The Planning Inspectorate

Appeal Decision

Site visit made on 4 May 2021

by Philip Willmer BSc Dip Arch RIBA

an Inspector appointed by the Secretary of State

Decision date: 28 May 2021

Appeal Ref: APP/U1430/D/20/3263887
24 Furnells Way, Bexhill, East Sussex, TN40 2FA.

- 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 and Mrs K Pitt against the decision of Rother District Council.
- The application Ref RR/2020/1306/P, dated, 9 July 2020 was refused by notice dated 3 September 2020.
- The development proposed is a rear conservatory.

Decision

1. The appeal is allowed and planning permission is granted for a rear conservatory at 24 Furnells Way, Bexhill, East Sussex, TN40 2FA in accordance with the terms of the application, Ref RR/2020/1306/P, dated ,9 July 2020, and the plans submitted with it, subject to the following conditions:

   1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

   2) 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.

   3) The development hereby permitted shall be carried out in accordance with the following approved plans, drawings: 6594/1, 6594LBP, and 6594EX.

Main Issue

2. I consider the main issue to be the effect of the proposed development on the private residential amenity space.

Reasons

3. The property the subject of this appeal, 24 Furnells Way, is one half of a semi-detached pair of houses on a new residential development. The attached pair of garages to the south-east side of the dwelling project in front of the rear wall of number 24 resulting in an 'L' shaped rear garden plot.

4. Due to the layout of the development the rear garden of number 24 is about 9.5 meters deep. However, from the plans provided, it is wider and of a greater plan area than a number of the neighbouring dwellings.

5. The appellants propose the construction of an attached lean-to conservatory sited so as to utilise the inset space formed by the relationship of the garage to

the house. It is proposed that the existing external quality doors between the living room and garden are retained between the living room and new conservatory.

6. Planning permission has been granted (Ref: RR/2020/1670/P) for an open-fronted lean-to roofed veranda of the same plan area and in the same location as the proposed conservatory.

7. Policy DHG9 of the Rother District Council Development and Site Allocations Local Plan (Adopted 16 December 2019) (D and SALP) requires, when extensions or alterations are planned that sufficient usable external private space for occupiers of dwellings is left in accordance with the provisions of D and SALP Policy DHG7.

8. Criterion (i) of D and SALP Policy DHG7 states that appropriate and proportionate levels of private usable external space will be expected. In respect of dwellings private rear gardens spaces of at least 10 meters in length will normally be required. The Council states, and this is not contradicted by the appellants, that the length of the garden would only be 6.5 meters if the proposed conservatory was built as proposed.

9. I consider, on balance, given the overall width of the garden, its plan form, existing depth, the extant planning permission for an enclosed veranda and the modest size of the proposed conservatory which it is not intended as a habitable extension the proposed conservatory would not result in a significant loss of useable private amenity space. Accordingly, while the depth of the garden would be less that that suggested at criterion (i) of D and SALP Policy DHG7 sufficient usable space would, in this case, nevertheless be retained for the occupiers of this dwelling in accordance with the objectives of D and SALP Policy DHG9.

10. I therefore conclude in respect of the main issue that the proposed development would provide an adequate level of private amenity space.

Conditions

11. The conditions follow from those suggested by the Council. To ensure a high quality development, I shall include a condition about the materials to be used in the construction of the external surfaces of the building.

12. In the interests of certainty, I shall impose a condition requiring the development to be undertaken in accordance with the approved plans.

Conclusions

13. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

Philip Willmer

INSPECTOR