



Appeal Decision

Site Visit made on 3 November 2021

by Stewart Glassar BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 November 2021

Appeal Ref: APP/U1430/W/21/3273916

150 Barnhorn Road, Bexhill-on-Sea TN39 4QL

- 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 & Mrs Catt against the decision of Rother District Council.
 - The application Ref RR/2020/1196/P, dated 22 June 2020, was refused by notice dated 9 February 2021.
 - The development proposed is to create a new four-bedroom dwelling to the land rear of no. 150. The proposal includes a garage and driveway. It is proposed to relocate the current vehicular and pedestrian access from Barnhorn Road, creating a new shared driveway for both 150 and the new house.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised Framework¹ was published by the Government between the determination of the planning application and the appeal coming before me. I am satisfied that this latest version of the Framework does not raise any new considerations in relation to this appeal. The substantive elements thereof remain the same as the previous iteration in regard to the main issues of the appeal.

Main Issues

3. The main issues are the effect of the proposed development on a) the character and appearance of the area; b) the living conditions of existing occupants; and c) surface water run-off.

Reasons

Character and Appearance

4. The appeal site comprises an existing detached dwelling located on the north side of the A259. Properties in the area are generally detached one or two storey dwellings although some have been extended and converted into care homes. Buildings are generally finished in brick or render and are set back within generous plots that have extensive rear gardens. Together with the width of the road the area has a spacious character to which the appeal site contributes positively.

¹ National Planning Policy Framework (2021)

5. The proposed development would create a new dwelling to the rear of the host property and a new access along the boundary with 148 Barnhorn Road. The dwelling has been designed to present as a single storey building to the front with accommodation in the front pitched roof. A flat roof design beyond this enables the building to appear as two storeys at the rear. A new double garage would be positioned to the front of the new dwelling.
6. The development would not reflect the general pattern of built form in the area. The size of the proposed plot and the resulting plot of the host property would be limited relative to those around them. Thus, to sub-divide the site and introduce a new independent dwelling would result in a form of development out of keeping with the established spacious pattern of development along Barnhorn Road, which is not characterised by backland development.
7. The use of timber cladding would be similar to the first floor front elevation of the host property although for the new dwelling, brick and render would be the surrounding context. The large flat roof design would not reflect the traditional pitched roofs used in the area. The building would not be visible from outside of the site but would nevertheless appear out of place and so would have a localised adverse visual impact in views from some neighbouring properties.
8. It is acknowledged that immediately to the east of the appeal site at 148 Barnhorn Road and to the west at 154 Barnhorn Road, properties have been subject to extensive additions. As a result, these buildings' footprints go deep into the rear of their plots. However, as care homes, these are very much the exception and as they are not generally characteristic of the area, they are not a sufficiently strong basis on which to allow the appeal.
9. The proposal would introduce development which is out of keeping with the more spacious form and character of the area. As such, the development would appear incongruous to its locality that would cause harm to the character and appearance of the area. The proposal is therefore contrary to Policy OSS4(iii) of the Core Strategy², which amongst other things, requires development to respect the character and appearance of the locality. The proposal would also be contrary to Paragraph 130 of the Framework, which amongst other things, seeks to ensure developments are sympathetic to local character.

Living Conditions

10. In this particular setting, where houses are set back from the main road and rear gardens generally provide a more tranquil environment for occupants, a new access road would introduce a significant detraction. The proposed new access would serve a 4-bed dwelling and there would be all the comings and goings commensurate with a property of that size.
11. The access would run immediately adjacent to the side elevation of the host property and its rear garden would be flanked on one side by the new access road. The driveway/turning area and garage serving the proposed dwelling would be positioned along the host property's rear boundary. This would be likely to result in a level of noise and disturbance which would harm the living conditions of occupants.

² Rother Local Plan Core Strategy (2014)

12. Notwithstanding the removal of the existing garage and the proposed alterations to the boundary treatment, the neighbour at 148 Barnhorn Road is positioned close to the proposed access road. Given the number of windows which face towards and would be affected by the access road, the likely level of harm to occupants would be significant.
13. Given my reasoning above, the introduction of the access road in this location would therefore be likely to introduce disturbance and a noticeable sense of intrusion to existing occupants.
14. Even accepting that the proposed office could be used as a habitable room, the single storey nature of the front elevation and the ground levels involved would ensure that the outlook from the rear garden of the host property would not be dominated by the proposed development. However, as noted above, the position of the proposed garage is close to the shared boundary and this would add to the overall sense of intrusion caused by the proposal.
15. The proposal would have an adverse effect on the living conditions of existing occupants. As such, it would be contrary to Policy OSS4 (ii) of the Core Strategy, which amongst other things, seeks to ensure the amenity of adjoining properties is not harmed.

Surface Water

16. Although the appellant has provided some information regarding surface water, there remain important gaps in the available evidence. Without this information it is not possible to confirm that surface water, and any potential flood risk, as a result of the additional dwelling, could be properly managed at the site.
17. Given that the design and layout of a development will have direct implications for surface water, it is usually necessary for there to be sufficient drainage information available prior to the substantive decision, to be confident that no harm will arise in relation to this matter. At this stage, there is insufficient information available to be certain that the proposed development would not have an adverse effect on surface water and drainage issues.
18. Therefore, even if I were to have found in favour of the proposal in relation to the other main issues, it would not be appropriate to condition the submission of further surface water and drainage information. Accordingly, the proposal would be contrary to Policy SRM2 of the Core Strategy, which amongst other things, supports development that are able to address issues of drainage and surface water run-off.

Other Matters

19. I have not had further regard in this decision to concerns over how the Council handled the application as this is an administrative matter to be taken up directly with them. I have focused on the planning merits of the scheme in regard to the main issues of the case.
20. The appellant suggests that a permitted development fallback position would potentially represent a more harmful development than the appeal proposal. A building incidental to the host dwelling, new access and garage would appear and function very differently to a new dwelling, particularly as they would necessarily be within a single curtilage. Furthermore, although a Certificate of Lawful Development was submitted, I have no substantive evidence to indicate

that should this appeal be dismissed there is a significant probability that all these works would be undertaken or that the access would be used in the manner suggested by the appellants. These factors therefore limit the weight that I can attach to them as a fallback position.

Conclusion

21. The proposal would harm the character and appearance of the area and the living conditions of existing occupants, in conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan.
22. Therefore, for the reasons given, I conclude that the appeal should not succeed.

Stewart Glassar

INSPECTOR