



Appeal Decision

Site visit made on 2 May 2023

by A James BSc (Hons) MA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th June 2023

Appeal A Ref: APP/U1430/W/22/3305548

Broad Oak Lodge, Chitcombe Road, Broad Oak TN31 6EU

- 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 Edmonds of Express Housing Group Ltd against the decision of Rother District Council.
 - The application Ref RR/2021/1430/P, dated 11 October 2021, was refused by notice dated 22 February 2022.
 - The development proposed is demolition of existing outbuildings for the provision of four new 4 bed dwellings and one new 2 bed dwelling. All with associated proposed parking and landscaping.
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Appeal B Ref: APP/U1430/W/22/3307541

Broad Oak Lodge, Chitcombe Road, Broad Oak TN31 6EU

- 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 Edmonds of Express Housing Group Ltd against the decision of Rother District Council.
 - The application Ref RR/2022/1008/P, dated 19 April 2022, was refused by notice dated 10 August 2022.
 - The development proposed is demolition of existing outbuildings for the provision of two new 5-bed dwellings and one new 4-bed dwelling. All with associated proposed parking and landscaping.
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Decision

1. Appeal A is dismissed
2. Appeal B is dismissed

Preliminary Matters

3. As set out above, there are two appeals on this site. Both schemes seek to retain the existing bungalow and demolish 2 outbuildings. Appeal A proposes a new chalet-style bungalow adjacent to the road frontage and 4 nos. 2 storey dwellings. Appeal B proposes 3 nos. 2 storey dwellings. In both schemes, the 2 storey dwellings would be sited broadly in line with the existing bungalow. Both schemes also seek to close off the existing access and propose a new access in the western corner of the site.
4. I have considered each appeal on its individual merits. However, to avoid duplication I have dealt with the 2 schemes together, except where otherwise indicated.

5. Planning permission has been granted for a rear extension, rear dormers and other alterations to the existing bungalow (RR/2021/1558/P). At my site visit, I noted that these works have been substantially completed.

Main Issue

6. The main issue in both appeals is the effect of the proposed development on the character and appearance of the area, having particular regard to the High Weald Area of Outstanding Natural Beauty (AONB).

Reasons

7. The existing bungalow and outbuildings are single storey in height and modest in size. They are set back from the highway on lower level land and partially screened by existing landscaping. Consequently, the existing development within the appeal site is not prominent in views from the public realm.
8. The site lies within the development boundary for the village. This part of the settlement is characterised by residential development, which is surrounded by fields and woodland. Opposite the site is linear development, which extends slightly further to the west than the appeal site. The dwellings opposite are set back from the highway and have good sized plots. Development on the northern side of the road, is more irregular in its form and layout and steps down in height towards the western edge of the settlement boundary. Housing in the immediate locality is generally modern and consists of a variety of house types, including bungalows and 2 storey detached dwellings.
9. The appeal site lies within the AONB. The National Planning Policy Framework (the Framework) requires that great weight is given to conserving and enhancing the landscape and scenic beauty of AONBs. This part of the AONB is characterised by small villages nestled within a rolling landscape, which consists of irregular shaped fields and woodland, interspersed with ponds.
10. The approach to the village is green and leafy. The existing soft landscaping, low scale development and views through the properties to the countryside and woodland beyond reinforce the rural character of the village. The appeal site and low-key development within it currently provide an appropriate transition between the countryside and settlement, which make a positive contribution to the character and appearance of the locality, including the AONB.
11. The High Weald AONB – High Weald Housing Design Guide November 2019 (HDG) was adopted by the Council in 2020 and is a material consideration in the determination of these appeals. DG2 of the HDG requires that development at the edge of a settlement provides a soft transition with the adjacent countryside. In both schemes, the proposed 2 storey dwellings with large flank elevations close to the western boundary of the settlement and large expanse of hardstanding for the access, turning and parking areas would create a hard edge to the village. Even though the proposals would be partially screened by soft landscaping within and adjacent to the site, the appeal schemes would have a harmful suburbanising impact.
12. The 2 storey dwellings would fail to relate well to the existing built form within and immediately adjacent to the appeal site, which consists of bungalows and chalet-style bungalows. Although the proposed 2 storey dwellings would have a similar ridge height to the neighbouring chalet bungalow 'Abbeywood', the proposed dwellings would appear larger in scale, as a result of their 2 storey

form, higher eaves and greater mass at roof level. Furthermore, the proposed 2 storey dwellings would be of a greater height than the neighbouring property 'Little Oaks', which is a modest chalet bungalow located adjacent to the road frontage. The proposed 2 storey dwellings by reason of their size, height and siting would appear unduly dominant to the rear of this neighbouring bungalow and this arrangement would appear incongruous in the street scene.

