



Appeal Decision

Site Visit made on 13 October 2021

by H Miles BA(hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 NOVEMBER 2021

Appeal Ref: APP/C1435/W/21/3273033

60 Greenleaf Gardens, Polegate BN26 6PQ

- 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 K Dabbiru against the decision of Wealden District Council.
 - The application Ref WD/2020/2419/F, dated 23 November 2020, was refused by notice dated 3 March 2021.
 - The development proposed is demolition of an existing single storey extension and the erection of a new attached 3-bedroom 2 storey dwelling on the land adjacent to 60 Greenleaf Gardens.
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Decision

1. The appeal is allowed, and planning permission is granted for demolition of an existing single storey extension and the erection of a new attached 3-bedroom 2 storey dwelling on the land adjacent to 60 Greenleaf Gardens at 60 Greenleaf Gardens, Polegate BN26 6PQ in accordance with the terms of the application, Ref WD/2020/2419/F, dated 23 November 2020, subject to the conditions set out in the schedule at the end of this decision.

Main Issue

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

Reasons

3. This part of Greenleaf Gardens is characterised by mainly two-storey semi-detached properties of a similar appearance with an area of hardstanding to the front for car parking. Some of these properties have subservient two storey extensions to the side. These shared characteristics result in an attractive rhythm and consistency in this area. The layout in the surrounding area includes corner plots where dwellings have their side elevations set back from the road. Whilst the sizes of these open corners vary, they nevertheless result in a pleasant sense of spaciousness.
4. 60 Greenleaf Gardens is a semi-detached, two-storey dwelling on a corner plot. The property shares its overall design and appearance with others in the road. For these reasons it makes a positive contribution to the regular character of this area.
5. The proposed development would result in a terrace of three houses which is atypical of the surrounding development. However, the proposed new dwelling would be set back from the front elevation and down from the ridge of the host property. Consequently, it would be visually subservient to 60 Greenleaf

Gardens and would appear similar to other extensions in the area. As such, the proposed extension would be visually appropriate. Therefore, taking all the above into account, the appeals scheme would not be unacceptably harmful to the character and appearance of the area in these respects.

6. The new dwelling would be set back from the side boundary and a garden area would be retained in this location. As such it would leave an appropriate open gap and retain the sense of spaciousness in this location. The garden area would also provide sufficient space to store bins and therefore these would not need to be visually prominent. Car parking would be provided to the side which would broadly align with parking to the front of no. 58 and beyond. As such it would be appropriate in the streetscene.
7. Consequently, the proposed development would have an acceptable effect on the character and appearance of the area. As such it would be in accordance with Policies SPO13 and WCS14 of the Wealden District (Incorporating Part of the South Downs National Plan) Core strategy Local plan Adopted February 2013 and Policies EN1, EN27 and HG4 of the Saved Wealden Local Plan December 1998. Together these set criteria to achieve high quality design, including protecting the character of existing residential areas, state that applications that accord with the Local Plan should be approved without delay and seek to pursue sustainable development amongst other things. Along with the advice as to how such high-quality design can be achieved set out in the Wealden Design Guide Supplementary Planning Document November 2008 (the SPD).

Conditions

8. I have had regard to the various planning conditions that have been suggested by the Council and considered them against the tests in the National Planning Policy Framework (July 2021) and the advice in the Planning Practice Guidance. I have made such amendments as necessary to comply with those documents, including ensuring that the conditions would not unnecessarily delay the delivery of development.
9. I am attaching the standard implementation condition, and in the interests of certainty a condition to define the plans with which the scheme should accord. A condition requiring the scheme to be built in materials to match the existing building would be necessary to preserve the character and appearance of the area.
10. A condition requiring the provision and retention of car parking is needed for highway safety reasons. Details of water and energy efficiency measures, renewable energy and sustainable construction are required in order to contribute to meeting the challenge of climate change.
11. The rear elevation of the proposed dwelling faces the garden and side elevation of a neighbouring dwelling. Conditions requiring obscure glazing to the proposed first floor bathroom window and the restriction of the insertion of windows to this elevation in the future are therefore clearly justified in the interests of the living conditions of neighbouring occupiers.
12. The garden areas for no 60 and the proposed dwelling are 54sqm and 68sqm respectively, against a standard set out in the guidance in the SPD of 50sqm. Therefore, a condition to remove the existing conservatory at 60 Greenleaf

Gardens is required in order to provide acceptable living conditions for future occupiers in terms of adequate garden space. Given the limited garden areas proposed, this would also represent the clear justification required to restrict the construction of extensions and outbuildings under Part 1 of Schedule 2, Class A and E of The Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO).

13. However, in relation to additions and alterations to the roof and porches, I am not provided with clear justification that for this development a single new dwelling in a residential area, such a condition would be necessary. Therefore, a condition restricting permitted development rights under Part 1 of Schedule 2, Class B-D of the GPDO would not meet the tests of necessity or reasonableness. As such it is not included below.

Conclusion

14. Therefore, for the reasons set out above, and subject to the conditions listed, this appeal should be allowed.

H Miles

INSPECTOR

Schedule of Conditions

- 1) The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date on which this permission is granted.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Proposed Plans SP-0187.09 rev A, Site location plan SP-0187.01, Proposed elevations SP-0187.10 rev A
- 3) No works above ground level shall be carried out until full details for the incorporation of water and energy efficiency measures, the promotion of renewable energy and sustainable construction within the development have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter retained permanently as such.
- 4) Before first use or occupation of the dwelling hereby approved, the bathroom window at first floor shall be fitted with obscure glazing and thereafter it shall be retained permanently as such.
- 5) Before first use or occupation of the dwelling hereby approved, the conservatory on the existing dwelling shall first be removed in accordance with the details as shown on the Proposed Plans SP-0187.09 rev A.
- 6) Before first use or occupation of the dwelling hereby approved, all the car parking spaces shown on the Proposed Plans SP-0187.09 rev A shall be provided, and thereafter retained permanently for such purposes.
- 7) All external materials, including windows, used in the construction of the development hereby approved shall match the type, texture, tone, colour, size, and profile of those used on the existing building and shall be retained permanently as such.
- 8) Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015, (or any Order revoking or re-enacting that Order with or without modification) no windows or openings (other than those expressly authorised by this permission) shall be inserted into the north west elevation or roofslope of the dwelling hereby permitted.
- 9) Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and reenacting that Order with or without modification), no buildings, structures or works as defined within Part 1 of Schedule 2, classes A and E of that Order, shall be erected or undertaken on the site.