
Appeal Decision

Site visit made on 4 June 2024

by Robert Naylor BSc (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 June 2024

Appeal Ref: APP/C1435/D/23/3335215

4 Medway Cottages, Lower Road, Forest Row, East Sussex RH18 5HE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr David Roberts against the decision of Wealden District Council.
 - The application Ref is WD/2023/2284/F.
 - The development proposed is for a first-floor rear extension.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the appeal was lodged, a revised National Planning Policy Framework (the Framework) has been published, however the changes do not materially alter the sections of the Framework most relevant to this appeal. Any references to the Framework hereafter in this decision are to the latest version.

Main Issue

3. The main issue in this appeal is the living conditions for existing occupiers at 2 Medway Cottages with specific regard to privacy.

Reasons

Living conditions

4. The appeal site is a two-storey semi-detached dwelling on Lower Road in Forest Row. The surrounding area is mixed use with residential properties located in close proximity to commercial units fronting Hillside. Lower Road comprises mainly smaller cottage type properties with a relatively tight layout. Nos 1 and 2 Lower Road are located behind the appeal site and set at a 90-degree angle, such that the flank elevation of No 2 faces the rear elevation of the appeal site. The proposal seeks a chamfered first-floor rear extension located on an existing flat roof ground floor extension.
5. I note the Councils guidance¹ in terms of a minimum separation distance of 20 metre between rear extensions where properties are 'back-to-back', however given the orientation of the properties this would not be applicable here. Nevertheless, the rear of the first-floor extension would incorporate two first-floor windows providing views of the neighbouring property at No 2 and their garden at close quarters.

¹ Wealden District Council: Wealden Design Guide Supplementary Planning Document adopted November 2008

6. There is an existing upper floor window in the flank elevation of No 2 that overlooks the appeal site, and rooflights to the front and rear roof slopes. However, I have little information in respect to what room these openings serve, and whether it is habitable. As such, I have adopted a precautionary approach.
7. The elevated position and modest separation distance between the proposal and the boundary, garden and upper floor window at No 2 would provide significant overlooking from a higher vantage point to the detriment of the living conditions of these occupiers. Whilst a degree of mutual overlooking is to be expected in a suburban setting, the orientation of the properties and the close relationship between the proposal and No 2 would create an unacceptable degree of overlooking and a loss of privacy harmful to their living conditions.
8. It is acknowledged that the proposed window serving the bathroom could be obscured glazed and fixed shut, given this is not a habitable room and this could be secured by a condition. However, the proposed bedroom is single aspect, and the provision of obscured glazing would lead to poor living conditions for any future occupiers.
9. The appellant highlights other properties nearby that have been approved for new dwellings and extensions to existing properties. However, I am not aware of the full circumstances or planning history associated with these cases, but it is evident from the limited details presented that they turned on their own particular merits. I therefore give these examples limited weight, as I cannot be certain that these are directly comparable.
10. Consequently, the proposed development would have an unacceptably harmful effect upon the living conditions of the occupiers at No 2, with particular reference to privacy. The proposal is therefore contrary to the relevant provisions of the Saved Policies EN27 and HG10 of the Wealden Local Plan (WLP), adopted December 1998, the Wealden Design Guide Supplementary Planning Document and the Framework which collectively seek to prevent development from adversely affecting privacy and amenities of adjoining properties and ensuring a satisfactory environment for future occupiers amongst other things.

Other Matters

11. The appeal site is located in the Forest Row conservation area (FRCA) and as such I have a statutory duty under section 72(1) of the Act to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.
12. The Framework advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Paragraph 205 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.
13. The significance of the FRCA is principally derived from the historic street pattern and the layout of the village, with plot sizes and the diverse range of building types providing evidence of the organic growth of the village. It is

acknowledged that the car park to the south of the appeal site (albeit outside the FRCA), and the rear of some commercial properties which include extraction flues and other ancillary structures, provide a utilitarian and cluttered appearance to the detriment of the immediate locality. However, despite these more modern additions, the area has a distinctly bohemian feel, which nevertheless contributes positively to the significance of the FRCA.

14. The appeal site is located on Lower Road where there are a notable collection of traditional cottages and residential buildings. The cluster of modest cottage buildings which the appeal site forms are a recognised feature, which make a significant contribution to the groups value in the area. Hence the appeal site has a sensitive setting.
15. Whilst the proposal would be visible from public vantage points along the footpath and green space leading to Nos 1 and 2 Lower Road, it is relatively modest in appearance and has been respectfully designed. Given its rear location and modest nature, any views of the proposal from the front of the property in Lower Road would be limited to glimpses only, due to its narrow nature and the tight layout of the street. As a result, the proposal would not appear incongruous or contrived in character and appearance terms having regard to the variety of the development that is visible within the FRCA.
16. In this case, the proposal itself does not have any strong visual impact on the character and appearance of either the host property or the FRCA. Therefore, individually the extension would not have anything other than a limited effect on the significance of the FRCA and its provision would have a neutral impact.
17. Consequently, I find the proposal would be of a high quality of design, complementing the character of the building, particularly in terms of scale, style form and materials, which could be secured through condition, had I found the scheme otherwise acceptable. As such, it would conserve the significance of the heritage asset. The scheme would therefore accord with WLP Policy EN19 and the Framework which seeks good design that would conserve and enhance the historic environment.

Conclusion

18. For the reasons set out above, the proposal would conflict with the development plan, when read as a whole and the Framework. Material considerations do not indicate that a decision should be taken other than in accordance with that plan. Having considered all other matters raised, I therefore conclude that the appeal should be dismissed.

Robert Naylor

INSPECTOR