13. Development is fairly tight knit on the opposite side of the road; however, single storey elements, such as garages help to provide gaps through to the landscaping beyond. Although the 2 storey dwellings opposite extend further to the west than the appeal site, they do not form a cul-de-sac style development. Neither do they form 2 layers of development that run parallel to the highway so are not comparable.
14. DG2 of the HDG seeks to avoid cul-de-sac arrangements, which lack permeability. Whilst there is another cul-de-sac a short distance from the appeal site, this scheme was approved under a different development plan and subject to different material considerations. The existing cul-de-sac also does not run parallel to the highway and consequently the properties are more discreetly tucked away. Furthermore, the access and parking does not dominate the development, as is the case in the appeal schemes before me. The dwellings within the existing cul-de-sac are also more spaciouly arranged than in either appeal scheme, with single storey garages aiding with this separation by providing visual relief at first floor level.
15. The adjacent pond is a landscape feature that is characteristic of the High Weald AONB. DG1 of the HDG requires that new development responds to existing High Weald landscape features within or adjacent to the site. Although the pond is outside of the appeal site and both schemes retain a notable gap to it, neither scheme address this landscape feature, with the nearest units having their side elevations facing the pond.
16. The parking for both schemes would predominantly be sited to the front of the dwellings. As a result, hard surfacing and parking would dominate the front of the development, creating a harsh, suburban environment, which would conflict with DG6 of the HDG. Both schemes also lack boundary treatment to the front of individual plots, which is characteristic of residential developments within the High Weald and would be contrary to DG4 of the HDG. Although post and rail fencing would provide an appropriate form of boundary treatment to the rear gardens, this would not alleviate my concerns regarding the nature of the built form.
17. DG7 of the HDG is clear that cladding must continue all the way around the first floor of a side elevation. Both schemes show tile hanging that would stop part way along the side elevation at no logical point. This is uncharacteristic of development within the High Weald and equates to poor design. I note the appellant's willingness to amend this aspect if required. Should the appeal(s) be allowed, details of materials could be sought by condition.
18. Whilst the roof pitches are lower than that specified within the HDG, I noted numerous other roofs in the locality with similar pitches and I do not consider that the proposed roof pitches would appear incongruous in this location.

Appeal A

19. Appeal A would provide a higher density scheme, with some of the 2 storey units sited on or close to their boundaries. In particular, the dwelling proposed closest to the edge of the settlement, would be sited very close to the western (side) boundary. Despite the half hip roof design, the side elevation of this unit would appear particularly tall and oppressive in this location. As such, the proposal would result in a cramped form of development, which would appear unduly prominent and incongruous at this edge of settlement location.
20. Plot 1 would be sited adjacent to the front of the site. It would have an awkward and irregular shaped roof, consisting of dormers, gables and gablets. The presence of first floor windows increases the prominence of the roof from the public realm. As a result of its size, design and siting, Plot 1 would appear unduly prominent in the street scene and erode the contribution that the site makes in providing a soft transition with the countryside. I acknowledge that the neighbouring bungalow 'Little Oaks' lies adjacent to the road frontage; however, the appeal site appears more rural in character and plays more of a transitional role at the edge of the settlement. 'Little Oaks' also has a far simpler roof design, with one small roof light visible on the front elevation and does not have a gable feature facing the road.
21. Plot 1 would have a poor relationship with the existing bungalow on the appeal site as it would be sited directly in front of it, at a relatively close distance. The provision of a new row of housing that runs directly to the rear and parallel to development along the frontage would appear incongruous in this location.
22. The parking area for Plot 1 would be sited adjacent to the new access and would be highly visible from the public realm. The extent of hard surfacing would have a suburbanising effect, which would be harmful to the character and appearance of the area.
23. Whilst the roofs have been designed to enable views to the woodland beyond, the variety of roof forms result in awkwardly proportioned buildings, which do not integrate well with the existing development on and adjacent to the site.

