



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/22/3290297

3 & 5 Gunters Lane, Bexhill TN39 4EB

- 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 D Saunders & Dale Saunders Holdings Limited against the decision of Rother District Council.
 - The application Ref.RR/2021/1151/P, dated 5 May 2021, was refused by notice dated 17 December 2021.
 - The development proposed is a "two storey rear extension to number 3 and single storey rear extension to number 5, existing pair of cottages. Side extension to provide an additional 3 bedroom dwelling".
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I have taken the description of the proposed development from the Decision Notice rather than the Planning Application Form because it more accurately describes what is sought in this appeal. I have also described the location of the development as both 3 and 5 Gunters Lane rather than just 5 Gunters Lane because the proposed development impacts both properties, amongst other things.

Main Issues

3. The main issues in the appeal are the effect of the proposal on the living conditions of the occupants of no.1 Gunters Lane with regard to light and outlook and the effect of the loss of off-street car parking space for the occupants of no.5 Gunters Lane.

Reasons

Living conditions at 1 Gunters Lane

4. 3 & 5 Gunters Lane are two storey attached cottages located on the western side of Gunters Lane. A third cottage to the north of no.5 has been constructed to form a terrace of three cottages. On one of the submitted plans, no.3 is called Newton Cottage, no.5 is called Windsor Cottage (the central cottage) and

the additional cottage is called Kensington Cottage. Each have a rear garden. The rear garden to Kensington Cottage is smaller in length because four off-road parking spaces are shown to the rear/west of its garden. The parking spaces are accessed off Beatrice Walk which is a small development of houses and flats to the north of the appeal site. The site is within the development boundary for Bexhill.

5. The application which is the subject of this appeal followed the grant of planning permission on appeal for a single storey rear extension to 3 and 5 Gunters Lane (Newton Cottage and Windsor Cottage) and a side/north extension to Windsor Cottage to form an additional two bedroom cottage. This decision is referenced W/4001845 and is dated 5 March 2021.
6. The appeal decision permits single storey extensions at the rear of 3 and 5 Gunters Lane about 2 metres in depth. The current proposal is for a two-storey rear extension at the rear of 3 Gunters Lane which would be about 2.5m in depth converting the dwelling from a two-bedroom dwelling to a three-bedroom dwelling. The single-storey rear extension to 5 Gunters Lane is also proposed to be deeper compared to the appeal permission at about 2.5 metres, however the property would remain a two-bedroom dwelling.
7. The side extension related to the new dwelling, Kensington Cottage, is also to have the additional depth at the rear which would again be used to create an additional bedroom, meaning the property would be three-bedroom compared to the two-bedroom dwelling which was approved by the appeal decision.
8. The proposed two-storey rear extension to 3 Gunters Lane would have a hipped roof with an eaves height of about 4 metres and a ridge height of about 5.8 metres. Alterations to the parking layout are sought in order to provide no.3 and the new dwelling with parking, instead of providing parking for no.5 and the new dwelling. No .5 would no longer have any allocated parking. The four spaces are arranged as tandem parking in two columns.
9. No.1 Gunters Lane is a detached two storey dwelling that lies to the south of no. 3 Gunters Lane. Its rear elevation is orientated towards the flank elevation of no.3 rather than being perpendicular to it. The angle between the respective flank walls of nos 1 and 3 is approximately 31 degrees. The two properties are in close proximity to each other with a distance of approximately 3.5 metres between the rear of no.1 and the flank of no.3. No.1 Gunters Lane has rear windows at both ground and first floor level.
10. Given the proximity of the two properties, the two storey rear extension of the size and scale proposed in this appeal would result in an unacceptable sense of enclosure for the occupants of no.1 Gunters Lane when in their rear garden or when looking out of their rear rooms. The resulting flank wall of no.3 would loom large in these views and be oppressive and overbearing. Furthermore, whilst the resulting flank wall of no.3 is unlikely to block sunlight from the rooms and garden of no.1 it would nevertheless reduce daylight to the rooms and garden resulting in an unacceptable loss of light for the occupants of no.1. In coming to these conclusions I have borne in mind the depth of the flank wall of no.3 permitted by the planning appeal decision but nevertheless I consider that what is proposed in this appeal would result in unacceptably harmful amenity impacts.

11. Consequently, I conclude that the proposed two storey extension at no.3 Gunters Lane would result in unacceptable living conditions for the occupants of no.1 Gunters Lane when in their rear rooms and in their garden, in respect of loss of outlook and loss of light. There would be conflict with policy OSS4(ii) of the Rother District Core Strategy (adopted 2014).

Effect of Parking Arrangements for 5 Gunters Lane

12. Condition 4 of the planning permission granted on appeal on 5 March 2021 requires two parking spaces to serve Kensington Cottage and two parking spaces to serve no.5 Gunters Lane (Windsor Cottage) as shown on a layout plan pertaining to the permission. The development proposed as part of the current appeal would increase the number of bedrooms at no.3 (Newton Cottage) from two to three and the number of bedrooms at Kensington Cottage from two to three. Both those cottages would have two off-street parking spaces available to them, however, no.5 Gunters Lane would have none.
13. The Council is concerned about the lack of off-street parking for no.5 Gunters Lane and consider that this would be contrary to policy TR4(i) of the Core Strategy. Amongst other things, policy TR4(i) requires development to meet the residual needs of the development for off street parking having taken into account localised circumstances and having full regard to the potential for access by means other than the car, and to any safety, congestion or amenity impacts of a reliance on parking off-site whether on-street or off-street.
14. I do not agree that there would be any planning harm from no.5 Gunter's Lane having no dedicated off-street parking. When two cottages were in existence there was no off-street parking for no.3 Gunters Lane. When considering the parking provision for three cottages, the proposed four off-street spaces (two for Newton Cottage and two for Kensington Cottage) would in my view be adequate. There is some on-street parking available and the site is in the development boundary of Bexhill with some potential for non-car modes of transport. I am satisfied that if on-street parking occurred this would not breach policy TR4(i).
15. The Council is also concerned about the effect of the proposed parking on the amenities of the occupants of no.5. Whilst the proposed parking area would not be available to no.5, it would be adjacent to part of its (fenced off) rear garden and the occupants of no.3 Gunters Lane would access their rear garden from their parking area via a path which would skirt two sides of no.5's rear garden. However, whilst there would be vehicle and pedestrian movements associated with the two outer cottages I am satisfied that the potential noise or disturbance would be either too infrequent or too distant to amount to a harmful impact on the amenity of the occupants of no.5.
16. On this issue, I conclude that the proposed parking arrangements are adequate, and acceptable in amenity terms. There would be no breach of policy TR4(i) of the Rother District Core Strategy (adopted 2014).

Conclusion

17. Whilst I am satisfied that the parking arrangements would not cause harm, I have identified unacceptable harm to the occupants of no.1 Gunters Lane. I have weighed the benefits that would flow from the proposed development against the identified harm and I conclude that the benefits are outweighed by the adverse impacts. Having taken into account all representations made, for the reasons given above I dismiss the appeal.

Megan Thomas K.C.

INSPECTOR