

Appeal Decision

Site visit made on 25 February 2020

by Mr D.R McCreery MA BA (Hons) MRTPI

An Inspector appointed by the Secretary of State

Decision date: 12 March 2020

Appeal Ref: APP/U1430/D/19/3238137

Lodge Farm House, Brightling Road, Robertsbridge TN32 5DJ

- 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 David and Margaret Allen against the decision of Rother District Council.
 - The application Ref RR/2019/1347/P, dated 31 May 2019, was refused by notice dated 26 July 2019.
 - The development proposed is 1.5 storey rear extension to existing dwelling, incorporating removal of existing garage and associated landscaping.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council have drawn to my attention that the Rother Development and Site Allocations Local Plan was adopted in December 2019. As decisions on appeals are made against the local plan that is in force at the time that the appeal is decided, I have considered the proposed development against these policies in so far as they have been drawn to my attention.

Main Issues

3. The main issues are:
 - The effect of the proposed development on the character and appearance of the existing building and the surrounding area.
 - The effect of the proposed development on highway safety.
 - The effect of the proposed development on the living conditions of occupiers of neighbouring properties in terms of loss of privacy and noise and disturbance.

Reasons

Character and appearance

4. The appeal property is a 2 storey detached dwelling of traditional appearance located within an area that is predominantly residential and suburban in character. In terms of topography, properties are located on a slope that climbs steeply away from the nearby railway line. Whilst most of the dwellings in the locality generally exhibit variety in terms building style and positioning within their plot, most have generous and mature rear gardens that contributes to the open feel of the surroundings and is consistent with the suburban feel of the area.
5. The appeal property has gardens to the rear and side of a size that is generally comparable with others in the area. Vehicular access to the property is gained from Brightling Road via a narrow driveway that leads to a detached garage that is towards the rear of the property. The proposed development would extend the appeal property to the rear at ground and first floor levels to provide a 2 bedroom annex that would share an entrance with the main dwelling to the rear.
6. The proposal would extend the building considerably, covering much of the rear wall and projecting rearward to a depth that would almost double the existing dwelling. Whilst reasonably localised in its extent due to the back garden location, when seen from neighbouring properties and a footpath nearby, the extension would dominate the host building, fundamentally altering its shape and appearance and diminishing its character and the contribution it makes to the character of the wider area.
7. I appreciate that attempts have been made to step the roof height down from that of the main dwelling and to set the side wall in. However, these layout features would not go far enough to lessen the impact of what would be a significant addition. Further, I consider that the use of different materials to the main house would give the extension additional prominence where, due to its scale, it would appear to compete with the main dwelling rather than serving to integrate it better into its surroundings.
8. In light of the above, I conclude that the proposed development would have a harmful effect on the character and appearance of the existing building and the surrounding area. Consequently, I find conflict with policies in the Rother District Local Plan, in particular Policies OSS4 (iii) and EN3 of the Core Strategy Local Plan and DHG9 and DHG10 the Development and Site Allocations Local Plan which, taken together, seeks to ensure that that new development achieves a high standard of design.
9. I noted that the appeal site is located in the High Weald Area of Outstanding Natural Beauty (AONB). As such, in deciding this appeal I have considered the duty under section 85(1) of the Countryside and Rights of Way Act 2000 to have regard to the purpose of conserving and enhancing the natural beauty of the AONB. As the harmful impacts on the character and appearance of the building and immediate area discussed above would be reasonably localised in extent due to the back garden location, I find that the proposed development would not have a wider impact on the natural beauty of the landscape or the AONB.

