
Appeal Decision

Site visit made on 7 June 2022

by C Shearing BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 July 2022

Appeal Ref: APP/U1430/W/21/3279250

Coombe Cottage, Ewhurst Lane, Northiam, East Sussex TN31 6PD

- 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 James and Gavin Pierce against the decision of Rother District Council.
 - The application Ref RR/2019/2641/P, dated 22 November 2019, was refused by notice dated 7 June 2021.
 - The development proposed is described as 'demolition of existing bungalow and the construction of four residential units. Provision of new driveway and eco -sewer system.'
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Decision

1. The appeal is dismissed.

Applications for Costs

2. An application for costs was made by Mr James and Gavin Pierce against Rother District Council. This application is the subject of a separate decision.

Preliminary Matter

3. The application date given on the planning application form is 9 April 2021. However, other dates provided within the evidence suggest the application was submitted to the Council on 22 November 2019. I have therefore used this date in the banner heading above.

Main Issues

4. The main issues are:
 - i. The effect of the development proposed on the character and appearance of the area, including the High Weald Area of Outstanding Natural Beauty (the AONB);
 - ii. The effect of the development proposed on the living conditions of nearby occupants, with particular regard to noise, disturbance and outlook.

Reasons

Character and Appearance

5. The appeal site forms part of a ribbon of development that lines one side of Ewhurst Lane, and which the AONB washes over. Properties in the immediate vicinity of the site are predominantly detached bungalows of varying but simple design, where several have accommodation within the roof slopes. These

properties have varying set backs from the street and the front boundary treatments near the appeal site are commonly tall hedgerows. The lengthy rear gardens at this part of Ewhurst Lane comprise mature planting, open grassland and low boundary treatments. Together with the absence of development opposite and behind the properties, these characteristics give this part of Ewhurst Lane a rural, spacious and verdant character.

6. This contrasts with the character of Ewhurst Lane further north, which includes properties of two storeys set closer to the edge of the road and with generally lower front boundary treatments. When travelling southwards along Ewhurst Lane, and in views from the south, this visible change in the character of the road contributes to the transition of the settlement to the countryside beyond and forms an important part of the landscape character.
7. The proposed development would introduce two, two storey properties at the front of the site. While the first floor would be partially within the roofslopes, the treatment of the first floor and roof form including high eaves level would appear taller and more bulky than the surrounding properties. In addition, the proximity of these two proposed properties to each other would fail to respect the spaciousness of the nearby properties. As a result, this part of the development would contrast abruptly with the character of this part of Ewhurst Lane and the attributes described above that contribute positively to its character.
8. The proposed development would be visible from the public footpath which crosses the field to the south, which is on higher ground. Through the introduction of two storey houses at the back of the site and the associated subdivision of the land, the proposal would result in the loss of the existing open and verdant character of the back of the site, substantially diluting the transition which exists between the settlement and the open countryside. The location of properties behind others would also unfavourably contrast with the character of this part of the ribbon development. This would be notably exacerbated by the scale and bulk of the proposed properties at the back of the site which would heavily jar with the built forms in the immediate vicinity of the appeal site.
9. The proposed properties to the rear would be set on lower ground, and would include green roofs to the rear elevations. To some extent these features would assist in reducing their visual prominence. However, by reason of their bulk and design, which would include rear facing windows above the line of the green roof, it would still be apparent that those buildings conflict with the established character of the other buildings in the area. While the surrounding trees would provide some screening, this would be unlikely to sufficiently screen the development, and its poor relationship to the surrounding buildings, entirely or in perpetuity.
10. The developments on Cedar Close and Park View, which are visible from the public footpath to the south, are set closer to the village centre and integrate with the character of the properties within their immediate surroundings. As such the circumstances of those developments differ from the appeal site and in any event I have assessed the appeal scheme on its own individual merits.
11. As the design of properties along Ewhurst Lane is heavily mixed, a contemporary building design and materials would not cause visual harm to the character and appearance of the area. Further details of finishes and materials

could reasonably be secured by condition if the appeal scheme were otherwise acceptable, to ensure the development sat comfortably within its context. However, this would not overcome or alleviate the above concerns relating to scale, massing and positioning.

12. For the above reasons, the appeal scheme would harm the character and appearance of the area. It would also fail to conserve or enhance the special landscape character of the AONB. The appeal scheme would therefore conflict with Policies EN1, OSS3 and OSS4 of the Rother District Core Strategy (the CS) insofar as they require development to respect the character and appearance of the locality and protect and enhance where possible, the landscape character. It would also conflict with Policies DEN1 and DEN2 of the Rother District Development and Site Allocations Local Plan 2019 (the DSALP) which together require protection of the natural and built landscape character. Through the resulting harm to the AONB there is also conflict with paragraph 176 of the National Planning Policy Framework (the Framework), which requires that great weight be given to conserving and enhancing landscape and scenic beauty.
13. The appeal scheme would conflict with the aims of the High Weald AONB Management Plan 2019-2024, insofar as it seeks to enhance the architectural quality of the High Weald and ensure development reflects the character of the High Weald in its scale, layout and design.

Living Conditions

14. The occupation of the new houses would introduce activity and movement in an area that is currently a quiet residential garden. Despite this, given the proximity of other residential uses and given the quantum of housing proposed at the back of the site, any noise and disturbance generated by the proposed development is unlikely to be significant. I do not have substantive evidence to the contrary.
15. The proposed new access road would adjoin the boundary shared with Claremont, which has no habitable room windows in its main side elevation, but a rooflight within the side roof slope. A fence and landscaping are proposed on the boundary, which could adequately prevent glare from headlights of passing vehicles, and their delivery could reasonably be secured by condition if the appeal scheme were otherwise acceptable. Given the particular characteristics of Claremont, the proposed boundary treatment, and small number of properties which would utilise the access, there would not be unacceptable harm to the living conditions of the occupants of that property.
16. Based on the evidence before me, the rear garden area of the appeal site is not accessible to local residents and the neighbouring properties benefit from outlook over it only at oblique angles and from their rear gardens. There are also wide alternative outlooks away from the appeal site and the rear properties would be some distance from the existing properties. Therefore, the loss of the open space itself, would not amount to unacceptable harm to the living conditions of the nearby occupants with regard to outlook.
17. For the reasons given, the proposal would comply with Policy OSS4 of the CS which requires that development does not unreasonably harm the amenities of adjoining properties.

Other Matters

18. The Council accept that they do not have an up-to-date 5 year housing land supply. However, the application of policies in the Framework that protect areas or assets of particular importance, in this case the harm to the AONB, provides a clear reason for refusing the development proposed. Therefore, in accordance with paragraph 11d) of the Framework, paragraph 11d)ii is not engaged.
19. The proposal would make a contribution to the Council's housing stock in a location accessible to certain services and facilities. In addition, it would deliver environmental benefits through the inclusion of green roofs, a bio-sewer system, and through the houses being designed for energy conservation. The proposal would also see the removal of the existing bungalow which is in a dilapidated condition.
20. The appellant refers to the provision of affordable housing, however there is no mechanism before me by which to secure the new homes as affordable units, as defined by the Framework. For this reason, I do not afford this weight as a benefit of the appeal scheme.
21. While I would attach moderate weight to the benefits given above, these are not sufficient to outweigh the harm I have found for the reasons I have given.

Conclusion

22. For the above reasons, having taken account of the development plan as a whole, the approach in the Framework, along with all other relevant material considerations, the appeal should be dismissed.

C Shearing

INSPECTOR