



Appeal Decision

Site visit made on 15th November 2022

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

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

Decision date: 12 December 2022

Appeal Ref: APP/U1430/W/22/3296258

81 Cooden Drive, Bexhill TN39 3AN

- 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 Philip Smith/Anomaly Consultants against the decision of Rother District Council.
 - The application Ref.RR/2021/1519/P, dated 16 September 2021, was refused by notice dated 16 November 2021.
 - The development proposed is "demolition of an existing bungalow and garage, replacement with four flats and a family dwelling, parking for nine cars, stopping up of an existing driveway access on Cooden Drive and construction of a new access and highway crossover on Pages Avenue".
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Decision

1. The appeal is allowed and planning permission is granted for demolition of an existing bungalow and garage, replacement with four flats and a family dwelling, parking for nine cars, stopping up of an existing driveway access on Cooden Drive and construction of a new access and highway crossover on Pages Avenue at 81 Cooden Drive, Bexhill TN39 3AN in accordance with the application Ref.RR/2021/1519/P, dated 16 September 2021, subject to the following conditions:
 - 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
 - 2) The development hereby permitted shall be carried out in strict accordance with the following plans:
 - Drawing no. RW1811_100A dated August 2018
 - Drawing no. RW2105-1-01B dated 23 September 2021
 - Drawing no. RW2105-1-02 dated May 2021
 - Drawing no. RW2105-1-03A dated 15 September 2021
 - Drawing no. RW2105-1-04 dated May 2021
 - Drawing no. RW2105-1-05 dated May 2021
 - Drawing no. 2105-1-06 dated May 2021
 - Drawing no. RW2105-1-07 dated September 2021.
 - 3) No development above ground level, except for demolition, shall take place until samples or additional details of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning

authority. Development shall be carried out in accordance with the approved details.

- 4) No development above ground level, except for demolition, shall take place until the hard and soft landscaping details, including details of any external lights, for the site have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved.
- 5) The development hereby approved shall not be occupied until the parking and turning areas have been provided in accordance with approved drawing no. RW2105-1-07 dated September 2021 and the areas shall thereafter be retained for that use and shall not be used other than for the parking and turning of motor vehicles.
- 6) The dwellings hereby approved shall meet the requirement of no more than 110 litres/person/day water efficiency set out in Part G of Schedule 1 of the Building Regulations 2010 (as amended) for water usage. The dwellings hereby permitted shall not be occupied until evidence has been submitted to and approved in writing by the local planning authority to demonstrate that the dwellings have been constructed to achieve water consumption of no more than 110 litres per person per day.
- 7) The dwellings hereby permitted shall not be occupied until they have been constructed in accordance with Part M4(2) (accessible and adaptable dwellings) of Schedule 1 of the Building Regulations 2010 (as amended) for access to and use of buildings.

Main Issue

2. The main issue in the appeal is the effect of the proposal on the character and appearance of the area.

Reasons

3. The appeal site is located on the corner of the Pages Avenue and Cooden Drive junction. It consists of a detached dwelling and garden and its access is off Cooden Drive. The surrounding area is typically characterised by a mix of detached, one and two storey dwellings set within spacious plots with wide frontages defined by low boundary walls and hedging. Dwellings generally follow a common building line and sit away from their front boundary. The appeal site shares these characteristics.
4. The building to the south of the appeal site is Colwall Court and this is not typical of the area to the extent that it is a three storey apartment block. On the east side of the appeal site is 79 Cooden Drive and this is a two storey house. The site slopes by about a metre from Colwall Court down to Cooden Drive.
5. The proposal is to demolish the existing bungalow and erect a building of four flats and an attached family house comprising a single storey with a dormer roof. The existing in-out accesses on Cooden Drive would be reduced to a single access for flats 2-4 and a new access onto the site from Pages Avenue is

proposed for flat 1 and the family house. The two ground floor apartments and the family house would have private gardens.

6. The frontage width of the proposal facing Cooden Drive is about 18 metres and this is similar to the frontage of the existing bungalow and its attached garage. The proposed return would face Pages Avenue and would in part be single storey but with rooms in the roof. In my view, the L-shaped building would be suitable for this particular corner site. The proposed building lines would broadly mimic the neighbours on Cooden Drive and Pages Avenue, making the building blend with rather than unduly dominate the area.
7. The height of the proposed building on Cooden Drive would be no higher than its neighbour at no.79 and it has been successfully designed to be visually congruous in style and form with no.79. It would not appear as a block of apartments in the way that Colwall Court does. The return facing Pages Avenue would in part present a more subservient building and would allow a meaningful visual gap between itself and the much larger Colwall Court. Its scale and form would be varied in storey height, roof-line and dwelling type and would also reflect consistent architectural elements and detailing taken from the style of original houses in the neighbourhood.
8. The on-site parking areas would be larger than those generally found in the area but nevertheless would be an effective use of land in this built-up area within the Bexhill development envelope, where on-site parking is well established. The fact that it is proposed that the family house shares a car parking area with unit 1 is not a reason, in my view, to reduce the planning merits of the scheme. It seems to me it would be a workable arrangement. In terms of amenity space on site the scheme would meet the Council's policy expectations and there would be sufficient land for hard and soft landscaping such that the overall development would not appear unduly cramped or contrived.
9. Consequently, I conclude that the proposal would not adversely impact the character or appearance of the area. It would not be contrary to policies OSS4(iii), BX1(i) or EN3 of the Rother Local Plan Core Strategy (adopted 2014) or the NPPF.

Other Matters

10. The appeal site is accessibly located within the development boundary and the proposal would bring benefits primarily from the provision of 4 (net) additional dwellings and from economic investment. The scheme makes adequate provision for parking and waste and recycling provision. Whilst there would be an increase in traffic movements associated with the site, the Highway Authority has not raised any concerns over highway safety or capacity issues and I am satisfied that the impacts are not sufficient to warrant refusal of the scheme.
11. With regard to potential loss of outlook, light or overlooking to/for occupants of nearby dwellings, the separation distances between proposed windows and proposed relevant elevations are sufficient to avoid undue loss of light, privacy or outlook. I also consider the parking arrangements to be adequate and located in areas where undue noise and disturbance would not be caused to neighbours. There is no evidence to suggest that there would be a loss of

biodiversity on the site sufficient to warrant refusal of permission. The local planning authority raises no concerns over any of these matters either.

12. Matters related to potential restrictive covenants are outside the remit of planning appeals.
13. As to setting a precedent for the future, I have considered this scheme on its own particular merits, including its own unique spatial and amenity relationships to properties around it and I am satisfied that precedent does not provide a reason for refusing the scheme in this case.

Conditions

14. The Council suggested a number of conditions in the event that the appeal was successful. I have considered the imposition of conditions in the light of advice in national planning practice guidance. For the avoidance of doubt, I have imposed a condition tying the development to the relevant submitted plans. In order to preserve the character and appearance of the area there is a condition requiring materials used on external surfaces to be approved by the local planning authority and there is a condition securing approval of hard and soft landscaping schemes. There is also a condition securing water use efficiency which is in the interests of sustainability and there is a condition providing Part M4(2) compliance to ensure an acceptable standard of access and adaptability to the units.

Conclusion

15. I conclude that the proposal would be in accordance with the adopted development plan and that there are no material considerations which indicate that permission should be refused. Having taken into account all representations made, for the reasons given above, I allow the appeal and grant planning permission subject to conditions.

Megan Thomas K.C.

INSPECTOR