
Appeal Decision

Site visit made on 12 January 2021

by Martin Small BA (Hons) BPI DipCM MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th January 2021

Appeal Ref: APP/C1435/D/20/3261236

37 Oakleaf Drive, Polegate, BN26 6PS

- 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 Tracy Mason against the decision of Wealden District Council.
 - The application Ref WD/2020/1288/F, dated 30 June 2020, was refused by notice dated 25 September 2020.
 - The development proposed is described as single storey side / rear extension, existing dormer extensions to front and rear and side porch. Erection of new garden walls with new dropped kerb to form off street parking.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - i) the character and appearance of the host dwelling and area; and
 - ii) the living conditions of the occupiers of No 39 Oakleaf Drive.

Reasons

Character and appearance

3. Oakleaf Drive forms part of an established residential estate comprising predominantly semi-detached bungalows and chalet bungalows with open frontages giving a spacious feel to the area. The appeal property is one of a number of chalet bungalows with a distinctive design, having dormer windows to the front and rear elevations with the front dormers originally providing access to a balcony set within the roofslope enclosed by railings. On a number of properties these balconies have been filled in to form a more conventional roof form and dormer, but the appeal property retains the original balcony. It is therefore in keeping with, and contributes to, the prevailing character of the area.
4. The proposals include enlarging the appeal property by extending to the side and rear at ground floor level, extending the existing front and rear dormers outwards and adding a new enclosed porch to the side. It is also proposed to create a secondary access off Greenleaf Gardens to serve an off-road parking space, erect a new boundary wall to replace the side wall to the rear garden

- and erect a low wall with a picket fence on top to replace the existing picket fence to the side and front of the property.
5. The appeal property is in a prominent position on the corner of Oakleaf Drive and Greenleaf Gardens. The proposed ground floor extension would be visible from both roads, although only the upper part would be seen over the proposed rear garden wall. The proposed rear dormer would be substantial in both the height of its rear elevation and its depth, extending beyond the existing rear elevation of the appeal property. The full extent of the side elevation would be visible from Greenleaf Gardens.
 6. The dormer would have the appearance of a substantial second storey rather than a dormer window. It would dominate the rear elevation of the appeal property rather than being subservient. Although it would be no closer to the ridgeline of the appeal property than the existing dormer, it would occupy a much larger proportion of the roof. It would be out of proportion with the dormer of the adjoining property and the proposed bifold doors would add to its incongruous appearance.
 7. Notwithstanding that the eaves of the pitched roof would still be discernible, when viewed from Greenleaf Gardens the existing chalet bungalow character and appearance of the appeal property would be substantially lost. In these respects, the proposed dormer would not accord with the guidance in the Wealden Design Guide 2008 Supplementary Planning Document and the extended dwelling would be harmful to the street scene of Greenleaf Gardens.
 8. The appellant draws my attention to other properties in the area that have been altered in various ways and I observed these during my site visit. However, those with large extensions are not so numerous as to be a characteristic of the estate and so are themselves incongruous. I therefore consider that these do not justify the proposals before me, which I have determined on their own merits.
 9. The proposed extension to the dormer on the front elevation would be very modest and so would itself not be harmful to the character or appearance of the area. The proposed wall and wall / fence are acceptable as the low height and picket fence to the side and front boundaries would retain the characteristic openness of frontages of the properties in the area. The proposed porch is modest and is therefore also acceptable. However, neither the acceptability of these elements of the proposals nor the contended quality of the finishes outweigh the harm I have identified above.
 10. I therefore conclude that the proposed development would be harmful to the character and appearance of the host dwelling and area. Accordingly, it would conflict in this respect with saved Policies EN27 and HG10 of the Wealden Local Plan 1998 (the Local Plan) and Policy SPO13 of the Wealden Core Strategy Local Plan 2013¹ (the Core Strategy). These seek to ensure, amongst other things, that new development respects the character and local distinctiveness of an area and that, specifically for extensions to dwellings, the scale, design and style are appropriate and sympathetic in relation to existing buildings.
 11. In addition, the proposed development fails to conform with saved Policy GD1 of the Local Plan and Policy WCS14 of the Core Strategy, which set out, in

¹ Wealden District (Incorporating Part of the South Downs National Park) Core Strategy Local Plan

summary, that permission will be granted for development that accords with other policies of the Local Plan / Core Strategy.

12. Policies EN27, HG10 and Policy SPO13 are consistent with paragraphs 124, 127 and 130 of the National Planning Policy Framework (the Framework) which also promote good design and local character. Paragraph 130 specifically refers to local design standards or style guides in supplementary planning documents. The proposed development thus fails to accord with these policies of the Framework. However, I find no specific conflict with paragraph 126 of the Framework which encourages the use of design guides and codes.

Living conditions

13. The proposed enlarged rear dormer would extend beyond the corresponding dormer on the adjoining property, No 39 Oakleaf Crescent (No 39). It would therefore reduce the outlook from the window in that neighbouring dormer and potentially the amount of daylight received by the room the window serves. However, the window is large and so would still afford an acceptable outlook to the rear of the property and any reduction in daylight would not be significant. Moreover, the orientation of the two dwellings is such that the proposed dormer would not result in a significant loss of sunlight to the room served by the window.
14. The proposed bifold doors in the enlarged rear dormer could lead to an increased perception of overlooking and consequent perceived loss of privacy for the occupiers of No 39. However, the existing dormer has windows affording views over the rear garden of No 39 and the proposed doors would not harmfully increase the degree of overlooking so as to result in an unacceptable loss of privacy. No 39 has an extension to the rear of similar depth and height to the proposed ground floor extension such that this element of the proposals would not be harmful to the living conditions of the occupiers of No 39.
15. I therefore conclude that the proposed development would not be unacceptably harmful to the living conditions of the occupiers of the neighbouring property. Accordingly, in this respect, I find no conflict with Policies EN27 and HG10 of the Local Plan which, amongst other things, seek to protect the living conditions of the occupiers of adjoining properties. Neither do I find any conflict in this respect with paragraph 127 f) of the Framework which requires decisions to ensure that developments create places with a high standard of amenity for existing and future users.

Other Matters

Ashdown Forest

16. I am satisfied that given the nature of the proposed development it would not give rise to any likely significant effects on the integrity of the Ashdown Forest Special Protection Area or Special Area of Conservation from recreational pressure or increased traffic movements.

Other considerations

17. I have taken account of the personal circumstances advanced by the appellant regarding the improvement of the accommodation for her family. Whilst I sympathise with the appellant's desire to provide this improvement, I have

borne in mind that the development would remain long after the personal circumstances have ceased to be material. Therefore, this consideration does not outweigh the harm to the character and appearance of the area I have identified above.

18. I acknowledge the support for the proposals from Polegate Town Council and the appellant's contention that the occupiers of the adjoining property also support the proposals, although I have no evidence to support this. However, the support for the proposals is not sufficient to outweigh the conflict with the development plan I have found.
19. Although the proposed dropped kerb would be close to the junction of Greenleaf Gardens with Oakleaf Drive, both are residential roads subject to a restricted speed limit. I have no evidence that the new access would be significantly harmful to the safety of pedestrians or vehicles using these roads. This matter has therefore not been determinative in my decision.

Conclusion

20. For the reasons given above, and having had regard to the other matters raised, the appeal is dismissed.

Martin Small

INSPECTOR