



Appeal Decision

Site Visit made on 22 June 2021

by L Douglas BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 July 2021

Appeal Ref: APP/U1430/W/21/3269527

Sundial Cottage, 28 Waites Lane, Fairlight, TN35 4AX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Michael Saba against Rother District Council.
 - The application Ref RR/2020/2092/P, is dated 24 October 2020.
 - The development proposed is "dormer loft conversion to the rear of the property".
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Decision

1. The appeal is dismissed and planning permission for the proposed dormer loft conversion to the rear of the property is refused.

Preliminary Matters

2. The appeal follows the Council's failure to issue a decision within the relevant timescale. The Council have confirmed that were they to have issued a decision, they would have refused planning permission and I have been provided with what would have been their reason for refusal as part of an officer report, which the appellant has commented on.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

4. The appeal property is a detached bungalow in an area characterised by a mix of different housing styles, which are mainly in the form of detached single and two storey buildings with small front gardens and off-street parking spaces to the front/sides and gardens to the rear. Land levels in the area slope in different directions, such that the rear of the appeal site is higher than the front and properties to the northern side of the appeal site are at a lower level, while properties to the south are at a higher level. The appeal property forms the end of a run of three matching bungalows stepping down in height along the road, neatly positioned within their plots of corresponding size.
5. The proposal would significantly alter the existing roof form of the bungalow despite the front roof pitch remaining unchanged. The raising of its ridge height slightly would not detract from its surroundings and the effect of the proposal's significant mass would be largely contained to the rear. In this context, the sloping land levels would reduce the extent to which the proposed dormer would affect the character of the area, but its overall size would

dominate the existing building. This would be particularly obvious from the rear of the appeal site, in views from neighbouring gardens, but also to a lesser extent from some angles on the street. In those views, the proposal would appear out of context with the appeal building and its site, but would have a limited impact on the street scene.

6. There are examples of other dormer roof extensions nearby, but none of those close to the appeal site are of a comparable size to that proposed. The proposed dormer would be integrated within the rear elevation of the building, but the overall size of the proposed extension would fail to be physically or visually subservient to the building. It would therefore appear as an overly large addition to the existing modest bungalow, resulting in harm to the character and appearance of the area.
7. The proposal therefore fails to accord with Policies EN3, OSS3 and OSS4 of the Council's Core Strategy¹ and Policy DHG9 of the Council's Development and Site Allocations Local Plan². These require, amongst other things, extensions to be physically and visually subservient to the building, including its roof form, and to not detract from the character and appearance of the locality.

Other Matters

8. The proposal has been described by the appellant as a high-quality design with improved internal headroom integrated into the existing building as a whole, as an alternative to what would be a lower and less visually appealing dormer extension which could be constructed as 'permitted development'. However, I have not been presented with any specific details of what the appellant may consider to be a realistic fallback position, such as plans showing what is confirmed to be a lawful alternative roof extension. I cannot therefore assign much weight to these claims.
9. Reference has also been made to a property elsewhere in Fairlight, where the appellant has referred to the Council granting planning permission for a full width rear dormer under similar circumstances. I am not aware of the full circumstances of the Council's previous decisions the appellant has highlighted, but I inspected that site from the road and noted its similarity, set in more open surroundings. That property is some distance from the appeal site and it does not sufficiently alter the character or appearance of the area surrounding the appeal site to justify granting planning permission for the proposal, which would be contrary to the development plan.
10. I am unable to address any claims relating to alleged inconsistencies in the Council's decision making processes, but I have found the existence of full width dormer extensions elsewhere in Fairlight does not outweigh the harm that would be caused by the proposal.
11. I note the claimed environmental benefits associated with the proposal, which would be built to high insulation standards, the improved internal space and the fact that no neighbouring residents have objected to the proposal, but these would not outweigh the harm caused to the character and appearance of the area.

¹ Rother District Council Local Plan: Core Strategy (2014)

² Rother District Council Development and Site Allocations Local Plan (2018)

Conclusion

12. For the reasons given above I conclude that the appeal should be dismissed.

L Douglas

INSPECTOR