



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: 22 December 2022

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

104 & 106 Framfield Road and 1C Selby Road, Uckfield TN22 5AT

- 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 A Denyer against the decision of Wealden District Council.
 - The application Ref: WD/2021/2819/F, dated 9 November 2021, was refused by notice dated 31 January 2022.
 - The development proposed is a new garage building.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on; (i) the character and appearance of the area, and (ii) the occupiers of 102 Framfield Road, with regards to overshadowing and overbearing impact.

Reasons

Character and Appearance

3. The appeal site is along Selby Road, to the rear of Nos.104 & 106 Framfield Road (Nos 104 & 106). It is within a residential area and a similar visual gap in the built form is found to the opposite side of Selby Road, created by the long gardens to the corner properties running adjacent to the road. No.1C Selby Road (No.1C) has already been constructed in what would have been part of the rear gardens to Nos.104 & 106, and the remaining garden space (the appeal site) contains a number of outbuildings.
4. The proposed triple garage would be attached to the side of No.1C and would infill the whole width of the space with very limited separation to the rear of No.106. A rear projection would also extend to the boundary with No. 102 Framfield Road (No.102). This would create an extensive structure with a large footprint, and whilst the existing outbuildings have a similar coverage these are limited in height and are principally screened by the boundary fencing.
5. The proposed garage would have a significantly greater presence. Due to its scale and height the building would result in a loss of spaciousness in the street scene, to the detriment of the character of the area.
6. The general design of the garage has an ancillary appearance and together with the materials would be an enhancement to the somewhat jumbled arrangement of the existing outbuildings. However, the Council indicate that

some of these existing structures are unauthorised, and moreover it is the combined height and massing of the proposed building which would be intrusive and have a dominating effect.

7. I acknowledge that, depending on the siting, outbuildings with a roof up to 4m in height, can be erected under permitted development rights. Nonetheless this proposal is not for an outbuilding to an individual dwelling. A co-ordinated approach can have benefits, but in this case given the existing reduced gardens of Nos.104 &106 and 1C, the scale of the garage would appear disproportionate to its setting and its juxtaposition with the surrounding buildings out of keeping with the prevailing pattern of development. The surrounding properties are those which would benefit from the development; however, this does not override the need for the proposal to be considered in accordance with the development plan, and the benefits of the proposal would not outweigh the harm I have found.
8. Overall, I find that the garage would be harmful to the character and appearance of the area. Accordingly, I find conflict with saved Policies EN27 and HG10 of the Wealden Local Plan 1998 (WLP), Policy WCS14 of the Core Strategy Local Plan (2013), guidance set out in the Wealden Design Guide (2008) and the National Planning Policy Framework (the Framework) (paragraphs 124, 127 and 130) all of which seek to ensure high quality design which does not harm the character or appearance of the locality, and that the scale of development is appropriate and sympathetic in relation to existing buildings.

No.102 Framfield Road – living conditions

9. The rear projection would be adjacent to the side boundary of No.102 with primarily the gable end of the roof visible above the boundary fencing. Due to the height and proximity the building would have a visual presence and at times it would cast shade on the garden. However, given that No.102 is to the west of the appeal site and that the garage would be sited approximately halfway down the garden, in my opinion, the proposal would not result in a significant overbearing impact or overshadowing to the detriment of the occupiers' enjoyment of their garden.
10. I therefore conclude on this matter that the proposed development would not be unacceptably harmful to the living conditions of the occupiers of No.102. Accordingly, in this respect, I find no conflict with WLP saved Policies EN27 which, amongst other things, seek to protect the living conditions of the occupiers of adjoining properties. Neither do I find any conflict in this respect with the Framework which requires decisions to ensure that developments create places with a high standard of amenity for existing and future users.

Conclusion

11. While I have not found direct harm to the living conditions of the occupiers of No.102, the proposal would fail to protect the character and appearance of the area and for the reasons set out the appeal is dismissed.

G Ellis

INSPECTOR