



Appeal Decision

Site visit made on 8 June 2021 by C Glaister BSc (Hons)

Decision by K Taylor BSc (Hons) PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 June 2021

Appeal Ref: APP/C1435/D/21/3271903

The Old Vicarage, Boreham Street, East Sussex BN27 4SD

- 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 Stephen Grant against the decision of Wealden District Council.
 - The application Ref WD/2020/2380/F, dated 18 November 2020, was refused by notice dated 17 February 2021.
 - The development proposed is a single-storey rear extension with roof terrace.
-

Decision

1. The appeal is allowed and planning permission is granted for a single-storey rear extension with roof terrace at The Old Vicarage, Boreham Street, East Sussex BN27 4SD in accordance with the terms of application Ref WD/2020/2380/F, dated 18 November 2020 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 development hereby permitted shall be carried out in accordance with the following approved plans: P5 (dated 1/5/20), P6, RP1 (dated 20/11/20), RP2 (dated 20/11/20), RP3 (dated 20/11/20), and RP4 (dated 20/11/20).
 - 3) The materials to be used in the construction of the external walls of the development hereby permitted shall match those used in the existing building.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. A similar application (WD/2020/1232/F) which omitted the roof terrace and external spiral staircase as is featured in the plans of this appeal was granted permission. As such, these elements will form the main focus of this report.

Main Issues

4. The main issues are the effect of the roof terrace and external spiral staircase on:
 - the character and appearance of the area; and
 - the living conditions of neighbouring residents, with regard to privacy, noise, and whether or not they would be overbearing.

Reasons for the Recommendation

Character and Appearance

5. The appeal property is a large detached building, which along with the properties adjacent to it, is set back from the road, and behind tall, dense, vegetation. The garden of The Old Vicarage extends back by a considerable distance, and is bordered consistently by high hedges, and by trees in various locations. The property, and those either side of it, are unique from one another in size and design.
6. The glass balustrade and metal staircase would be a minor and insignificant addition in terms of character and appearance. The materials would successfully and sufficiently sympathise with those of the original building, and would represent an appropriate supplement to the property's overall design. Moreover, the size of the dwelling, the transparency of the glass balustrade, and with the staircase being relatively compact and offset to one side of the building, these elements would avoid being dominant or imposing.
7. There is no inherent reason why extending the roof terrace across the proposed extension would result in harm upon the character and appearance of the property or wider area, and the minor disparity that would exist between the height of the original terrace and that which is proposed would be insubstantial in its effect. In addition, any item associated with the domestic use of the dwelling which could occupy the roof terrace would not amount to that which would be beyond the normal residential use of the property as it is already, and would not therefore introduce visual harm to an unreasonable degree.
8. The development would be located to the rear of the dwelling and would not be visible from the road. Elsewhere, due to the space maintained by and between properties in the area, and the abundance of vegetative screening surrounding the site, the roof terrace would be almost entirely obscured from view, and would in this sense avoid harm.
9. For these reasons, the development would not harm the character and appearance of the area and would accord with Policies GD2, EN27, and DC19 of the Wealden Local Plan (WLP) which together seek to ensure development respects the character of adjoining development, is appropriate relative to the original dwelling, and accords with the development plan. It would additionally accord with Policy WCS14 and Spatial Planning Objective SPO13 of the Wealden Core Strategy Local Plan which together seek to ensure development is of high quality, promotes local distinctiveness, and adheres to the National Planning Policy Framework (the Framework). It would comply with the Framework which seeks to ensure development accords with the development plan, is of high quality and good design, is sympathetic to local character, and takes available opportunities to improve the character and quality of the area.

Living Conditions

10. The garden of Rathcote is set across two main areas, one of which extends outwards in line with the back of the dwelling. The other area of garden space is adjacent to the first and lies between the building of Rathcote and The Old Vicarage. The boundary between the two sites is particularly dense with trees in the area closest to the appeal property and the location of the proposed development. Rathcote's garden is wide, but most of its expanse is owed to its extensive depth. The positional relationship shared between Rathcote and The Old Vicarage is such that the appeal property is more closely aligned with the middle of Rathcote's garden, and a substantial distance is present between both dwellings.
11. The rear elevation of The Old Vicarage is visible from a small number of specific areas at the very ends of Rathcote's garden, and is otherwise almost entirely obscured. The roof terrace would in this way give rise to a very minimal amount of overlooking in areas where a small degree of overlooking already exists. Due to the scale of Rathcote's garden, these areas would represent a tiny fraction of the overall space, and would be a sizable distance from the dwelling. Views which could be permitted of the dwelling and the associated ground-floor terrace were the existing screening to be reduced would in any case be very limited due to the alignment and distance between both dwellings. Views over the middle and end sections of the rear garden of Mill Barn Lodge would not increase substantially due to the existing roof terrace, the position of the proposed development, and the distance between the two sites.
12. The metal staircase would facilitate transitional use, and the small amount of noise which could arise from its use would in this case be intermittent and temporary. Noise such as this, and any noise which could result from activity associated with the roof terrace would not exceed that which is incidental to the general residential use of a property. For these reasons it would be acceptable as it relates to noise.
13. For these reasons, the development would avoid harm to the living conditions of neighbouring residents, and accord with Policies EN27 of the WLP which seeks to ensure development does not create an unacceptable adverse impact on the privacy and amenities of adjoining developments. It would also comply with the Framework which seeks to ensure a high standard of amenity.

Other Matters

14. Certain matters have been raised regarding the effect of the single-storey rear extension, such as concerns over the roots of trees being cut and the potential for a proposed window to be later replaced by a door. These matters relate to the element of the proposal which has previously been approved.
15. Further development above and along the perimeter of the ground-floor extension, at first-floor level, would require additional permission and would be determined with consideration to its own individual merits.

Conditions

16. As standard, conditions relating to the commencement of the development, and that the development adheres to the plans provided, in order to provide certainty, are recommended. In addition, a condition ensuring the materials used in the construction of the external walls match the existing building would be necessary in the interests of the character and appearance of the area.

Conclusion and Recommendation

17. Based on the above, and having regard to all matters raised, I recommend that the appeal should be allowed.

C Glaister

APPEAL PLANNING OFFICER

Inspector's Decision

18. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed.

K Taylor

INSPECTOR