedge along the right hand side of the driveway. A combination of these would limit the visual impact of the conservatory and also the raised steps, so that there would be glimpsed views only from Dalmeny Road. Whilst there is no guarantee that such vegetation would remain outside the site, the retention of the frontage hedge, which provides the main form of screening, could be controlled through a condition.

7. The conservatory would relate satisfactorily to the front gable of the bungalow in terms of proportions height and materials. Although the adjacent bungalow to the west is similar in design, the bungalows to the east are slightly different. Additionally, with the variety of different designs elsewhere, including a large building complex a short distance to the south of the site, as well as the properties being set well back from the road, I do not consider there is any particular rhythm to either building lines or consistent built form which would be interrupted by the conservatory.

8. The Council raises no objections from an amenity point of view and I agree with that assessment.

9. Pursuant to the above, I find that there would be no harm to the character and appearance of the area. There would therefore be no conflict with Policy HG8 of the Council's Local Plan 2006, Policies OSS4 (iii) and EN3 of the Core Strategy 2014 or Policies DHG9 (ii) and (iii) of the DaSa 2019, in that it would respect the appearance of the dwelling and would not detract from the character and appearance of the wider street scene. Although the Council also refers to conflict with Policy DEN1 of the DaSa that does not seem particularly relevant in this case as it relates to maintaining landscape character.

10. Conditions for the development to be built in accordance with the approved plans and for the retention of the front boundary hedge, are necessary in the interests of certainty and visual amenity.

11. Accordingly, the appeal is allowed and planning permission granted.

Kim Bennett INSPECTOR