



Appeal Decision

Site visit made on 14 August 2023

by J Pearce MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 September 2023

Appeal Ref: APP/U1430/W/22/3312176

Spar Stores, Clematis Cottage, Station Road, Northiam TN31 6LQ

- 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 B Khaira against the decision of Rother District Council.
 - The application Ref RR/2022/364/P, dated 14 February 2022, was refused by notice dated 30 May 2022.
 - The development proposed is a new roof over existing shop premises to create two self-contained flats with associated parking.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised National Planning Policy Framework (the Framework) was published on 5 September 2023. The amendments to the Framework do not have any bearing in respect of this appeal and I do not consider that this has prejudiced any party.

Main Issues

3. The main issues are:
 - the effect of the proposed development on the character and appearance of the site and the surrounding area;
 - the effect of the proposed development on highway safety; and
 - the effect of the proposed development on the living conditions of the occupants of neighbouring properties, with particular regard to outlook and daylight.

Reasons

Character and appearance

4. The appeal site comprises a single-storey retail unit located within the settlement of Northiam, which is wholly within the High Weald Area of Outstanding Natural Beauty (AONB). There is variety in the built form within this part of the settlement, with a mixture of building heights and styles. The existing building is distinctive with a pair of forward-facing gables, finished with white horizontal boarding. Although the site occupies a prominent position close to the junction between Station Road and Cavix Field, the small scale of the building limits its visibility in the wider street scene.

5. The development proposes the addition of a first floor to create two self-contained dwellings at first floor level and to increase retail and storage space at ground floor level. The height of the existing gables would be raised and linked by a crosswing, which would extend to either side to accommodate entrance stairs to the dwellings.
6. The enlargement, including the expansive crosswing, would increase the bulk of the building and heighten the prominence of the building within the locality. Although the crosswing would have a lower ridge height, it would diminish the distinctive gable features, which characterise the existing building. The excessive addition would result in the building appearing top heavy and would significantly and detrimentally increase the prominence of the building within the street scene. The position of the building, forward of the existing development on either side would accentuate the effect of the changes within the street scene and the building would have a disproportionate and detrimental visual impact.
7. The resulting building would appear particularly bulky in views from Cavix Field and the approach from Newenden. Furthermore, the proposal would appear contrived as a result of the truncated nature of the side extension. This side elevation would be highly visible on the approach from Newenden and the shortened side extension would have an incongruous appearance within the street scene where the surrounding development typically includes full width side gable elevations.
8. Policy DEN2 of the Core Strategy 2014 (CS) requires development within the AONB to conserve and seek to enhance its landscape and scenic beauty and should be small-scale. Although the proposal would harm the character and appearance of the surrounding area, the harm would be localised and would not result in harm to the wider AONB landscape.
9. Therefore, the proposal would have a harmful effect on the character and appearance of the area, in conflict with CS policies OSS4 and EN3, which require development proposals to contribute positively to the character of the site and surroundings.

Highway safety

10. The site is served by an existing access from Station Road to the front of the existing building. Station Road (the A28) is the main thoroughfare through the settlement of Northiam and is a relatively busy road. The site is close to the junction with Cavix Field, which is on the outside of a sweeping bend in the road. On street parking is evident within the vicinity of the site, particularly towards Goddens Gill, forcing cars to pass on the opposite side of the road.
11. The proposal would alter the existing access and provide two car parking spaces to the side of the building. The parking spaces would be provided with limited space for vehicles to manoeuvre. As a result, vehicles would be unable to either enter or exit the site in a forward gear. There is no evidence before me to show that adequate visibility splays can be provided for vehicles entering and leaving the site, particularly those doing so in reverse gear.

12. I acknowledge that the existing access is poor and that the proposed access and parking arrangement would represent an improvement. However, given the addition of a dwelling and the associated enlargement of the retail unit, it is likely that there would be an increase in vehicle movements at the site leading to a greater potential for conflict between road users.
13. I have no substantive evidence before me that sufficient visibility splays can be provided. The proposal fails to demonstrate that the parking spaces can be accessed safely. The proposed development therefore conflicts with CS policy TR3.