Highway safety

10. I have considered evidence about whether the annex that would be created by the proposed development would be tantamount to a separate dwelling, and should therefore include requirements for separate parking and also amenity space. I note the appellants evidence about the proposed intended use of the annex being to allow inter generational living at the appeal site for the same family. I also note that the annex would share a rear entrance and lobby with the main house. While the plans indicate that the annex would include all the facilities needed to operate as a separate dwelling and it could be physically separated quite easily, the use could be controlled by planning condition to ensure that it remains connected to the main house. I therefore conclude that the annex would not be tantamount to a separate dwelling.
11. Notwithstanding the above, it is likely that use of the annex would generate additional vehicle movements from the site. The existing driveway to the side of the property also serves as parking for a limited number of vehicles and leads to a small garage. From my own observations on site it was apparent that existing vehicle access onto and from Brightling Road could be challenging at times. This is due to the steepness of the road, narrowness of the driveway and traffic levels on Brightling Road, including waiting traffic created by the level crossing at the nearby railway lines. Consequently, I consider that frequently there is a need for vehicle movements into the site to take place in a forward gear. Where this is necessary, leaving the driveway would mean reversing onto the road, where visibility is more limited.
12. The proposed development aims to improve on these arrangements by removing the existing garage, extending the driveway and providing a turning area and 2 parking spaces to the rear of the site. Notwithstanding, the Council's view that the parking spaces indicated on the plans would be slightly below the recommended dimensions, I accept the appellants argument that the site could physically accommodate several cars.
13. However, in order to provide for the likely parking demands of both the annex and the main house, it is likely that part of the turning area or driveway would also need to serve as parking for vehicles. Where this occurs, I consider that it would make the new turning area ineffective and lead to vehicles leaving the site in much same way as they do presently. I do not find that this would lead to pressure to park on the adjacent highway. However, given the existing access challenges at the site described above I do not have evidence before me to confirm that intensification in vehicle movement linked to the annex would not impact on the safety of users of the access and those travelling on Brightling Road.
14. In light of the above, I conclude that the proposed development would have a harmful effect in terms of highway safety. Consequently, I find conflict with policies in the Rother Local Plan Core Strategy, in particular Policies CO6(ii) and TR4 regarding parking arrangements and ensuring that development avoids prejudice to road safety.

Living conditions

15. There are residential properties on either side of the appeal site – known as Alveston and 1a Brightling Road. 12 Glenleigh Walk also shares a rear boundary. Concerns raised by the Council around living conditions centre on the impact of the extension on the privacy conditions of Alveston and No.12 and the impact of the access and parking arrangements on No.12 and No.1a in terms of noise and disturbance.
16. Alveston is a bungalow that sits on higher ground and has no side windows facing the appeal site. As such, any additional views resulting from the proposed extension would be from a first floor window only and into the rear garden of Alveston. As existing windows in the side and rear of the dwelling already provides a modest degree of overlooking, I find that privacy conditions for this property would not worsen due to the proposed development.
17. Similarly, the first floor rear windows of the existing dwelling already allow a modest degree of overlooking towards 12 Glenleigh Walk, which is limited further by the heavy planting at the rear boundary. Whilst the rear first floor window of the proposed extension would be closer to the boundary with No.12 than windows in the existing dwelling, I find that this would not lead to a worsening in privacy conditions.
18. In terms of noise and disturbance, the extended driveway, turning area, and parking would lead to vehicle movements taking place towards the rear of the property. Such movements are currently limited to the short stretch of driveway to the side of the property and the existing garage. I judge that the nature and intensity of use is not likely to represent a significant increase on existing and would not be harmful to the living conditions of either 1a Brightling Road or 12 Glenleigh Walk
19. In light of the above, I conclude that the proposed development would not have a harmful on the living conditions of occupiers of neighbouring properties at Alveston, 12 Glenleigh, and 1a Brightling Road, in terms of loss of privacy and noise and disturbance. Consequently, I find no conflict with policy OSS4 (iii) of the Rother Local Plan Core Strategy which requires that new development should not unreasonably harm the amenities of adjoining properties.

Other Matters

20. The appellant's comments regarding the annex being needed to facilitate inter generational living at the appeal site are noted. While sympathetic to this aim there is no detailed evidence presented to suggest that this need should be planning consideration in this case. As such, I have given the stated need for the annex limited weight.
21. Representations from other parties that relate to the reasons for refusal are noted and discussed above. Other issues raised are also noted, including those relating permeable surfacing, and do not affect my findings on the main issues.

Conclusion

22. For the above reasons the appeal is dismissed.

D.R. McCreery

INSPECTOR