
Appeal Decisions

Site visit made on 6 September 2021

by Guy Davies BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 September 2021

Appeal A Ref: APP/U1430/W/20/3262848

1 Brickfield, Main Street, Peasmarch TN31 6SS

- 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 Peter Bedborough against the decision of Rother District Council.
 - The application Ref RR/2019/1901/P, dated 15 August 2019, was refused by notice dated 31 March 2020.
 - The development proposed is an extension to form 1/2 bedroom self contained dwelling.
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Appeal B Ref: APP/U1430/W/20/3264980

1 Brickfield, Main Street, Peasmarch TN31 6SS

- 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 Peter Bedborough against the decision of Rother District Council.
 - The application Ref RR/2020/951/P, dated 12 May 2020, was refused by notice dated 9 November 2020.
 - The development proposed is an extension to form new dwelling.
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Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Preliminary Matters

3. I have used the descriptions given on the original application forms although in both cases the proposals were amended during the course of the applications to include an extension to the existing dwelling.
4. For the avoidance of any doubt, I have considered the proposal for Appeal A as shown on drawing BFIELD-05032020, dated 5 March 2020; and for Appeal B as shown on drawing MJ/10/19/003C, dated May 2020. These are the drawings on which the Council determined the applications.
5. A number of alternative proposals have also been submitted, but these are all materially different to the determined proposals. The appeal process is not the place to evolve a scheme further and it is important that what I consider is essentially what was considered by the Council and on which interested parties' views were sought. If the appellant thinks that any of the alternative schemes would overcome the Council's concerns, then the correct procedure would be to

make a fresh application. For these reasons, the alternative proposals have not formed part of my consideration of either appeal.

6. I have considered each proposal on its own individual merits. However, to avoid duplication I have dealt with the two schemes together except where otherwise indicated.
7. During the course of the appeals, the National Planning Policy Framework (the 'Framework') was revised. Both parties have been given the opportunity to comment on the revised document in so far as it is relevant to the development proposals.

Main Issues

8. The main issues for both appeals are:

- the effect on the character and appearance of the area; and
- the living conditions for the occupants of both the existing and proposed dwellings, with respect to internal space and external garden area.

Reasons

Character and appearance

9. 1 Brickfield forms one half of a pair of semi-detached chalet-style dwellings. The pair forms parts of larger layout of similarly designed properties grouped around an open green and a terrace beyond that fronting Main Street, as does the appeal property. The pair of dwellings are compact in size and occupy small but useable plots. The whole layout provides a sense of space and scale that is appropriate to its village setting and beneficial to the character and appearance of the area.
10. The proposed dwelling in both schemes has been designed such that its front elevation (and in the case of appeal A also the rear elevation) would be similar to that of the existing pair of dwellings. However, in both cases, the proposed dwelling would take up nearly all the space at the side of the existing building. This would bring two storey development to less than a metre from the side boundary. This would result in an extension that would appear cramped on what is already a small plot. A pedestrian footpath separates 1 Brickfield from the neighbouring dwelling, but nevertheless insufficient room would be left to maintain the sense of space and separation between buildings that is characteristic of the wider Brickfield development.
11. Appeal A proposes single storey rear projections to both the existing and proposed dwellings. Because of their height and position, these projections would have little impact on the appearance of the site.
12. Appeal B, however, proposes large two storey projections on the rear of both the existing and proposed dwellings. The design of these projections bears little relation to the existing building as they would be a full two storey in height with eaves lines well above that of the existing dwelling, have overhanging first floors, and contain windows of different size and appearance to those in the existing dwelling. The extension to the existing dwelling would also sit uncomfortably close to the existing rear dormer window. The size and design of all these elements would lead to a development that would appear incongruous and out of place in relation to the modest scale of the existing dwelling.

13. I consider that, given the modest size of the existing plot and dwelling, both schemes would appear cramped and out of place, and would harm the character and appearance of the area. The large two storey rear projections proposed in appeal B would cause further harm to the site and surrounding area. For those reasons, both schemes would conflict with Policies OSS4 and ENV3 of the Rother Local Plan Core Strategy 2014 (the 'Core Strategy') and Policy DHG9 of the Rother Development and Site Allocations Local Plan 2018 (the 'Site Allocations Plan'), which require new development to respect its locality and be of good design quality.