Appeal B

24. Appeal B is a lower density scheme, with more uniformed roofs and more space between dwellings. I acknowledge that the density would not be out of character with existing development in the locality. Even with a reduced density, the frontage parking would still dominate the development and the engineered access road with large turning head and pavement would have a suburbanising impact that would cause significant harm to the character and appearance of the area. For the aforementioned reasons, the proposed 2 storey development would fail to respond well to existing development and landscape features. The proposal would also erode the contribution the existing site makes in providing a soft transition to the adjacent countryside.
25. For the reasons given above, I conclude that both appeals would result in significant harm to the character and appearance of the area and would fail to conserve or enhance the landscape and scenic beauty of the AONB. The proposals would be contrary to Policies OSS4, EN1 and EN3 of the Rother Local Plan Core Strategy September 2014 and Policy DEN2 of the Development and Site Allocations Local Plan December 2019. These policies amongst other

matters require that developments conserve and seek to enhance the landscape and scenic beauty of AONBs, contribute positively to the character of the site and its surroundings and respect the landscape setting of buildings and settlements. The proposals would also be contrary to the HDG, which seeks that new development provides a soft edge to the countryside; avoids impermeable cul-de-sac arrangements; responds to existing High Weald landscape features within or adjacent to the site; and, avoids front of plot parking that dominates the street scene.

26. Whilst the High Weald AONB Management Plan 2019-2024 (MP) is only referenced in the reasons for refusal for Appeal B, I find that both schemes would be contrary to Objectives S2 and S3 of the MP, which amongst other matters seek to protect the historic pattern and character of a settlement; ensure that development enhances the architectural quality of the High Weald; and, that development reflects the character of the High Weald in terms of its scale, layout and design. Furthermore, the proposal would be contrary to the Framework, which seeks to conserve and enhance the landscape and scenic beauty of AONBs.

Planning Balance

27. The Council is unable to demonstrate a 5 year supply of deliverable housing sites. The appellant states that the Council currently has a housing land supply of 2.89 years, which is not disputed by the Council. This amounts to a substantial shortfall. In such circumstances, paragraph 11d of the Framework advises that the most important policies for determining the appeal are deemed to be out-of-date and planning permission should be granted, unless policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
28. The proposal would align with the objectives of the Framework, which seek to significantly boost housing supply, make efficient use of land, support the development of windfall sites and provide housing within locations that have good accessibility to services/facilities. The provision of 5 new dwellings in Appeal A and 3 new dwellings in Appeal B would make a modest contribution towards the Council's housing land supply, which I give moderate weight.
29. There would be economic investment from the construction of the developments and future residents would help to support local services and facilities, which I give moderate weight. There is the potential for environmental benefits, including new planting and biodiversity net gain; however, as full details of the environmental benefits are not before me, I give them limited weight. Overall, the social, economic and environmental benefits of the scheme carry moderate weight in favour of the development.
30. However, against these benefits, there would be harm to the character and appearance of the area and the proposals would fail to conserve or enhance the landscape and scenic beauty of the AONB, which I am required to give great weight.
31. The site is located within a protected area for the purposes of footnote 7 of paragraph 11 of the Framework. Both schemes would fail to conserve or enhance the landscape and scenic beauty of the AONB. The benefits of the developments would not outweigh the harm I have identified. Consequently,

the application of policies in the Framework that protect the AONB provide a clear reason for refusing the proposed developments in accordance with paragraph 11d(i). As such, the presumption in favour of sustainable development does not apply. Even if I had found paragraph 11d(ii) did apply, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Other Matters

32. Great Crested Newts (GCN) are confirmed to be present within the adjacent pond. The appeal site forms part of the terrestrial habitat for this species. GCN are a European Protected Species that are protected by law. The appellant has commissioned a survey to determine the population size of GCN present; however, the results of this survey are not before me. It is therefore not possible for me to ascertain the full effect of the development on this species and the appropriateness of the mitigation proposed. However, given my overall conclusions on these appeals, the population of GCN would be unharmed and it has not been necessary for me to consider this matter further.
33. Whilst I note that no objections were raised from the local highway authority or waste and recycling team, this does not alter my findings on the schemes.
34. In respect to the conduct and procedures of the Council, this is not a matter that has affected my findings on the main issue.

Conclusion

35. For the reasons given above, having regard to the development plan as a whole, the Framework and all other relevant material considerations, I conclude that both appeals should be dismissed.

A James

INSPECTOR