The Planning Inspectorate

Appeal Decision

Site visit made on 9 March 2020

by O S Woodwards BA(Hons.) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 April 2020

Appeal Ref: APP/C1435/D/19/3243721
Twyford Lodge, Twyford Lane, Birch Grove, Horsted Keynes RH17 7DJ

- 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 Green against the decision of Wealden District Council.
- The application Ref WD/2019/1138/F, dated 24 May 2019, was refused by notice dated 24 October 2019.
- The development proposed is the rebuilding of a ground floor single storey range to south, reinstating lost two storey frontage and veranda, and new first floor extension to north.

Decision

1. The appeal is allowed, and planning permission is granted for the rebuilding of a ground floor single storey range to south, reinstating lost two storey frontage and veranda, and new first floor extension to north at Twyford Lodge, Twyford Lane, Birch Grove, Horsted Keynes RH17 7DJ in accordance with the terms of the application Ref WD/2019/1138/F, dated 24 May 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) This planning decision relates solely to the information contained within the application form and the following plans: Site Location Plan; TFL/S.01A; S.02; S.03A; S.04; S.05A; D.01A; D.02; D.03A; D.04; D.05A.

    3) The external materials, including windows, used in the construction of the development hereby approved shall be as detailed within the permitted application particulars and shall be retained permanently as such, unless prior written consent is obtained from the Local Planning Authority to any variation.

Preliminary Matter

2. The emerging Wealden Local Plan 2019 was withdrawn on 19 February 2020. The policies in the plan are therefore no longer relevant to this decision, including Policy BED1 as quoted in the reason for refusal.

Main Issue

3. The main issue is whether the proposal would harm the living conditions of the occupiers of Twyford House, with particular regard to outlook and loss of light.

Reasons

4. The appeal property is part of a building which is a combination of two semi-detached dwellings – the appeal property and Twyford House – and a further connected dwelling called Twyford Cottage. The property that would primarily be affected by the proposal is Twyford House, because it is directly connected to the appeal property. Both these properties are large family-sized houses with substantial private open space.

5. The proposed extensions at first floor level would increase the bulk of the appeal property. This would affect the light into, and outlook from, Twyford House.

6. The proposed first floor extension to the south would reduce light into the main bedroom of Twyford House. The appellant has produced a Daylight and Sunlight Study (the Study) which confirms that the amount of daylight lost through this window would be negligible and the amount of sunlight would be minimal, with a 13% loss of sunlight hours in the summer and only 1% during winter. In addition, the affected window is only a secondary source of light to the bedroom, which also has two further windows, one of which is large and due south facing, and neither of which would be affected by the proposal. The overall effect on the room in terms of loss of light would therefore be limited.

7. There would also be a loss of outlook from the affected window from the blank flank wall of the extension, but some outlook to the south and east would still be maintained overlooking both the garden and over the countryside beyond, and the room would still afford an unobstructed outlook from the other two windows, which would not be affected by the proposal. The overall loss of outlook from this room would therefore be limited.

8. The proposed first floor extension to the north would reduce light through a rooflight into the kitchen of Twyford House. The Study suggests that the loss of both sunlight and daylight would be limited. In addition, the rooflight is only a secondary source of light to the kitchen, which also has a large normal window on the north elevation that provides significant light to the room. The overall loss of light to this room would therefore be limited. There would also be a negligible effect on outlook, as only the rooflight would be affected.

9. The extension would affect the amount of light to a landing in Twyford House, through a window on its eastern flank wall. This is not a habitable room, and in any case the Study has confirmed there would be no measurable loss of either sunlight or daylight through this window.

10. The effect of the proposal on the living conditions within individual areas of Twyford House would be limited, as set out above. The cumulative effect on the entire dwelling would be even lower, given that the affected areas amount to a relatively small part of a substantial family home. Consequently, the proposal would not unacceptably harm the living conditions of the occupiers of Twyford House, either in relation to outlook or loss of light. The proposal therefore complies with the relevant parts of Policies EN27, HG10 and DC19 of the Wealden Local Plan 1998 (LP), Policy WCS14 of the Wealden District Core Strategy Local Plan 2013, and also the Wealden Design Guide SPD 2008. Amongst other things, these policies seek to ensure that there would be no unacceptably adverse impact on the living conditions of neighbours, including through loss of light or outlook.

