



Appeal Decision

Site visit made on 16 May 2023

by J Wellstead BA(Hons) MA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 July 2023

Appeal Ref: APP/U1430/D/22/3306519

St. Elmo, Cackle Street, Brede, East Sussex TN31 6DY

- 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 and Mrs T Quinn against the decision of Rother District Council.
 - The application Ref RR/2022/814/P, dated 29 March 2022, was refused by notice dated 17 June 2022.
 - The development proposed is a single storey rear extension & front porch.
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Decision

1. The appeal is allowed and planning permission is granted for erection of single storey rear extension & front porch at St. Elmo, Cackle Street, Brede, East Sussex TN31 6DY in accordance with the terms of the application, Ref RR/2022/814/P, dated 29 March 2022, and the plans numbered 1143-LBP, and 1143-1.

Preliminary Matters

2. The proposed development has already been carried out. The front porch is considered by the council to be acceptable as built and I see no reason to disagree because it is of a design and scale that complements the character of the host property.
3. The Council has referred to a Policy DHG(i) in their reason for refusal. However, I have confirmed with them that this was intended to be a reference to Policy DHG9(i) and I have determined the appeal on that basis.

Main Issue

4. The main issue in this appeal is the effect of the proposed development on the living conditions of occupiers of the neighbouring property, Chippings, with particular regards to outlook.

Reasons

5. The appeal site is a two-storey semi-detached dwelling. There is a slight gradient to the street, with the rear garden of the appeal site set very slightly lower than its adjoining neighbour, Chippings. Both properties have long, narrow gardens with a south-south-east orientation.
6. The appeal scheme is a single storey rear extension. Previous plans¹ were approved with a slightly larger gap to the neighbouring property, to

¹ RR/2020/188

accommodate a boundary fence, and with a pitched roof. The scheme has been built with a comparable footprint but with a flat roof and smaller gap to the boundary. However, the previously approved scheme is a material consideration in determining this appeal.

7. The council contend that the height, mass and position have an overbearing and harmful impact on the neighbouring property. However, the length of the scheme is unchanged and the height of the new scheme is less than that of the previously approved scheme. Although the flat roof form means that the full height of the roof form is set closer to the boundary, any slight harm caused by this is mitigated by the lower height of the roof form overall and the slightly raised height of the neighbouring garden at Chippings.
8. From the evidence before me, the closest window in the rear elevation of the Chippings is a toilet. The main window in this elevation is on the far side from the common boundary and outlook from it into garden would not be significantly affected by the extension. Between these windows is a rear door with a very small glazed section which would be minimally affected by the appeal scheme.
9. While the property's rear garden is narrow, it is sufficiently long enough to provide an acceptable outlook for occupiers when using the patio area near the rear door.
10. As such and having observed these relationships on site, I am satisfied that the proposal would not have a significant impact on the outlook from the habitable windows or rear garden of Chippings.
11. I accept that the increase in ridge height is exacerbated by the 6m length of the extension, however for the reasons above I do not consider the scheme to cause significant harm. I also note that the taller ridge height of the previously approved pitched roof and the same 6m flank along the boundary of the scheme would have formed the outlook for Chippings if the design had been constructed according to those plans. The difference in roof form would therefore have a minimal effect.
12. Although the scheme has been constructed slightly closer to the boundary of Chippings, I do not consider that the very small difference in position gives rise to unacceptable harm, nor results in a scheme that is unusual for the context.
13. An interested party considers that the cumulative impact of the development combined with other outbuildings and changes to the boundary treatment have resulted in significant harm. However, had the scheme been constructed according to the approved plans, the other outbuildings and boundary treatments would still be in place. In addition, for the reasons above, I do not consider that the scheme as constructed does result in significant harm.
14. Although the scheme exceeds the height of the previous lean-to extension, this is not in itself harmful.
15. Accordingly, I conclude that the proposed development would not lead to any significant harm to the living conditions of the neighbouring occupiers of Chippings, with particular regards to outlook. It would therefore comply with Policy OSS4(ii) of the Rother Local Plan Core Strategy (2014) and Policy DHG9(i) of the Development and Site Allocations Local Plan (2019). These policies and guidance seek to ensure - amongst other matters - that new

developments do not have an unacceptable impact on the living conditions of neighbouring occupiers.

Other Matters

16. The site lies within the High Weald Area of Outstanding Natural Beauty (the AONB). AONBs are landscape designations of national importance, which paragraph 176 of the NPPF states that great weight should be given to conserving landscape and scenic beauty in these areas.
17. The Council has found no harm to the character and appearance of the area including the AONB, from the proposed development, and I see no reason to disagree having regard to the predominantly built-up nature of the immediate area and limited scale of development. I therefore consider that the appeal scheme would have a neutral effect on the landscape character of the wider AONB.
18. An interested party considers that the new development is not in keeping with other properties nearby and would impact on the light levels at Chippings. However, the council have not objected to the development on the grounds of character and appearance, and I have no evidence before me to pursue this line of enquiry further. There is also no substantive evidence before me to support suggestions by the adjoining occupiers that daylight to the neighbouring property, including the garden, would be materially affected.
19. I accept that an interested party was not consulted on the change to the plans. However, I have taken their objections into account when determining this appeal.
20. An interested party considers that the works involved unauthorised access to their property which has resulted in damage. While I am not unsympathetic, this is not a matter material to my assessment of an appeal made under Section 78 of the Act.

Conditions

21. As the development has been largely implemented already, there is no need for the standard 3-year commencement condition or imposing a condition specifying the relevant plans.

Conclusion

22. For the reasons given above, and having regard to all other matters raised, it is concluded that the appeal should be allowed. The Council has not requested that any planning conditions be imposed as the development has already been carried out, and I have therefore allowed the appeal on the basis of the submitted plans.

J Wellstead

INSPECTOR