



Appeal Decision

Site visit made on 10th August 2022

by Megan Thomas Q.C. Barrister-at-Law

an Inspector appointed by the Secretary of State for Levelling Up, Housing and Communities

Decision date: 8th September 2022

Appeal Ref: APP/U1430/D/22/3294337

38 Thorne Crescent, Bexhill, TN39 5JH

- 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 Daniel Talbot against the decision of Rother District Council.
 - The application Ref. RR/2020/1791/P, dated 25 September 2020, was refused by notice dated 10 February 2022.
 - The development proposed is rear extensions at ground floor and first floor.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in the appeal are the cumulative effect of the proposal with other existing extensions at the appeal site on the living conditions of the occupants of no.40 Thorne Crescent in relation to outlook and light, and the cumulative impact on the character and appearance of the host dwelling and wider rural area.

Reasons

Living conditions of occupants at no.40 Thorne Crescent

3. No.38 Thorne Crescent is a two storey detached house on the south side of Thorne Crescent. The road is predominantly residential and includes bungalows as well as two storey dwellings. No.40 is situated to its north east and is also a detached two storey house. No.38 has a rear garden with some outbuildings within it. It has a rear gate out to a public footpath which runs along the rear of some of the properties in Thorne Crescent. Both rear gardens at nos 38 and 40 are orientated in a broadly south-easterly direction.
4. The proposal is to construct a ground floor rear extension which would be flush with the eastern flank of the main house, and to construct a first floor extension on the existing ground floor single storey rear part of the main house which is also on its eastern side. The proposed new ground floor element would have a flat roof with roof lights and would be about 4 metres deep. The first floor extension would have an unsymmetrical pitched roof with a low eaves line on the eastern flank wall. The increase in the height of the eastern flank wall in order to facilitate the first floor extension would be in the region of 1 metre deep for a depth of about 3.4 metres. A first floor high level window and a new

ground floor window would be inserted into the eastern flank wall. There would be no windows in the ground floor extension's eastern flank wall.

5. No.38 has been extended previously, pursuant to a planning permission granted in 2010.
6. At its rear no.40 has a protruding rear element but its rear building lines sit behind the main rear building line of no.38. The protruding rear element at no.40 has, amongst other things, a flank window facing the appeal site. The house also has a pergola over part of its rear garden attaching to the house on its western rear side. There is a close-boarded fence on the common boundary with no.38.
7. Notwithstanding previous extensions at the appeal site, the proposed development would result in an undue sense of enclosure for the occupants of no.40 Thorne Crescent. Whilst in relation to the proposed first floor extension, care has been taken to use roof hips, a lower ridge and to keep the increase in flank wall height to about 1 metre, nevertheless the impact of the proposal on living conditions at no.40 would not be acceptable. It is clear from what I saw of no.40 on my site visit that outlook from the many windows at ground floor level at the western side of the property is important to maintaining reasonable living conditions at the property. In addition to this the outdoor amenity area at the rear on the western side of the garden is important for the same reason. Given the height and depth of development proposed at the appeal site at both first floor and ground floor level and the proximity of the two houses, there would be an unacceptable loss of outlook for occupants of no.40 when inside and when in parts of the rear amenity area.
8. I am also concerned that the proposal would remove some daylight reaching the ground floor western flank window in the main house, the western facing window in the rear protrusion of the main house and the ground floor window in the main house facing the rear amenity/pergola area. I judge that sufficient light would be lost to the property to warrant refusing permission on the basis of loss of light.
9. I conclude therefore that the proposed development would unacceptably harm living conditions of occupants of no.40 Thorne Crescent by reason of loss of outlook and light. I have come to this conclusion irrespective of the implementation of previous planning permission for extending the property. In terms of adopted development plan policy, the proposed development would be in conflict with policy OSS4(ii) of the Rother Local Plan Core Strategy (adopted 2014) and policy DHG9(i) of the Rother Development and Site Allocations Local Plan (adopted 2019).

Character and appearance

10. The appeal site is located in the countryside in policy terms, as distinct from dwellings which are within a defined settlement envelope. Whilst views of the rear of the house from public vantage points would be likely to be limited in number, there would be some harm to the rural character and appearance of the location from the resulting cumulative bulk of the building.
11. The appeal site property has previously been extended on its north eastern side and this included a two storey element. The extent and nature of the proposals before me would make it difficult to discern the original form of the house when

viewing from private or public locations. The original character of no.38 would be lost and the resulting bulk of the house would result in a built development that would appear squeezed into its plot.

12.I agree with the Council that it would make the appeal site more conspicuous in relation to neighbouring developments which would detract from the landscape setting of this rural location.

13.Overall, I conclude that the proposal would be detrimental to the character and appearance of the host dwelling and landscape setting of the rural location and would be contrary to policies OSS4(iii), RA3(iv & v), EN1(v) and EN3(i & ii) of the adopted Rother Local Plan Core Strategy (adopted 2014) and policies DHG9 (ii, iii & vi) and DEN1 of the Rother Development and Site Allocations Plan (adopted 2019).

Conclusion

14.I have taken into account all representations made, including the benefit of extra living space at the appeal site and the potential benefit to privacy for the occupants of no.38 and 40 Thorne Crescent as a result of the appeal scheme. However, the harm I have identified above is not outweighed by other considerations and consequently, for the reasons given above, I dismiss the appeal.

Megan Thomas Q.C.

INSPECTOR