
Appeal Decision

Site visit made on 7 January 2020

by N Holdsworth MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 May 2020

Appeal Ref: APP/P1425/D/19/3240086

31 Oakmede Way, Ringmer, BN8 5JL

- 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 A Dove against the decision of Lewes District Council.
 - The application Ref LW/19/0680, dated 20 August 2019, was refused by notice dated 28 October 2019.
 - The development proposed is single storey side annex.
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Decision

1. The appeal is allowed and planning permission is granted for single storey side annex, at 31 Oakmede Way, Ringmer, BN8 5JL, in accordance with the application ref LW/19/0680, dated 20 August 2019, but subject to the attached schedule of conditions.

Preliminary Matter

2. The Lewes District Local Plan Part 2: Site Allocations and Development Management Policies was adopted in February 2020 ("adopted local plan"). Policies ST3 and ST4 of the previous Lewes District Local Plan, as cited on the Council's decision notice, are no longer part of the development plan; being replaced by policies DM25 and DM30 of the adopted local plan. I have dealt with the appeal accordingly.

Main Issues

3. The main issues are
 - the effect of the proposed development on the character and appearance of the area; and
 - whether or not a satisfactory living environment would be provided for future occupants of the development, with particular regard to parking and the provision of external amenity space.

Reasons

Character and Appearance

4. The existing property is an end of terrace chalet bungalow. It occupies a corner plot with a garage and driveway filling the space between the main building and the road. This part of Oakmede Way largely comprises other small terraces and semi-detached properties of a similar appearance, set in various positions in relation to the road.

5. The existing garage would be replaced with a new residential extension. However, the overall increase in building footprint would be modest. The enlarged building would still be set back away from the road. The amount of visual space between it and the pavement would be broadly comparable to other properties found along this road. Consequently, the proposal would not significantly detract from the open character of this corner of this road. Nor would it appear overbearing or visually intrusive, when viewed from the street.
6. The front elevation of the extension would be set well back from the front elevation of No.31, sitting behind the side porch of the main residential building. The extension would therefore respect the established front building line. The additional projection beyond the existing side elevation of No.31 would be minimal, as the extension replaces an existing garage in a similar position.
7. There would be a small area of pitched roof above the new residential accommodation, rising to a crown roof. This would be sympathetic in appearance and design to the pitched roofs found on the neighbouring properties. Because of the crown roof form, the limited overall height of the roof means that the extension would appear visually subservient to the host property.
8. In other respects, the doors, windows and brickwork on the extension would broadly replicate that found on the host building, and others along Oakmede Way. As such, the appearance of the extended building would not differ significantly to other existing properties found along this road, some of which have also been extended in various ways.
9. The Council express concern that the extension would be occupied as an independent dwelling. However, it was proposed as a side annex. The plans indicate that the main access would be via the rear garden of the host building. As such, there would be a clear functional link between the annex and the main property. Whilst there is a possible independent access from the road via patio doors on the side elevation, the appellant has agreed to a condition that deletes this part of the scheme, along with a condition requiring that the annex remains ancillary to the host building and not occupied as an independent dwelling.
10. Subject to these limitations, the proposal would clearly function as an extension to the host dwelling, rather than an independent dwelling. The proposal would not therefore significantly alter the planned structure and layout of this housing estate. Overall, there would be no harm to the character and appearance of the host building or the surrounding area, as a consequence of this proposal. There is no conflict with policies DM25 and DM30 of the adopted local plan, nor Core Policy 11 of the Lewes District Local Plan Joint Core Strategy part 1 (2016) ("Core Strategy"), nor policy 10.1 of the Neighbourhood Plan for Ringmer 2010-2030 ("Neighbourhood Plan") which require, amongst other things, that new development is designed to fit in to its surroundings.

Living Environment

11. As previously discussed, the proposal would not constitute an independent dwelling. It would provide additional living accommodation, to be used in

