



Appeal Decision

Site visit made on 30 May 2023

by J Wellstead BA(Hons) MA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th August 2023

Appeal Ref: APP/U1430/D/22/3308115

The Little House, Worsham Lane, Bexhill, East Sussex TN40 2QP

- 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 N Rowe against the decision of Rother District Council.
 - The application Ref RR/2022/1353/P, dated 27 May 2022, was refused by notice dated 20 July 2022.
 - The development proposed is a proposed extension to dwelling involving the removal of several outbuildings.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effects of the proposed development on the character and appearance of the host building and whether or not it would preserve the setting of the nearby grade II listed building, Boulder Cottage.

Reasons

Character and appearance

3. The appeal site is a modest detached dwelling. It was previously a garage serving the nearby Boulder Cottage, a Grade II Listed Building. It was established as a separate dwelling in 2011¹ and is subject to a number of planning conditions.
4. The appeal site and Boulder Cottage share access onto Worsham Lane, but otherwise have separate parking and garden areas. The two dwellings are bounded by mature hedgerows and trees and are located on a lane with scattered dwellings and farm buildings of mixed character. The appeal site is located within the development boundary on the fringe of Bexhill-on-Sea.
5. The appeal site is set slightly further back from the road than Boulder Cottage and has a large garden to the north with multiple outbuildings. The existing dwelling at the appeal site has a span of approximately 5.4m.
6. The appeal scheme would replace the outbuildings with a 7.3m extension on the north elevation, which would provide an additional bedroom and study. The scheme would project 800mm beyond the existing dwelling on the east and west elevations and would relocate the front door from its current position on the north elevation to the east elevation which faces onto the highway.

¹ RR/2011/2339/P

7. Policy DHG9 of the Development and Site Allocations Local Plan 2019 (DASA) states that extensions should be physically and visually subservient to the host dwelling. The appeal scheme is not only of greater length than the host buildings but extends beyond its width as well, projecting out from the host on both sides. It would not, therefore, be subservient, and its resultant scale and mass would dominate and overwhelm the existing dwelling.
8. The appellant states that the existing converted garage with multiple outbuildings is at odds with local character and their removal would be a positive outcome. Whether or not this is the case, it does not justify harmful development.
9. Even if I were to accept that the east elevation was the principal one, that would not overcome the harm identified above. The use of consistent ridge and eaves lines, retention of spacious gardens, existence of partial screening and the fact that other elements of the scheme are acceptable does not change my conclusions.
10. I conclude that for the reasons given above the proposal would have a harmful effect on the character and appearance of the host building. Consequently, the development would conflict with Policies OSS4 and EN3 of the Local Plan and Policy DHG9 of the DASA. These policies seek to ensure, amongst other matters, that developments are high quality and respect and respond positively to the character and appearance of host dwellings and the local area. It would also conflict with the National Planning Policy Framework (the 'Framework'), which states that developments should seek to secure a high quality of design which is sympathetic to the local character.

Effect on the setting of a Listed Building

11. Boulder Cottage is a Grade II Listed Building described as (Listed 23 August 1976) "Early C19 font to a possibly older building. 1 storey attic. 3 windows. Faced onto cobbles with red brick window dressing quoins and stringcourses. Half-hipped tiled roof. Casement windows. Attic window in gable end." It is a prominent building, fronting onto and close to the highway amongst a setting of mature vegetation and located 7m from the appeal site.
12. I have had regard to the statutory duty imposed by section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires me to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
13. Although the appeal scheme would not extend the host dwelling closer to Boulder Cottage, due to its projection on the east elevation it would be visible in some views from the Listed Building, therefore causing harm to its setting.
14. In addition, it would alter the wider setting of the Listed Building by changing the form of the appeal site from an ancillary building to a dwelling of comparable or greater footprint to that of Boulder Cottage. This increase in the scale, mass and character of the appeal site would significantly alter its character and detract from the adjoining building's historic interest, affecting the ability to appreciate its value in this regard.
15. I accept that the appeal site is a modern addition with separate status from Boulder Cottage. However, due to its proximity to the Listed Building, an

extension of greater size than the existing dwelling at the appeal site will impact on the setting of Boulder Cottage due to the above reasons, and therefore fails to preserve or enhance that setting.

16. Accordingly, the proposal would fail to preserve or enhance the character and appearance of the Listed Building, resulting in less than substantial harm to the significance of this designated heritage asset. Paragraph 202 of the Framework indicates that such harm should be weighed against the public benefits of the proposal. Even if I were to accept that an alternative use of land was a public benefit, this would not outweigh the harm identified above.
17. Consequently, I conclude that the development would fail to preserve or enhance the setting of the adjacent listed building and there are no public benefits that outweigh this harm. It would therefore conflict with Policies OSS4, EN2 and EN3 of the Local Plan and Policy DHG9 and DEN1 of the DASA. These policies seek to ensure, amongst other matters, that developments preserve the character, qualities and setting of the historic built environment. It would also conflict with the Framework, which seeks to ensure that development is sympathetic to local character.

Other Matters

18. While I understand that the existing dwelling does not provide sufficient standards of accommodation, there is nothing to indicate that this could not be addressed through an alternative design. There is also no evidence that the proposal represents the minimum size of extension required to improve the standard of living provided by the property. I therefore afford these matters limited weight.
19. The appellant contends that the council did not engage with them in order to overcome any concerns, nor visit the site. However, this matter is not determinative as to the acceptability of the proposal, and I have therefore considered the appeal based on the evidence before me.
20. The appellant has highlighted a ministerial statement about making it easier for people to improve their homes. However, this does not outweigh the need to ensure new development is high quality and appropriate in the context of the development plan and national guidance.

Conclusion

21. For the above reasons, the proposal would conflict with the development plan and there are no material considerations that indicate that the decision should be made other than in accordance with it. Therefore, for the reasons given, the appeal should not succeed.

J Wellstead

INSPECTOR