Living conditions

14. Policy DHG7 of the Site Allocations Plan expects appropriate and proportionate levels of private usable external space for new residential development. For dwellings, private rear garden spaces of at least 10m in length are normally required. The supporting text to the policy notes that a rear garden of slightly less than 10m in depth may be accepted where either an appropriate and proportionate level of private amenity space is provided to the side or front of the dwelling or there are particular reasons why the future occupiers of the dwelling will have a lesser requirement for amenity space.
15. There are discrepancies between the dimensions of the gardens given on the respective layout plans for the two appeals, but in Appeal A the rear gardens of the existing and proposed dwellings would be considerably shorter than 10m, and in Appeal B the large two storey rear projections would protrude into the rear garden areas such that they would in part be below 10m. Both existing and proposed dwellings would have front gardens, but these would be open to Main Street and would not provide the same degree of privacy available at the rear. In both schemes, the garden for the proposed dwelling would extend to the side because of the trapezoidal shape of the plot, but part of this would be taken up with a parking space. In comparison to the gardens of other similar properties in Brickfield, the proposed gardens would be approximately half their size.
16. The existing plot is already compact in size. Its subdivision to form two smaller gardens, considerably smaller than those of comparable properties, and with the rear gardens wholly or substantially less than the 10m normally required by Policy DHG7, would in my view result in inadequate external garden space for both the existing and proposed dwellings, and would as a result harm the living conditions of their occupants.
17. Policy DHG3 of the Site Allocations Plan requires that all new dwellings should provide adequate minimum internal space in accordance with the nationally described space standard¹.
18. The first floor habitable rooms in Appeal A both fail the minimum space standards for a double bedroom and single bedroom of 11.5m² and 7.5m² respectively. While the smaller room is labelled as a study, it could equally be used as a bedroom by future occupiers and needs to be assessed in that light. I also note the appellant's intention that the main bedroom would be used by a single person. However, the nationally described space standard requires that a two storey dwelling, or those with 2 or more bedspaces, has at least 1 double

¹ Ministry of Housing, Communities & Local Government: Technical housing standards – nationally described space standard, 27 March 2015

- (or twin) bedroom. In Appeal B the bedroom sizes accord with the space standard. For the reason explained above, the room labelled as a study also needs to be assessed against the space standard for a single bedroom.
19. In both appeals the size of each of the proposed dwellings as a 2-bed, 3-person, 2 storey unit fails to meet the minimum gross internal floor area of 70m² as set out in the space standard. The failure to provide the minimum amount of space required for a new dwelling would result in inadequate living conditions for future occupiers.
 20. On the Appeal A scheme, the Council did not assess the study against the space standard for a single bedroom, although it did so in the Appeal B scheme. Consequently, it assessed the Appeal A scheme as a 1-bed, 2-person unit rather than a 2-bed, 3-person unit as I have done. For the reason given above, I consider it necessary to assess both studies as if they were single bedrooms, and therefore both proposed dwellings need to be assessed against the space standard for 2-bed, 3-person units.
 21. The appellant has suggested that the Council could enforce against the use of either study were it to be used as a bedroom. However, that degree of control is not available to the Council, the use of rooms within a dwelling being a matter for its occupiers so long as they remain within the lawful use of the property as a single dwellinghouse.
 22. The appellant has also drawn attention to approval for a dwelling that purportedly did not meet the national space standard². I have not been given any details of this case but note that it was determined before the adoption the Site Allocations Plan. There has therefore been a material change in circumstances since the approval was made and it carries little weight in this appeal.
 23. I conclude that, given the inadequate size of the gardens for the existing and proposed dwellings in both schemes, the lack of sufficient gross internal floor space for the proposed dwelling in both schemes, and the inadequate bedroom sizes in the proposed dwelling in the Appeal A scheme, both development proposals would result in substandard accommodation that would be harmful to the living conditions of the occupiers of the existing and proposed dwellings. Both development proposals would therefore conflict with Policy OSS4 of the Core Strategy and Policies DHG3 and DHG7 of the Site Allocations Plan, which require new residential development to achieve good living conditions for their occupants.

Conclusion

24. The Council has acknowledged that it cannot demonstrate a 5 year housing land supply. Paragraph 11 of the Framework says that in such circumstances, planning permission should be granted unless, among other criteria, any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
25. The provision of an additional small dwelling would be of some benefit, particularly given the demand for housing and the shortage of housing land supply in the district. However, I consider that in this case the harm resulting

² RR/2018/2508/P – 29 Hilltop Drive, Rye Foreign.

from inadequate living conditions for existing and future occupiers would significantly and demonstrably outweigh the modest benefit arising from the provision of 1 additional dwelling.

26. I consider that the appeal proposals would conflict with the development plan when taken as a whole, and the 'tilted' balance introduced by paragraph 11 of the Framework in the light of a lack of housing land supply, is insufficient in this case to outweigh that conflict.

27. Consequently, I conclude that both appeals should be dismissed.

Guy Davies

INSPECTOR