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## Appeal Decision

Site visit made on 23 March 2021

**by David Cliff BA MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 01 April 2021**

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**Appeal Ref: APP/U1430/D/20/3264645**

**12 Old Mill Park, Bexhill, TN39 4UD**

- 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 J Hurworth against the decision of Rother District Council.
  - The application Ref RR/2020/1514/P, dated 18 August 2020, was refused by notice dated 13 October 2020.
  - The development proposed is two storey side extension.
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### Decision

1. The appeal is allowed and planning permission is granted for a two storey side extension at 12 Old Mill Park, Bexhill, TN39 4UD in accordance with the terms of the application Ref RR/2020/1514/P and subject to the conditions set out below:
  - 1) The development hereby permitted shall begin no later than three years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 6500/20/LBP and 6500/20/1.
  - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

### Main Issue

2. The main issue is the effect of the proposed development on the availability of private external amenity space for the occupiers.

### Reasons

3. The proposed extension would take up a considerable amount of the existing open space at the side of the dwelling and consequently limit its useability for the amenity of the occupiers. Due to the shape of this plot and the existing layout of development upon it, there is very limited open space at the rear and the generally sought standard of 10m in length is not currently provided. However, following the extension these retained areas would still provide space for some practical outdoor use such as the drying of laundry. The ground floor of the proposed extension would also have double doors leading onto the retained side area which, in spite of the limited space remaining, might still also be used for private outdoor seating.

4. There is a reasonably sized amenity space at the front of house, unaffected by the proposed extension, that would provide an area for sitting out and informal recreation. Whilst this would not be entirely private, due to its location at the front of the property and the positioning of neighbouring, this would not be to the extent that would significantly detract from its usability or potential enjoyment as external amenity space. Any overlooking of the remaining external areas as a whole from adjacent properties would not be of an unacceptable level with levels of privacy not being significantly different to that experienced by many residential properties within urban areas.
5. Furthermore, the occupiers of the dwelling also have access to sizeable area of open grassed shared amenity space which is conveniently accessed by a short pathway to the south west. Whilst this space is also accessible by the occupants of other properties in Old Mill Park, it is not accessible to the general public and appears to provide a readily usable additional area of amenity space for the occupiers.
6. Taking account of all these matters, the proposal would retain an appropriate amount of useable external amenity space that is proportionate to the size of the extended property. Whilst the spaces as a whole would not be entirely private, reasonable levels of privacy would be provided. Although 10 metres of rear garden space would not be provided, this is also the case with the existing situation at this property.
7. I therefore find that the proposed development would generally accord with the design and amenity aims of Policies DHG7 and DHG9 of the Development and Site Allocations Local Plan 2019.

### **Other matters**

8. An existing parking space is available in the adjacent garage with a forecourt area to the front of this. Whilst the proposal would increase the size of the dwelling, including a further bedroom, there is no certainty that this would lead to an increase parking requirement at the property. It would be unlikely to lead to any significant manoeuvrability or highway safety issues. The condition suggested by a neighbouring resident in this regard is therefore not necessary.
9. I have not needed to consider further the appellant's suggested fall back position given my findings above on the acceptability of the proposal.

### **Conclusion**

10. I have found that the proposed development would accord with the development plan when considered as a whole and there are no material considerations of such weight that have led me to find that permission should be withheld.
11. A condition specifying the approved plans is necessary to provide certainty for all parties. A condition requiring matching materials is necessary to safeguard the character and appearance of the area.
12. I conclude that the appeal should be allowed.

*David Cliff*

INSPECTOR