



Appeal Decision

Site visit made on 25 October 2022

by C Hall BSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th November 2022

Appeal Ref: APP/U1430/D/22/3292278

3 Church Cottages, Church Road, Mountfield TN32 5JS

- 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 C Norman against the decision of Rother District Council.
 - The application Ref RR/2021/2164/P, dated 7 September 2021, was refused by notice dated 15 December 2021.
 - The proposed development is for the construction of a replacement garage/carport.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issue is the effect of the development on the character of the dwelling and the surrounding area, including the High Weald Area of Outstanding Natural Beauty (AONB) and the setting of All Saints Church, a Grade I Listed Building.

Reasons

3. The appeal site relates to an end-terrace cottage sited in a backland location off Church Road with a detached single garage and off-street parking at one end of the front garden. The land abuts a churchyard set within wider open countryside.
4. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that when assessing proposals for new development which affects the setting of a listed building, special attention shall be paid to the desirability of preserving its setting. Paragraph 199 of the National Planning Policy Framework (the Framework) advocates that when considering the impact of a development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
5. The existing garage is low level in nature with a very shallow pitch roof; when viewed from the churchyard and along the driveway from Church Lane it does not appear dominant within the context of the surrounding mature and established vegetation. As such it has a limited impact on the locality, it does not compete with the host property or the intrinsic character of the adjacent churchyard and Grade I Listed Building.

6. In contrast, the proposed replacement garage/carport would be significantly larger, particularly in respect of its height. Whilst I appreciate that the appellants have amended the scheme and would like a steep pitched roof, the inordinate height of the scheme would tower over the boundary hedgerow between the churchyard and the curtilage of the appeal dwelling. When seen across the All Saints Church setting it would challenge the scale of existing built form and landscape features, appearing excessive for an ancillary outbuilding in this sensitive locale. This would also be detrimental to the wider AONB.
7. While the resultant harm would be less than substantial, the appeal proposal would nevertheless fail to preserve and enhance the setting of the Grade I listed building at All Saints Church. The Framework states that when considering the impact of a development on the significance of designated heritage assets, great weight should be given to the asset's conservation. The harm to the setting of the listed building would be less than substantial, yet any public benefits do not outweigh the harm identified. This is a matter to which I give considerable importance and weight.
8. I conclude that the scheme would result in harm to the character and appearance of the dwelling and the surrounding area, including the High Weald AONB and the setting of All Saints Church, a Grade I Listed Building. It would contravene Policy DEN2 of the Rother District Council Development and Site Allocations Local Plan (2019) and Policies OSS4, RA3, EN1, EN2 and EN3 of the Rother Local Plan Core Strategy (2014). Taken together, these seek to secure new development of acceptable scale and appearance that conserves heritage assets and the character of the landscape. It would also be inconsistent with the advice in the Framework, which states that good design is a key aspect of sustainable development and it is desirable for new development to make a positive contribution to local character and distinctiveness.

Conclusion

9. Given the above and all matters raised, the appeal fails.

C Hall

INSPECTOR