Other Matters

Habitat

11. The site lies approximately 400m from the Ashdown Forest Special Protection Area (SPA). Natural England's 'Conservation Objectives' for this SPA relate to protecting the breeding habitats of the European nightjar and Dartford warbler. This includes minimising disturbance caused by human activity. One of the identified principal threats is disturbance caused by recreation during the birds' breeding period. It is acknowledged that freely roaming dogs hugely exacerbate the disturbance caused by people visiting the site where they can inadvertently trample on or flush birds from their nest leaving chicks or eggs to die. Additional impacts may occur from urbanisation effects such as fly tipping, increased fires, dirt track biking, and cat predation.

12. The proposal is for an increase in the size of a dwelling. Although the works would provide for an increase from 4 to 5 bedrooms it is unlikely that the increased size would directly lead to an increase in the number of persons living at the property, which is already a substantial family-sized home. And, even they were to do so, it is also unlikely that a small increase in persons living at the property would also lead to an increase in either the number of dogs or amount of dog walking activity. The proposal would not lead to an increase in the number of households. The proposal is therefore unlikely to lead to an increase in human activity in the SPA, and in particular it is unlikely to lead to an increase in dog walking or other urbanisation effects. The proposal would not therefore be likely to have a significant effect on the designated features of the habitat, either alone or in combination with other developments.

Other

13. The extension to the north would have a negligible effect on the amount of sunlight and daylight reaching the landing of Twyford House. The safety of use of this landing and the small set of stairs along it would not therefore be compromised. The proposal is therefore acceptable in this respect and complies with the relevant parts of Policy SPO13 of the LP. Amongst other things, this policy seeks developments that ensure safe and attractive living environments.

14. It is common ground between the parties that the effect of the proposal on the character and appearance of the property, building and the wider area would be acceptable. The proposed extensions would be relatively modest, well articulated, and would respect the character and appearance of the host building. I therefore agree with this assessment.

15. The building is of high-quality design and appearance and is a non-designated local heritage asset. It is therefore necessary that the design detail and materials of the proposal are carefully considered and implemented. This can be controlled by condition, both to confirm the drawings for certainty and to require that the materials and windows are constructed as detailed on the drawings.

16. The effect on the living conditions of the occupiers of Twyford Cottage from the proposal would be negligible. The extensions to the south would have no effect. The extension to the north would be set behind the existing built form of Twyford House, which stands between the proposed extension and Twyford Cottage. The garden to the cottage is quite some distance from the proposed

extension and on elevated ground, further mitigating any effect on this land. There would be no noticeable increase in overshadowing of this garden, and any overlooking would be very similar to the existing overlooking from both Twyford House and Twyford Lodge.

17. The site lies in the High Weald Area of Outstanding Natural Beauty (AONB). Although in a prominent location on a hillside, there are relatively few public or private viewpoints of the property. Even where there are, such as the view from Balcombe Lane, the effect on the view from these locations would be minimal because the proposed extensions would not protrude beyond the existing two canted bays to either elevation and the overall massing and bulk of the building would not significantly change. There would be no significant effect on the wider landscape. It is common ground between the parties that the proposed works would not harm the character or appearance of the building or wider area, and I concur with that view. Accordingly, the development proposed would preserve the character and appearance of the designated area.

18. The occupiers of Twyford House have suggested an alternative proposal involving re-instating the building line to the south, thereby blocking up their affected bedroom window but compensating for this by opening up existing 'blind' windows to this room. This alternative proposal is not before me and I have assessed the proposal on its own merits. They also raise the issue of Rights to Light, but it is an established part of the planning system that the protection of purely private interests, such as Rights to Light, are not material considerations. They raise concern with the loss of privacy to the main entrance to the front of their house and their garden, but this entrance is already heavily overlooked by the appeal property, and the proposed extensions would not significantly alter this existing relationship.

19. The occupiers of Twyford House and other objectors have also raised a number of concerns regarding living conditions and character and appearance, which I have dealt with above.

Conclusion

20. For the reasons above, I conclude that the appeal be allowed.

O S Woodwards

INSPECTOR