



Appeal Decision

Site visit made on 18 July 2023

by Robert Naylor BSc (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 July 2023

Appeal Ref: APP/U1430/D/22/3311769

Fairlight, Oakhurst Road, East Sussex, Battle TN33 0JL

- 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 D Hendon against the decision of Rother District Council.
- The application Ref RR/2022/1661/P, dated 4 July 2022, was refused by notice dated 5 September 2022.
- The development proposed is described as "proposed wraparound extension and alterations, including new lower ground floor and improved off road parking area."

Decision

1. The appeal is allowed and planning permission is granted for the proposed wraparound extension and alterations, including new lower ground floor and improved off road parking area at Fairlight, Oakhurst Road, East Sussex, Battle TN33 0JL in accordance with the terms of the application, Ref RR/2022/1661/P, dated 4 July 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 7320/LBP and 7320/1/B
 - 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on the approved plans.
 - 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows or other openings shall be constructed on either flank elevation.

Background and Preliminary matters

2. Since the Council issued the decision subject to this appeal, planning permission has been approved¹ at the site for the erection of a wrap-around extension and alterations including new lower ground floor. The approved scheme is very similar to the appeal proposal, except for the integral garage on the front elevation. At the time of my site visit, construction of the approved scheme was underway, and in particular the retaining walls of the lower ground floor level had been completed.

¹ Rother District Council Planning Ref: RR/2022/2300/P

Main Issue

3. The main issue of this appeal is the effect of the proposed development on the character and appearance of the area, and in particular the High Weald Area of Outstanding Natural Beauty (AONB).

Reasons

4. The appeal site is located within the High Weald AONB. Paragraph 176 of the National Planning Policy Framework (the Framework) states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and AONBs. The High Weald AONB is characterised by green rolling countryside, of a pastoral nature, punctuated by small areas of woodland, small towns, villages and hamlets.
5. The appeal site consists of a modest bungalow property located in a residential road on the edge of the small settlement boundary of Battle, and adjoins green countryside to the rear. The existing character and appearance of the area is made up of a mixture of one and two storey detached dwellinghouses which exhibit a variety of materials, styles and finishes, albeit fairly traditional in nature. The proposed development includes the erection of a wraparound extension with a lower ground floor level, and alterations to the existing bungalow, including the provision of an integral garage to the front elevation and improved off road parking.
6. The proposal would provide a significantly larger footprint compared to the existing property. However, given the existing sloped nature at the rear of the site, the majority of the increase in mass and bulk would be experienced at the rear only, and would be set into the ground at a lower ground floor level. Given this location, it would limit any urbanising impacts of the appeal scheme in the wider semi-rural area. Furthermore, the subterranean nature of the development retains the bungalow appearance from the streetscene, thus the general proportions of the dwelling would reflect the varied nature of the local area.
7. It is acknowledged that both the width and the depth of the proposed building would be greater than existing, however the resulting development would not be unusual in the vicinity given the presence of other extended and redeveloped properties, including the adjoining property of Cactus Cottage. Furthermore, the use of matching brick work materials at ground floor level, would ensure that the proposal would not be out of keeping within the immediate area. Given the existing character of the appeal site and its environs, the scale and massing of the dwelling would be relative to the existing buildings it would be located between, and thus would not harm the character and appearance of the area.
8. As stated, the appeal site is located within the settlement of Battle, which has been integrated within the surrounding landscape character. The site is bounded by built developments providing a more developed feel. Given that the proposal is viewed in the context of these residential properties within the existing settlement, there would be no harm to the visual qualities and essential characteristics of the High Weald AONB in terms of its landscape and scenic beauty.

9. I appreciate that dark skies are a factor that contribute to the natural beauty and special qualities of the AONB. However, the location of the proposal within the existing settlement, means it is unlikely that dark skies would be as strong in the vicinity of the site as in more remote locations within the High Weald AONB. Accordingly, any additional light spillage caused by the proposed development would neither be significant nor have an unacceptable effect on dark skies.
10. Overall, any adverse effects of the development would be seen within the context of the existing residential settlement that the appeal site forms part of. The proposal would be perceived in the context of a much wider view. As such, the proposal would at the very least conserve the landscape and natural scenic beauty; visual qualities and essential characteristics of the High Weald AONB and the character and appearance of the surrounding area. Consequently, the scheme is in accordance with Policies DHG9, DEN1 and DEN2 of the Rother District Council Development and Site Allocations Local Plan, adopted December 2019, Policy OSS4 of the Rother District Council Core Strategy, adopted September 2014 and Policy HD4 of the Battle Civil Parish Neighbourhood Plan 2019-2028, adopted June 2021, which collectively seek new development to respect and respond positively to the character and appearance of the wider street-scene, settlement and countryside, based on a clear understanding of the distinctive local landscape characteristics. The scheme would also accord with Paragraph 176 of the Framework which seeks to protect and enhance valued landscapes.

Conditions

11. No conditions have been suggested in respect to the proposal by the Council. Consequently, in attaching conditions to this decision, I have had regard to the tests set out at paragraph 56 of the Framework.
12. In addition to the standard time limit condition, I have imposed a condition specifying the approved plans for the avoidance of doubt and in the interest of certainty. I have also attached a condition requiring the use of similar materials as set out in the plans, in the interests of a good quality appearance to the development. I have also attached a condition preventing additional openings in the flank elevations to protect living conditions of neighbouring properties from the proposed development, in terms of privacy and overlooking.

Conclusion

13. The appeal scheme would accord with the development plan, when read as a whole and the Framework. Having considered all material considerations and other relevant matters raised, I therefore conclude that the appeal is allowed.

Robert Naylor

INSPECTOR