



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: 11th August 2023

Appeal Ref: APP/U1430/D/22/3309016

2 Silver Hill Cottages, Silverhill, Hurst Green

- 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 Miss Karina Hymers against the decision of Rother District Council.
 - The application Ref RR/2022/1062/P, dated 1 April 2022, was refused by notice dated 5 August 2022.
 - The development proposed is first floor rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for first floor rear extension at 2 Silver Hill Cottages, Silverhill, Hurst Green in accordance with the terms of the application, Ref RR/2022/1062/P, dated 1 April 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: Block Plan-Rev A, Proposed First Floor Plan (Rev A), Proposed South Side Elevation (Rev A), Proposed Side North Elevation (Rev A), Proposed Rear Elevation (Rev A).
 - 3) The materials to be used in the construction of the external surfaces of the conversion of the first floor rear extension, hereby permitted shall match those used in the existing building.

Main Issues

2. The main issues are the effect of the development on (i) the character and appearance of the host dwelling and area and (ii) the living conditions of the occupants of No 1 and No 3 Silverhill Cottages, with particular regard to outlook and light.

Reasons

Character and appearance

3. The appeal site is the middle dwelling in a terraced row of three two-storey cottages. The terrace is brick built with barn hip roof ends and painted timber weatherboard finishes at first floor level. All three cottages have single-storey rear extensions.

4. The scheme would introduce a first-floor rear extension above the flat roof of the existing single-storey extension at the appeal site, with a barn hip roof and a small set back from the rear kitchen extension and the northwest boundary.
5. The scheme is of a modest scale, sufficiently set down from the roof ridgeline and set in from the ground floor extension so that it would appear as a subservient addition to the host dwelling. It would not look excessively large or out of scale with the host dwelling or area, especially in the context of the larger extensions and alterations on a comparable terrace which is within view of the rear garden of the appeal property.
6. Furthermore, the use of matching materials and the inclusion of a barn hip roof would be consistent with the design of the terrace row. Although the neighbouring properties do not have a first-floor extension, the small scale of the scheme and the central location of the extension within the terraced row would avoid any dominating or unbalancing effect on the terrace. As such, the proposal would be of an appropriate scale, form, proportions and overall design and would have no adverse impact on the character and appearance of the surrounding area.
7. The site lies within the High Weald Area of Outstanding Natural Beauty (the AONB). AONBs are landscape designations of national importance, where 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. The High Weald AONB Management Plan 2019-2024 describes the specific qualities of the AONB as characterised by dispersed historic settlements, a dense network of historic routeways, an abundance of ancient woodland and small irregularly shaped fields.
8. Having regard to the predominantly established residential nature of the immediate area and the scale of the development, even giving great weight to conserving and enhancing the AONB, the appeal scheme would have a neutral effect on the landscape character of the designation. These conclusions reflect those of the Council.
9. Overall, I conclude that the proposed development would not harm the character and appearance of the host dwelling or the area, including the AONB. As such the scheme accords with Policy DHG9 of the Development and Site Allocations Local Plan 2019 (DASA), as well as Policies OSS4 and EN3 of the Rother Local Plan Core Strategy 2014 (Local Plan). These policies seek to ensure, amongst other matters, that new developments are of a high quality and respond positively to the character and appearance of the host dwelling and local area.

Impact on living conditions

10. The first-floor window of No 1 is set in from the joint boundary with an existing chimney projecting out from the rear wall between the two properties. Taken together, the plans demonstrate a 45-degree line from the centre of this window. Further, given the limited projection of the first floor extension from the rear elevation and the position of the chimney stack the effect of the proposed extension on the outlook of No 1 and light would be minor.
11. No 3 is located broadly to the southeast of the appeal site and would not experience a loss of light. The first floor window at No 3 is set in from the

boundary and there would be some visibility of the extension from it. However, because of the extension's limited projection it would not be a dominant feature. Ground floor windows in the next door properties and their gardens would not be affected due to the siting of the existing single-storey extensions. Overall, the proposal would not have a significant overbearing impact on the living conditions of No 1 or No 3 Silver Hill Cottages, and it would not harmfully impact the outlook from, or availability of natural light to, those properties including their gardens.

12. For these reasons, the development would not harm the living conditions of the occupants of No 1 and No 3 Silver Hill Cottages. The scheme would therefore accord with Policies OSS4 of the Local Plan and DHG9 of the DASA. These policies seek to ensure, amongst other matters, that new developments do not unreasonably harm the living conditions of adjoining properties in terms of loss of light, massing or overlooking.

Conditions

13. Having regard to the tests in the Framework, I have imposed the standard time limit condition and, in the interests of certainty, a condition requiring that the proposal be carried out in accordance with the approved plans. In the interests of the character and appearance of the host property and the area a condition is also necessary to require matching materials.

Conclusion

14. For the reasons given I conclude that the appeal should succeed.

J Wellstead

INSPECTOR