



Appeal Decision

Site visit made on 7 March 2023

by C Shearing BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th April 2023

Appeal Ref: APP/C1435/D/22/3313866

Sleepy Cottage, South Street, Rotherfield, East Sussex TN6 3LR

- 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 Scott Lelliott against the decision of Wealden District Council.
 - The application Ref WD/2022/2191/FR, dated 9 September 2022, was refused by notice dated 10 November 2022.
 - The development proposed is described as 'remove front wall to allow easy access'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the header above is taken from the application form. I have removed the latter parts of that description which are not a description of development.
3. I observed at the time of my site visit that development had been carried out similar to the proposed development, including partial removal of the front boundary wall.

Main Issues

4. The main issues are the effects of the proposal on the character and appearance of the area, with particular regard to the Rotherfield Conservation Area (the RCA) and the setting of listed buildings, and; the effects on highway safety.

Reasons

Character and Appearance

5. The RCA covers a significant part of the centre of Rotherfield. The Draft Conservation Area Character Appraisal for Rotherfield, despite being in draft form, describes the attributes of the RCA which contribute positively to its character, with a focus on its historic and architectural significance.
6. The appeal site lies within an area which comprised an expansion to the village in the 19th and early 20th century and is distinguished from the village core to the north by its lower density and residential character including gardens. The properties on the western side of the High Street, to the south of the appeal site, vary in their scale, appearance and set back from the street. However the presence of a front garden and a boundary treatment at the edge of the footpath are consistent features on this side of the road, punctuated by

predominantly pedestrian accesses. As the front boundary walls provide a strong sense of enclosure to the street, and accentuate the presence of front gardens in this part of the RCA, together they contribute positively to the character and appearance of the area, and consequently to the significance and appreciation of the RCA.

7. Sleepy Cottage is positioned in the middle of a row of three terraced homes of which the property to the north has been substantially altered to the front. The evidence demonstrates the appeal site previously had a continuous front boundary with a pierced brick design with rounded coping stone above and a wooden pedestrian gate. While this wall may have been altered over time, it was nonetheless a similar height to that on the attached property to the south, and followed the line of the other boundary walls to the south. As such, it would have contributed to the above mentioned character of the area.
8. The proposal has resulted in the loss of a significant portion of the front boundary wall and creation of a void within the otherwise continuous boundary treatment on the western side of the road. Such a gap is not characteristic of this group of properties and has resulted in the loss of the sense of enclosure and definition of the front garden in front of the appeal property. It also exposes the residential paraphernalia positioned within the front garden area and detracts from the simplicity of the street scene. In turn, the proposal does not preserve the character and appearance of the RCA and has caused harm to its significance.
9. The Council have identified a number of nearby listed buildings, including, closest to the appeal site, Barber's Cottage Rolands and Fiddler's Rose Cottage on the opposite side of the road, and Chapel House to the south, which are all grade II listed. While I do not have detailed evidence relating to their setting and the effects of the development on them, their setting nonetheless comprises the developments forming the High Street of the village and the varied treatment of buildings within it. While I have found the proposal would cause harm to the conservation area, by reason of the nature of the proposed development and its distance from those nearest listed buildings, I do not consider it would cause harm to their setting.
10. The absence of harm to the setting of the listed buildings, however, does not mitigate for or provide justification for the harm to the RCA. In line with the requirements of Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, I am required to have special regard to the desirability of preserving the character or appearance of the RCA, and this is a matter to which I attach considerable importance and weight. I find the extent of harm to the RCA to be less than substantial and, in line with paragraph 202 of the National Planning Policy Framework (the Framework) this should be weighed against the public benefits of the proposal.
11. The main benefit arising from the proposal is the provision of an off street parking space for use by the appellant. While this is a benefit private to them, rather than a public one, the use of the appeal site for parking could help to alleviate demand for on street parking in the vicinity of the site. I observed during my site visit that there were very few parking spaces available on the road. However, this was only a snap shot of time and I do not have substantive evidence before me relating to the level of on street parking demand at other times, or the difference that the appeal scheme would make to it. For this

reason, I am unable to ascribe more than little weight to the provision of off street parking as a public benefit. The provision of an electric vehicle charging point would provide some public benefit in terms of its sustainability credentials, however this benefit would be limited, given the scale of the proposal. For this reason, the public benefit would not outweigh the harm identified to the significance of the heritage asset.

12. In conclusion on this main issue, the proposed development has caused harm to the character and appearance of the area and caused less than substantial harm to the RCA which is not outweighed by public benefits. The proposal is in conflict with planning objective SPO2 of the Wealden Core Strategy Local Plan 2013 (the CS), and saved Policy EN9 of the Wealden Local Plan 1998 (the LP) which together require development to protect the intrinsic quality of the historic environment and features.
13. I do not have details of the alleged conflict with the Wealden Design Guide Supplementary Planning Document 2008. However, this does not alter the conflicts I have found with the development plan above.

Highway Safety

14. The proposal would provide parking for one vehicle. However there is not evidence, in the form of a fully dimensioned plan, to demonstrate the size of the parking space on the site accounting for the side boundary treatments and other paraphernalia which exists in the front garden area. It was evident from my site visit that a small car could fit within the parking area, positioned parallel to the street and without encroachment onto the highway. Despite this, a larger car would not be able to fit within this space and I do not have evidence to the contrary. A larger car would likely need to be positioned at an angle, where it would be likely to overhang the edge of the footpath. While the size of the parking space may be adequate for the current occupiers, it could not reasonably be ensured that all future occupiers would use only small sized cars.
15. Furthermore, the parallel parking arrangement, particularly into a tight area, would require multiple movements back and forth to manoeuvre the car into position. These would take place over part of the road and predominantly over the footpath, where multiple movements in this way would cause a hazard and obstruction to pedestrians. This is of particular concern here, given the proximity of a bus stop and a hairdressers immediately outside the site, where the footpath is likely to be used frequently.
16. Due to the size of the appeal site, it would not be possible for vehicles to turn on the site. While this is characteristic of many driveways, due to the walls and foliage on the site boundaries here, together with paraphernalia on the footpath, there is concern that appropriate visibility could not be achieved by the driver when exiting the site. A lack of visibility of the road and footpath would heavily prejudice highway safety. I do not have evidence to suggest that the appropriate levels of visibility could be achieved.
17. Taken together, for the reasons above, the proposal would cause harm to highway safety. The proposal would be contrary to policies TR3 and TR16 of the LP, as well as objective SPO13 of the CS, which require development to achieve satisfactory access and parking and safe environments. The proposal would

also conflict with the Framework insofar as it would cause harm to highway safety.

18. While other legislation exists outside the planning system to deal with obstructions to the highway, this nonetheless does not provide justification for the conflict with planning policy which has been found.

Other Matters

19. I note the personal circumstances of the appellant and their family, however I have little detail of the benefits the proposal would provide in relation to those circumstances. As such I am unable to give any substantial weight to those circumstances and they would not outweigh the harm identified, which would be significant and long lasting.
20. The appellant has highlighted other alterations in the nearby area which could be considered at odds with the character of the conservation area, including planters and brightly coloured paint work. However these may not have required planning permission and I do not find them to be similar in terms of their effects on the conservation area.
21. Policy WCS14 is referred to by the Council, which largely reiterates the presumption in favour of sustainable development at paragraph 11 of the Framework. As I have found that the proposal does not accord with the development plan, the proposal would not benefit from the presumption in favour of sustainable development.

Conclusion

22. Overall, the development would be contrary to the development plan as a whole. This conflict is not outweighed by other material considerations in this instance and the appeal is therefore dismissed.

C Shearing

INSPECTOR