



Appeal Decision

Site visit made on 22 November 2022

by G Ellis BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 December 2022

Appeal Ref: APP/C1435/D/22/3293538

Elma Cottage, Horebeech Lane, Horam TN21 0HP

- 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 Mrs Nicholls against the decision of Wealden District Council.
 - The application Ref: WD/2021/2079/FR, dated 5 August 2021, was refused by notice dated 28 January 2022.
 - The development proposed is the erection of a timber framed greenhouse, timber framed potting area with GRP roof and installation of a metal roller garage door to existing timber car port.
-

Decision

1. The appeal is allowed, and planning permission is granted for the erection of a timber framed greenhouse, timber framed potting area with GRP roof and installation of a metal roller garage door to existing timber car port at Elma Cottage, Horebeech Lane, Horam TN21 0HP in accordance with the terms of the application, Ref WD/2021/2079/FR, dated 5 August 2021, subject to the following conditions:

1) The development hereby permitted shall be carried out in accordance with the following approved plans: Elma/01, Elma/02 Rev A and Elma/03 Rev A.

Procedural Matter

2. The proposal is in part retrospective with the greenhouse and timber framed potting area have been erected, however as I saw on my site visit the car port remains open.
3. The Council's objection is restricted to the metal roller garage door to the car port. They do not have any concerns with the other elements proposed and I have no reason to take a different view. I have therefore limited my considerations to the alterations to the car port.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the area.

Reasons

5. The detached two storey property has an attached car port to the side which was allowed on appeal¹ in 2019. The car port extends up to the shared

¹ APP/C1435/D/19/3236365

boundary with the neighbouring property, The Willows, which has a detached garage adjacent to the boundary. Most of the properties in the locality have garages, and as illustrated by the appellant those in the immediate vicinity along Horebeech Lane and Horam Park Close primarily have single metal doors.

6. The appeal property is part of a group of three newer houses, and the area is going through a period of transition with a new housing estate in the process of being built further along Horebeech Road to the east. As such the appearance of Horebeech Road does not exhibit such a rural character that maybe it once did, although the appeal site is surrounded by older residential properties. While there are some examples of side hung timber doors, particularly to the garages of the older bungalows, I do not find they are a distinctive feature of the area, nor have I been directed to any policy or guidance which directly protects or promotes a specific design or method for garage openings.
7. The scale of the existing car port is subservient to the host property, set back and screened from the road. The enclosure of the frontage with a door would be reflective of other garages in the vicinity. The materials would be sympathetic to the host property, and, in my opinion, the door would not be an incongruous feature or increase the prominence of the structure.
8. In conclusion, I therefore find that the addition of a roller garage door to the existing car port would be in keeping with the general appearance of the area. Thus, it would be compliant with policies EN1, EN27 and HG10 of the Wealden Local Plan (WLP) (December 1998), and the National Planning Policy Framework, which, amongst other things, seek to ensure that the scale, materials, and appearance of development leads to a high standard of design and relates sympathetically to its surroundings. In addition, it would reflect the guidance in the Wealden Design Guide which in relation to garaging indicates that the size and details of doors should be in keeping with the character of the main building and locality.

Other Matters

9. Concerns have been raised regarding development taking place prior to obtaining planning permission, the planning history and that permitted development rights have been removed. However, these aspects do not prevent further development and as required I have considered the proposal on its own merits in accordance with the development plan.
10. The reason for refusal also asserts conflict with WLP policy EN8 which relates to protecting the agricultural landscape of the Low Weald. In my view, as the proposal is for alterations to an existing residential property within the built-up area of Horam this policy is not of direct relevance.

Conditions and Conclusion

11. As the development has already commenced a timescale condition is not required. However, a condition to ensure compliance with the plans is necessary and they also provide details of the materials.
12. Overall, I find that the proposal is an appropriate form of development and for the reasons set out, and having regard to all other matters raised, the appeal is allowed.

G Ellis

INSPECTOR