



Appeal Decision

Site visit made on 22 January 2024

by J E Jolly BA (Hons) MA MSc MCIH MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th January 2024

Appeal Ref: APP/U1430/W/23/3325694

South View, Chitcombe Road, Broad Oak, East Sussex TN31 6EU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Stephen Murphy against Rother District Council.
 - The application Ref RR/2023/836/P is dated 10 April 2023.
 - The development proposed is for the erection of a timber framed car house/carriage house style double garage to front garden.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. From 22nd November 2023 all designated Areas of Outstanding Natural Beauty (AONBs) in England and Wales are to be referred to as 'National Landscapes'. Therefore, while the legal designation and policy status of AONBs are unchanged, all references to the High Weald AONB in this appeal will reflect that change.
3. The National Planning Policy Framework (the Framework) was revised in December 2023. Accordingly for the purposes of this decision I have referred to the latest version of the Framework. As the changes do not materially affect the main issue in this case, the parties have not been invited to make further comments.

Main Issue

4. The main issue in this appeal is the effect of the proposal on the character and appearance of the area, including the High Weald National Landscape (NL) and the host dwelling.

Reasons

5. The host dwelling known as 'South View' faces onto Chitcombe Road (B2089) and has a garden and parking area to the front that is lined by an established hedge. The surrounding area on this side of the B2089 is typified by brick and tile dwellings which have landscaped gardens and/or parking spaces to the front.

6. The main parties agree that the proposed development would be in the NL, and thus for planning purposes in the countryside. As such, the development must conserve and enhance the natural and local environment as required by Paragraph 180 of the Framework, to which I attach great weight.
7. I note a previous application¹ on the appeal site that was refused by the Council. Subsequent changes have been made to the proposal. The changes included a reduced footprint and ridge height for the timber-framed car house.
8. Nonetheless, while the proposal would be constructed in muted materials to blend with the natural and built landscape, the fact remains that the pitched roof building would be a bulky addition to the relatively modest front garden of 'South View'. In addition, given the size of the proposal, there would be substantial scope for a range of vehicular paraphernalia and activities that would be associated with the new structure and the vehicles it would house. For example, vehicle maintenance, cleaning, and the storage of tools and equipment. As such, the size and mass of the proposal would lead to a feeling of enclosure within the host garden.
9. Moreover, the voluminous car house would be a highly prominent structure in the street scene when travelling or walking along the B2089, particularly when approaching from the east. Indeed, while the appellant contends that the sloping garden, combined with the height of the hedge, trees and other landscaping to the front of 'South View' would shield the development from the road; I find to the contrary. There can be no certainty that the hedge or landscaping will be retained in perpetuity, and additional landscaping and the proposed wildlife area would not be adequate mitigation, even if secured by condition.
10. The appellant has brought my attention to garages and outbuildings nearby that are located forward of their host property, such as St Anthony's² and some of the dwellings found on King Wood Hill. These are noted. However, I have limited evidence of those schemes before me and/or cannot be sure if they were permitted under the same development plan as the proposal before me or not. Even if this were to be the case, the prevailing pattern of development in this very specific location is typified by relatively unfettered garden spaces adjacent to the B2089, which in combination, create a sense of spaciousness. Therefore, the extensive proposal would be in stark comparison to the neighbouring front garden areas.
11. I conclude therefore, that the proposal would be a large and incongruous addition to the garden of the host dwelling where currently there is none. Furthermore, it's prominence in the street scene would harm the character and appearance of the immediate area and hence fail to conserve or enhance the scenic beauty of the surrounding NL.

¹ RR/2022/1779/P

² RR/2020/2331/P

12. Therefore, the proposal is contrary to Policies OSS4 and EN3 of the Rother District Local Plan Core Strategy 2014 and Policy DHG9 of the Development and Site Allocations Local Plan 2019 which say, amongst other things, that development should only be permitted where it is in keeping with the character of the existing dwelling, are not intrusive, and where they would respect and not detract from the character of the locality, and the Framework when read as a whole.

Other Matters

13. The appellant forwards that the proposal has drawn supportive remarks from residents, and that the development would improve the appearance of the overgrown host garden area. However, even in combination this does not outweigh the harm I have found above.

Conclusions

14. For the reasons given above I conclude that the appeal should be dismissed.

J E Jolly

INSPECTOR