Living conditions

14. The appeal site is immediately adjacent to existing residential properties. No 7 The Paddocks (No 7) is located to the rear of the site and The Swallows to the side. The proposed enlargement of the building would mainly be contained within the existing footprint.
15. Although part of the proposed first floor would be closer to No 7, the building would remain distant from No 7. The relatively low eaves height and the distance between the proposed development and No 7 would ensure that the development would not appear demonstrably overbearing when viewed from the neighbouring property. Furthermore, the orientation of the proposal in relation to No 7 in combination with the separation distance and height would not restrict the amount of daylight reaching that property.
16. The proposal seeks to extend both sides of the host building, including the side adjacent to The Swallows. The proposed development would enlarge the building on the shared boundary, with the stairwell extending beyond the existing footprint. This element, although closer to The Swallows, would have a low eaves height and would be positioned away from the neighbouring dwelling, preserving a reasonable outlook for the occupants of The Swallows. In addition, the orientation and scale of the addition would not result in a demonstrable loss of daylight reaching the neighbouring property.
17. The proposed development would not have an unacceptable effect on the living conditions of the occupants of neighbouring properties with regard to outlook and daylight. The proposal would therefore accord with CS policy EN3, which requires development to be of high design quality.

Other Matters

18. It is noted that the council has referred to policy DHG9 of the Development and Site Allocations Local Plan 2019, however this policy relates to extensions, alterations and outbuildings to existing dwellings. On this basis, I consider that this policy is not determinative in respect of this particular proposal.

Planning Balance

19. There are no policies in the development plan that support the proposed development, and it is contrary to the policies listed above. As a result, there would be a conflict with the development plan as a whole.
20. There is no dispute between the parties that the council is currently unable to demonstrate at least a five year supply of housing land that the National Planning Policy Framework (the Framework) requires. The appellant has stated

that the council can only demonstrate less than three years' worth of deliverable housing supply, a figure that the council has not disputed.

21. As the council cannot demonstrate a five year supply of deliverable housing land, paragraph 11 of the Framework explains that in these circumstances the policies which are most important for determining the application are out-of-date. In this instance, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
22. The appeal scheme would provide a single additional dwelling through the upwards extension and the development of a small previously developed site, which is supported by the Framework and represents a public benefit. Paragraph 60 of the Framework aims to support the objective of significantly boosting the supply of homes. Although the provision of a single home would boost the supply of housing in the area, the boost would be minimal given the small scale of the development.
23. The appellant advises that the proposal is necessary to support the retail operation through the provision of on-site living accommodation, in order to reduce travel and improve security, and to deliver improved storage facilities. Whilst I appreciate the complexities for the appellant in operating this community facility and accept that storage at the site is unsatisfactory, there is no substantive evidence before me to suggest that the business is under threat and that the proposed development is the only deliverable solution. I have also not been presented with evidence that existing accommodation in the surrounding area is unsuitable.
24. I note that the development would provide employment during construction and would utilise sustainable construction measures. I also note that there is potential for biodiversity enhancements. The benefits cumulatively attract modest weight given the relatively small scale of the proposed development.
25. Whilst not harmful to the wider AONB landscape, the proposed development would harm the character and appearance of the surrounding area. The Framework places great emphasis on achieving well-designed places and creating visually attractive developments. Developments that are not well designed should be refused.
26. In addition, whilst the proposed development would improve the parking layout, the proposal fails to demonstrate that safe and suitable access can be achieved. The Framework requires that developments that would have an unacceptable impact on highway safety should be refused. Although there is an existing access at the site, the proposal would increase use of this access and increase the risk of conflict between road users.
27. Taken together the harm identified attracts considerable weight, which would significantly and demonstrably outweigh the modest benefits that would arise from the proposed development. As a result, the presumption in favour of sustainable development in the Framework does not apply.

Conclusion

28. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

J Pearce

INSPECTOR