



Appeal Decision

Site visit made on 4 January 2023

by David Smith BA(Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 January 2023

Appeal Ref: APP/U1430/W/22/3293902

Teviot, Malthouse Lane, Peasmarch, TN31 6TA

- 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 Bright Develop Ltd against the decision of Rother District Council.
 - The application Ref RR/2021/1657/P, dated 2 July 2021, was refused by notice dated 10 November 2021.
 - The development proposed is 4 x bedroom dwelling with associated landscaping and driveway for two vehicles.
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Decision

1. The appeal is dismissed.

Main Issues

2. These are the effect of the proposed development on the character and appearance of the surrounding area and on highway safety along Main Street.

Reasons

Character and appearance

3. The appeal site is a triangular parcel of land accessed from the unadopted Malthouse Lane. A public byway runs along the south-eastern side. There are significant trees on the land and along its boundaries. Teviot to the north-east is a chalet bungalow whilst several modest bungalows face onto Malthouse Lane. Because of the profuse vegetation, the condition of the lane and the rights of way there is a sense of being on the edge of the countryside. Furthermore, the immediate area has an informal, rural feel to it.
4. The proposed two-storey dwelling would use materials of brick, clay tile hanging and plain clay roof tiles. Its design includes traditional forms with a catslide roof, hips and a single storey outshot. However, the effect of this would be to create 'busy' elevations that would contrast unfavourably with the generally simple forms and shapes of the adjoining buildings. In this way, it would not respect the locality.
5. The proposal would be about 1m taller than Teviot. Although the land falls away into the site, it would be significantly larger than the single storey buildings nearby. There is other two-storey development in the vicinity, including The Malthouse, housing fronting Main Street and the terraced housing at The Maltings. However, the appeal site has more affinity with the small enclave of bungalows and the proposed dwelling would predominantly be seen

in this context. Due to its design, height, site coverage and proximity to the site boundaries, it would appear overwhelming and overbearing.

6. Any development of the site would be visible and there is nothing wrong with buildings having a physical presence. However, because of its scale and mass the proposal would be out of place in its setting and overly obtrusive. Close boarded fencing is likely to be required for privacy and security but there is scope for this to be screened by planting to mitigate its visual impact. Landscaping would assist in assimilating the proposal into its surroundings but would not overcome the more fundamental objections identified.
7. The proposal would have an adverse effect due to its size and position and the unduly complex design. There would be harm to the character and appearance of the surrounding area as a result. The proposed development would also be contrary to Policies EN3 and OSS4 of the Rother Local Plan Core Strategy which set out general development considerations and require high design quality.

Highway safety

8. Malthouse Lane is 8.2m wide where it meets Main Street (A268) but 5m back from the junction the lane narrows to a width of 4.1m. *Manual for Streets* (DfT/DCLG, 2007) indicates that this should be sufficient for two cars to pass. The standard for shared vehicular accesses in East Sussex is 4.5m.
9. In practice, space would be tight for two vehicles to pass each other if one is turning into Malthouse Lane whilst the other is waiting to turn onto Main Street. In that scenario, future occupiers would need to exercise care and, in all likelihood, to pause briefly to allow the emerging driver to move off. In this event, a vehicle would be compelled to wait temporarily in the carriageway. However, given that Malthouse Lane only serves a few properties the chances of this occurring are not high. Furthermore, the A268 is straight at this point and subject to a 30mph speed limit, so passing traffic would have adequate opportunity to observe any manoeuvres taking place and respond accordingly.
10. Vehicles may already encounter one another at the junction. However, no accidents were recorded there between 2018 and 2020. There is therefore nothing to indicate that the restricted width of Malthouse Lane and its effect on turning traffic is intrinsically hazardous. As the proposal would only add a limited number of additional movements through the junction, there would not be an unacceptable impact on highway safety. Therefore no conflict with Policies TR3 and CO6 of the Core Strategy would occur. These seek to ensure adequate, safe access arrangements and strongly promote community safety.

Other Matters

11. The two parking spaces proposed should be sufficient for future occupiers and additional deliveries and/or visitors for a single dwelling would be unlikely to be cause significant inconvenience. There is no technical evidence that the visibility at the junction with Main Street is sub-standard.
12. The proposed dwelling would face towards the bungalows opposite. Given their proximity to the lane, their front gardens and windows are less private than those at the rear. In any event, the only upper floor window in the front elevation would light a staircase and therefore unneighbourly overlooking would not occur. The relationship between the proposal and nearby dwellings

would not seriously detract from existing living conditions in terms of light or outlook. Teviot would retain a reasonable sized curtilage.

13. Therefore none of these matters nor other points raised by people living near the appeal site add to the harm identified.
14. The proposed dwelling would make a modest contribution to the District's housing supply and would provide employment during construction. Whilst the Government's objective is to significantly boost the supply of homes, the National Planning Policy Framework also aims to create well-designed places. The benefits of the proposal do not outweigh the harm that would be caused in this respect.

Conclusion

15. There would be no unacceptable impact on highway safety but the character and appearance of the surrounding area would be harmed. There are no material considerations which indicate that the appeal should be determined other than in accordance with the development plan. Therefore, for the reasons given, the appeal should fail.

David Smith

INSPECTOR