



Appeal Decision

Site visit made on 22 February 2022

by C Shearing BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th March 2022

Appeal Ref: APP/C1435/D/21/3287519

Tamzyn Cottage, 35 Dacre Road, Herstmonceux BN27 4LP

- 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 and Mrs Tait against the decision of Wealden District Council.
 - The application Ref WD/2021/1791/F, dated 5 July 2021, was refused by notice dated 22 October 2021.
 - The development proposed is 'front extension in lieu of previous side/front extension commenced, rear balcony over porch and roof light to study/along with French doors'
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Decision

1. The appeal is allowed and planning permission is granted for a front extension, rear balcony over porch and roof light to the study along with French doors at Tamzyn Cottage, 35 Dacre Road, Hertsmonceux BN27 4LP in accordance with the terms of the application, ref WD/21/1791/F, dated 5 July 2021, 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: 001, 002A, 003, 004B, 005C, 006C, 007.
 3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Preliminary Matters

2. The description of development in the banner heading is taken from the application form. In the interests of conciseness I have amended this in my Decision to remove the reference to separate earlier extensions.

Main Issues

3. The Council have assessed the acceptability of the other proposed alterations and extensions within their officer's report. Based on my assessment and site visit, I have no reason to disagree with their conclusions on these matters. The main issues are therefore:
 - i. The effect of the proposed balcony on the living conditions of the occupants of neighbouring properties, with particular regard to privacy, and;

- ii. The effect of the proposed balcony on the character and appearance of the host property.

Reasons

Impact on Living Conditions

4. The appeal site lies at the end of a cul de sac of properties of varied scale and character, and adjoins a row of bungalows on Dacre Road to the north west. Due to the projection of the balcony proposed, some views of the neighbouring garden of 33 Dacre Road would likely be possible when standing on it, although this would be at an oblique angle and obscured in part by the double garage which exists between the properties.
5. The proposed privacy screen to the northern side of the balcony, by reason of its height and depth across the side of the balcony, would be adequate to prevent any view towards the garden of No 33. It would therefore ensure that the privacy of its occupants was preserved. Due to the distance from other neighbouring properties and the change in ground levels to the properties to the rear, the proposal would preserve the privacy of other neighbouring occupiers.
6. I find therefore, that the proposal would not harm the living conditions of the occupants of neighbouring properties, with particular regard to privacy. The proposal therefore complies with saved Policies ENV27 and HG10 of the Wealden Local Plan 1998 (the LP) which require, among other things, that development should not have adverse impacts on amenity of neighbouring properties.

Character and Appearance

7. The appeal property is distinct in its character and appearance and varies from the other properties which surround it. The rear of the property is shielded from public view points by coniferous trees around the boundaries which lie within the appeal site. Some private views of the back of the property are possible from the windows of properties on West End to the north.
8. While the privacy screen would accentuate the presence of the balcony and would contrast to some extent with the modest character of the property, for the reasons above the balcony and screening would not appear visually prominent in views from the surrounding area, and would not cause harm to the character and appearance of the host property or the area.
9. The development would therefore comply with saved Policies GD1, EN27 and HG10 of the LP insofar as they require development to respect the character of adjoining development, promote local distinctiveness and support proposals within development boundaries. It would also comply with Policies SPO13 and WCS14 of the Wealden Core Strategy Local Plan 2013, which contain a presumption in favour of sustainable development and support local distinctiveness through good design. It would also accord with the design objectives of the Framework.
10. While there is some conflict with the Wealden Design Guide Supplementary Planning Document 2008, which states balconies are rarely visually appropriate on such properties, I consider there are material considerations here in the

circumstances of the site and the visibility of the rear elevation, that would justify the grant of planning permission contrary to this guidance.

Conditions

11. I have imposed a condition requiring the development to adhere to the submitted drawings to provide clarity for the parties, and a condition requiring the development to be carried out using materials to match those on the existing property to ensure the extensions integrate with the host property. The Council has not suggested any further conditions and I do not consider any to be necessary.

Conclusion

12. For the reasons set out above, the appeal is allowed.

C Shearing

INSPECTOR