



Appeal Decision

Site visit made on 7 February 2023

by A James BSc (Hons) MA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd March 2023

Appeal Ref: APP/U1430/W/22/3292806

1 Brickfield, Peasmarch TN31 6SS

- 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 Peter Bedborough against the decision of Rother District Council.
 - The application Ref RR/2021/2888/P, dated 27 November 2021, was refused by notice dated 11 February 2022.
 - The development proposed is described as 'south east extension over part of existing footprint to form 1 bedroom maisonette.'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the description given on the original application form.
3. Although alternative schemes have been submitted by the appellant, I have determined the appeal based on the plan considered by the Council, which for the avoidance of doubt is drawing no 10/21/006. I note some discrepancies on this plan, but it is clear from the delegated report that the Council determined the application based on front and rear extensions of the same projections. I have therefore considered the appeal on this basis.
4. The site is located within the High Weald Area of Outstanding Natural Beauty (AONB). The Council has not raised any concerns in this respect and even when giving great weight to the landscape and scenic beauty of the AONB, I see no reason to disagree.

Main Issue

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

Reasons

6. The appeal property is a semi-detached chalet-style dwelling. It forms part of a development of semi-detached and terraced houses, which are of a similar style, modest in size and simple in form. Some of the properties within the estate front onto an open green. The appeal property is set back from the highway and has a garden that wraps around it. The uniformity of the dwellings and the landscaping that surrounds them make a positive contribution to the character and appearance of the area.

7. Adjacent to the site is a footpath that leads to garages and a parking court to the rear. To the other side of the footpath are bungalows that are largely screened from the public realm by existing vegetation.
8. The proposed front extension would fail to respect the existing front building line and would disrupt the symmetry of this pair of semi-detached dwellings. The proposed front projection would appear incongruous in the street scene and out of character with neighbouring properties, which currently have uniform and simple frontages, with limited front projections except porches. Although, the adjoining property is partially screened from the public realm by soft landscaping, I consider that the front extension by reason of its size, design and siting would unbalance and detract from the character and appearance of the existing building and cause significant harm to the street scene.
9. The proposed 2 storey side extension would be set in from the side boundary and would retain space between the property and footpath. The footpath provides further separation between buildings. Given the space that would be retained to the side boundary and as there are existing terraced properties within this development, I do not consider that the 2 storey side extension would be harmful. Furthermore, the proposed dormers would match the existing and are considered appropriate.
10. Although the rear extension would be similar in design to the front, it would be located on a far less prominent elevation and would not be harmful to the street scene or detract from the simplicity of the existing dwelling.
11. The appellant argues that the site has been cleared and improved in appearance to make way for the development. However, there is limited information before me of the condition of the site historically. There is also limited information regarding the proposed landscaping scheme. Nevertheless, I do not consider that new planting would mitigate the harm that I have identified.
12. Overall, because of the design of the front extension, I conclude that the proposed development would cause significant harm to the character and appearance of the area and the existing building. It would be contrary to Policies OSS4 and EN3 of the Rother Local Plan Core Strategy 2014, which require that new developments are of high-quality design and contribute positively to the character of the site and locality. These policies are consistent with the National Planning Policy Framework (the Framework), which seeks to achieve well-designed places that are sympathetic to local character.

Other Matters

13. The extension would allow the existing property to be divided in to 2 maisonettes, one of these would be occupied by the appellant's son who has learning difficulties. Section 149 of the Equality Act 2010 (the Act) sets out that disability is a relevant protected characteristic for the purposes of the Act. Therefore, I have had due regard to the need to advance equality of opportunity between persons sharing a relevant protected characteristic and persons who do not share it.
14. I can appreciate that extending the property to provide independent accommodation for the appellant's son with the reassurance and security of

family as a neighbour would be beneficial. While the appellant has expressed a willingness to consider alternative designs for the extension and has indicated that other suitable accommodation is not available locally, there is insufficient evidence to draw a conclusion that the design of the extension before me is the only reasonable option available to meet the appellants' needs. Even though I am sympathetic to the appellants' personal circumstances, because of the limited information provided I can only give moderate weight to the personal circumstances identified.

Planning Balance

15. The Council confirm that they are unable to demonstrate a 5 year supply of deliverable housing sites; however, there is no evidence of the level of shortfall. Although the site is located within a protected area for the purposes of footnote 7 of paragraph 11 of the Framework, the Council do not raise any concerns in this respect. I agree that the landscape and scenic beauty of the AONB would be conserved. Therefore, paragraph 11d(ii) of the Framework is engaged. As I have set out, the proposal would cause significant harm to the character and appearance of the area in conflict with the Framework.
16. The provision of an additional dwelling would have social and economic benefits supporting local services and facilities in an accessible location and would make a small contribution towards the Council's housing land supply. Although limited details have been provided, the provision of new planting and energy and water efficiency measures would have environmental benefits. Nonetheless, even if the supply shortfall is substantial, the contribution from one extra household would be small and these benefits carry limited weight in favour of the development.
17. I have also taken into consideration the personal circumstances of the appellant's family. However, I consider that the adverse impacts of the development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Conclusion

18. For the reasons given above, having regard to the development plan as a whole, the Framework and all other relevant material considerations, including the personal circumstances of the appellant's family, I conclude that the appeal should be dismissed.

A James

INSPECTOR