

Appeal Decision

Site visit made on 14 March 2022

by D Cramond BSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 March 2022

Appeal Ref: APP/U1430/D/21/3288947

3 Sandown Way, Bexhill-on-sea, TN40 2NL

- 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 Mrs Jacqueline Young against the decision of Rother Borough Council.
 - The application Ref RR/2021/2191/P, dated 9 September 2021, was refused by notice dated 26 November 2021.
 - The development proposed is to extend rear first floor bedroom over the top of existing ground floor extension by 2M and the remaining 1M of the flat roof as balcony with balustrade.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on living conditions for neighbours.

Reasons

Living conditions

3. The appeal property is a two-storey detached home on a mid-sized rectangular plot within an established residential estate. The property, like neighbouring homes, sits about a metre off each side boundary. The proposal is as described above.
 4. The appeal property lies on the south-south-east side of the neighbouring dwelling No 5 and any increased bulk at first floor level would inevitably cause additional overshadowing. This would be for a mid-part of the day and would vary seasonally depending on the height of the sun. There would be some impact on amenity from this but in my opinion given garden sizes, distances, the key south-west and west sun directions not being negated, this would not be of sufficient quantum to justify refusal of the scheme. Similarly on the question of the scheme being over-bearing as alleged by the Council, I would say that a red-line would not be breached. The situation with the relatively small extension would be very much like that frequently found when a row of properties has a slightly staggered rear building line. There would be no undue impact upon amenity.
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5. However, where I do have over-riding concerns is in relation to the proposed balcony. This is a type of structure which is not characteristic of the estate and would adversely alter the dynamic between the two properties. I take the point made by the Appellant about the ability to look out of existing first floor windows and, indeed, that this structure with its (partial) side screens would even reduce that. Nevertheless, looking out of a house, usually fleetingly, is a different situation from being outside on show and also being able to look down and at least partially across. The sense for the neighbours would be more pronounced and uncomfortable and the reality is that privacy would be reduced and, assuming the balcony was used, overlooking in practice would increase. On an estate of this nature residents should reasonably expect a 'normal' situation at the back of properties and that does not include a balcony about 1 metre away from a shared side boundary with all that this would lead to in terms of unsettling intrusion.
6. Policy OSS4 of the Rother Local Plan Core Strategy (2014) Plan 2015 and Policies DHG9 of the Development and Site Allocations Local Plan (2019) are relevant. Taken together and amongst other matters, they call for protection of residential amenity. In all the circumstances I conclude that the proposal would conflict with these pertinent development plan policies.

Other matters

7. I do sympathise with the Appellant's wish to extend this dwelling. I appreciate that the neighbours did not object to the scheme but I have to protect the amenity of dwellings for the long term, for existing and future residents. I was sorry to hear there was concern over the question of a visit by a Council officer. I found my visit to the site to be extremely useful and I have also examined the photographs provided by the Appellant. I have carefully considered all the points raised by the Appellant but these matters do not outweigh the concerns which I have in relation to the main issue identified above.
8. I confirm that policies in the National Planning Policy Framework have been considered and the development plan policies which I cite mirror relevant objectives within that document.

Overall conclusion

9. For the reasons given above I conclude that the appeal proposal would have unacceptable effects on the living conditions for neighbours. Accordingly, the appeal is dismissed.

D Cramond

INSPECTOR