



Appeal Decision

Site Visit made on 15 October 2020

by S Holden BSc(Hons) MSc CEng MICE CTPP FCIHT MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 October 2020

Appeal Ref: APP/C1435/D/20/3257377

6 The Coachworks, Lewes Road, Blackboys, Uckfield TN22 5LF

- 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 Matthew Hearn against the decision of Wealden District Council.
 - The application Ref WD/2020/0561/FR, dated 12 March 2020, was refused by notice dated 24 June 2020.
 - The development proposed is described as: retrospective application for the erection of shed in rear garden.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council's decision notice and the appeal describe the development as set out in the above banner heading. I have used this for the sake of simplicity and clarity. However, I have also had regard to the additional details provided on the application form which related to the size and siting of the shed and provided a justification for the proposal given the family's needs for storage of bikes, boots and garden toys.

Main Issue

3. The main issue is the effect of the shed on the living conditions of the occupants of No 5 in relation to overbearing appearance.

Reasons

4. No 6 is part of a recently completed development granted planning permission in 2016¹. Two pairs of semi-detached houses occupy the northern part of the site and have small rear amenity spaces. In addition to being constrained in terms of their size they are also divided into two with a lower courtyard and an upper area which is capable of being used for growing vegetation. The areas are separated by a retaining wall to accommodate the significant difference in levels. The upper part of the garden is effectively at first floor level. In view of the restricted space and the ground levels a condition was imposed on the original permission removing permitted development rights in respect of the erection of outbuildings.

¹ WD/2015/2521/MAJ

5. The shed has been erected on the upper part of the garden which is reached by a ladder-like set of steps. Its base is therefore just over 2m above the ground floor of the house. Not only is it significantly above No 6's rear terrace, but it is also immediately adjacent to the shared boundary with No 5 and projects above the fence. It is therefore highly conspicuous and appears bulky and overbearing from the living room and small rear terrace of No 5. It is also at the same level as the bedroom window of this adjoining property. Its height and bulk add to the sense of enclosure already experienced from within this neighbouring house and rear garden. This makes both less pleasant places to be.
6. The shed is not exceptionally large; the materials used in its construction are typical and do not appear incongruous alongside the shared boundary fence and the timber cladding used on the retaining wall. However, regardless of its precise size, the shed has introduced a bulky feature that appears intrusive and overbearing due to its siting, so close to the boundary with the neighbouring property.
7. Whilst it may not be unusual to see a garden shed from an upstairs window, on most occasions the neighbour is likely to be looking down over the garden in which it is sited. That is not the case here where the shed is positioned at first floor level. The situation here is therefore not comparable with the more usual relationship between a garden shed and the adjoining property.
8. I appreciate that the appellant wishes to find a means of storing equipment associated with outside activities in the absence of a garage and any other external storage. I note that care was taken when installing the shed to prevent harm to the trees. However, these are not reasons for permitting something that I have found to be harmful to the neighbours.
9. I noted that No 5 is currently unoccupied, nevertheless, I conclude that the shed would be harmful to the living conditions of anyone living there arising from its overbearing appearance. It therefore conflicts with saved Policy EN27 of the Wealden Local Plan and Policy SPO13 Wealden District Local Plan Core Strategy (Core Strategy), all of which require development to contribute towards the creation of high-quality environments where people will want to live.

Conclusion

10. The siting of the shed conflicts with the requirements of the development plan. There are no other considerations that suggest that a decision should be taken other than in accordance with the development plan. It is therefore not a sustainable development and is also contrary to Policy WCS14 of the Core Strategy.
11. For this reason, the appeal is dismissed.

Sheila Holden

INSPECTOR