- connection with the main dwelling, and this can be reflected in planning conditions attached to any approval.
12. The host property has a reasonably sized, private back garden which would be shared with the proposed annex. As such, there would be external amenity space for future occupants of the accommodation. This could serve the purpose of sitting out or children's play.
 13. In terms of parking, there is a large hardstanding which sits in front of the existing garage, providing vehicular access to the site from Oakmede Way. This could continue to provide off street parking for cars associated with both the host property and the annex. On the basis of the photos on the appeal file and my observations on site, there would appear to be enough space for at least 3 cars, even with the extension in place. This would accord with the Neighbourhood Plan, which requires that 3 parking spaces are retained for a 4 bed or larger home, where residential extensions are proposed.
 14. Interested parties suggest that the existing garage and parking area also serves No.30 Oakmede Way. However, this is not reflected in the Council's submissions. As such, the subject land appears to form part of the planning unit associated with No.31. It would not therefore be reasonable to require that parking is also provided for No.30, as part of this proposal.
 15. I therefore consider that the proposal would provide an appropriate level of vehicular parking. It is therefore unlikely to lead to a significant increase in on street parking demand, over the existing position. Acceptable provision is also made for external amenity space. The living environment associated with the proposed annex is therefore acceptable in all respects, for both existing and future residents. There is no conflict with policies DM25 or DM30 of the adopted local plan; Core Policy 11 of the Core Strategy; nor 4.6, 7.5 or 10.1 of the Neighbourhood Plan, which require, amongst other things, that development has appropriate vehicular access and parking and that appropriate amenities including green space and play space are provided where new development is proposed.

Other Matters

16. As an extension to an existing building within an existing built up residential area, the principle of the development is acceptable in this location. The evidence before me does not demonstrate any significant conflict with the development plan, in this respect.
17. This modest extension would not result in an unacceptable increase in the level of traffic. It is also argued by interested parties that the existing access is hazardous. However, traffic along this residential access road is very limited, and the additional risk of collision as a consequence of the continued use of this existing access point is therefore very low. The extension would not significantly obstruct the visibility around this corner of the road, beyond the existing situation. Appropriate provision would be made for servicing, and the proposal would not obstruct the highway. Emergency services would continue to be able to access the properties along Oakmede Way once the development is complete. The Council did not raise significant highway safety concerns with the proposal, and I agree that the proposal is acceptable in this respect.

18. I note the wider concern about the condition of the road and existing parking pressure on Oakmede Way and the surrounding roads, including from a nearby care home. However, the future management of on street parking along this road and the area that surrounds it is not a matter that is before me in this decision. The proposal would not increase the risk of fire, or otherwise pose unacceptable risks to safety. It would not result in any unacceptable harm to the living conditions of existing residents, in any respect. I have considered all the representations raised by interested parties, but none of the concerns raised would justify dismissal of the appeal.

Conditions and Conclusion

19. Conditions are necessary in the interests of certainty and to comply with legislation relating to the commencement of development, to secure an acceptable standard of development in relation to the surrounding area, and to protect the amenity of surrounding residents during building works.
20. Conditions 4, 5 and 6 are necessary to ensure that the annex is not occupied independently, in line with the description of development and the previous discussion in this decision. This includes the deletion of an external facing door within the annex, and the removal of permitted development rights that could result in alterations potentially facilitating the future use of the extension as an independent dwelling. Were the annex to be occupied independently from the host property, the character and appearance of the development would potentially change. Consequently, the removal of permitted development rights is exceptionally justified to prevent this from occurring without planning approval.
21. Both the Council and the appellant have had the opportunity to comment on the conditions imposed. They comply with the policy on the use of conditions, as set out in the National Planning Policy Framework and Planning Practice Guidance.
22. The proposal complies with the development plan and there are no other considerations that outweigh this finding. The appeal should be allowed.

Neil Holdsworth

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby approved shall begin not later than three years from the date of this decision.
- 2) The development hereby approved shall be carried out in accordance with the following approved plans: Unnumbered location plan, 220119/02, 220119/03, 220119/04.
- 3) The materials to be used in the construction of the external surfaces of the development hereby approved shall match those used in the existing building.
- 4) The single storey side annex hereby approved shall remain ancillary to the main residential unit at 31 Oakmede Way, Ringmer, BN8 5JL. It shall not be occupied independently of it at any time.
- 5) Notwithstanding the approved plans, the patio doors on the south east elevation as shown shall be deleted from the approved scheme. A revised south east elevation drawing shall be submitted to and approved in writing by the local planning authority, which may include windows but must not include doors. No part of the development hereby approved shall be occupied until the development has been completed in accordance with the revised plans approved under the terms of this condition.
- 6) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any Order revoking and re-enacting that Order, no development within Part One, Schedule 2, Classes A and D of this Order shall be carried out to the extension hereby approved, except with express permission granted under Part III of the Town and Country Planning Act 1990 or any re-enactment thereof.
- 7) Construction work shall be restricted to the hours of 0800 to 1800 Monday to Fridays and 0830 to 1300 on Saturdays and works shall not be carried out at any time on Sundays or Bank/Statutory Holidays.

END OF SCHEDULE