



Appeal Decision

Site visit made on 22 December 2020

by Kim Bennett BSc DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 January 2021

Appeal Ref: APP/C1435/D/20/3258323

The Hollies, Vines Cross, Heathfield, East Sussex TN21 9HD

- 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 Mrs Deborah Dornan against the decision of Wealden District Council.
 - The application Ref WD/2020/0501/F, dated 19 February 2020, was refused by notice dated 31 July 2020.
 - The development proposed is a ground floor extension and room in roof with dormer.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are: the effect of the proposal on the character and appearance of the host building and area; and the living conditions of the occupiers of the adjoining residential property Shardeloes.

Reasons

3. The appeal property comprises a semi-detached cottage on the northern side of Foords Lane, close to its junction with Hammer Lane. It stands in a large plot, slightly elevated above the road and with outbuildings on its western side. There is also a large paddock within the ownership of the applicant adjoining to the west. The property has been extended in the past with a relatively large side/rear extension set back from the front elevation and designed with a roof which has a small pitched element surrounding the main flat roof. The character of the area is rural in nature, with a loose knit collection of residential properties opposite but elsewhere agricultural fields and grazing land. The site lies within the High Weald Area of Outstanding Natural Beauty (AONB).
4. Dealing first with the rear dormer, it would occupy the full height of the rear roof, extending from eaves to ridge as well as being of substantial width. In that respect, I agree with the Council that it would relate poorly to the scale and proportion of the existing cottage and would be overly dominant as a result. In that context it would harm the character of the existing cottage. Although it would not be prominent in the streetscene, the Council's policies, together with guidance within the Council's Design Guide 2008 (DG) and the National Planning Policy Framework all stress the importance of good design.

5. Whilst at the site visit, I also took the opportunity to view the potential impact of the dormer from the garden of the adjoining property known as Shardeloes. That property has a relatively shallow depth rear garden adjacent to the appeal property. From that perspective, the size of the dormer would be overly dominant and I agree with the Council that it would appear overbearing as a result. There would not however be any significant loss of privacy into the rear garden of Shardeloes given that the dormer would be inset from the rear common boundary by some distance and any oblique views into the garden would be largely screened by vegetation. Notwithstanding, the visual impact of the extension would cause some harm to the living conditions of the occupiers of Shardeloes, which adds to my overall concerns about the proposed design and size of the dormer.
6. Turning to the ground floor extension, it would be in line with the flank wall of the existing side extension but would be set back marginally from the front elevation. It would have a full pitched roof with matching plain tiles and bricks to match the existing cottage. The Council considers that it would occupy a prominent position and be overly dominant, as well as upsetting the symmetry that exists between the dwelling and the attached neighbouring property. However, such symmetry has already been lost by the existing side/rear extension and in my view the proposed extension, with its matching pitched roof and slight set back on the frontage, would improve the relationship with the host building compared to the existing extension, which appears very much as an 'add on' at present.
7. Although it would be prominent in the streetscene I do not consider that would cause harm in itself, given that it would be single storey only and directly opposite there are larger two storey properties of varied and different designs to the appeal property. There is thus no particular character to relate to in the immediate area. Whilst I note that the width of the extension would be slightly at variance with the Council's Design Guide in that it would exceed half the width of the existing dwelling, such guidance has to be assessed in the context of individual site circumstances and for the reasons set out above, I do not consider that issue alone is critical in this instance.
8. I have had regard to the location of the site within the AONB and the need to conserve the character of that with the highest degree of protection, as set out in the Council's own policies as well as the National Planning Policy Framework. However, given my findings on the design issues and the fact that the property is not prominent in the wider landscape setting of the AONB, I find that there would be no harm arising to the landscape character of the AONB itself.
9. Aside from the above, I note from the plans and decision notice forwarded by the Council since the appeal was lodged, that it has previously approved a side extension in 2013¹ in almost the same form, size and design as the current proposal. Although that permission has expired, I also note it was approved under the same Development Plan policies and guidance in the DG, as is the case for the current proposal. Clearly in that case the Council found it to be acceptable. Although I have independently found the current scheme to cause no harm, the previous permission is also a material consideration which adds weight to the acceptability of this element of the proposal.

¹ Application Reference WD/2013/0733/F

10. Pursuant to the above, the side extension would be in compliance with Saved Policies EN1, EN6, EN27 and DC19 of the Wealden Local Plan 1998 (LP) in that the design would respect the character of the existing building and the landscape character of the AONB would be conserved. It would also be in general accordance with design advice in the DG save in respect of the width measurement referred to above.

Conclusion

11. Notwithstanding my findings in respect of the ground floor extension, for the reasons set out above, the rear dormer would conflict with Saved Policies EN27 and DC19 of the LP in that it would be visually dominant, would harm the character of the existing cottage and would have an adverse impact on the amenities of the occupiers of the adjoining development. Additionally, it would be in conflict with guidance within the DG in respect of roof dormers and the need to ensure they are not overly large or disproportionate.
12. Given my findings with regard to the ground floor extension, I have considered whether I could have issued a 'split decision' in terms of granting permission for that part of the proposal. However, since it would involve an alteration to the proposed roof plan, albeit small, and it could not therefore be constructed separately as shown on the submitted plan, I do not consider it would be appropriate in this instance.
13. Accordingly, the appeal is dismissed in relation to both elements of the proposal.

Kim Bennett

INSPECTOR