



Appeal Decision

Site visit made on 16 August 2024

by N Perrins BSc (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 September 2024

Appeal Ref: APP/C1435/D/24/3345161

Rotherhurst Bungalow, Cottage Hill, Rotherfield, East Sussex TN6 3JJ

- 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 Damion Thompson against the decision of Wealden District Council.
 - The application Ref: WD/2024/0666/FR.
 - The development is a new garage (retrospective).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The development subject of this appeal has been substantially completed at the site and, therefore, retrospective development albeit some features such as the front glass garage doors are not yet installed. I have assessed the appeal on this basis.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the host dwelling, and wider area with particular regard to the impacts on the High Weald National Landscape.

Reasons

4. The appeal site comprises a semi-detached dwelling, garden, parking area and the development subject of this appeal. The site is located in countryside outside of Rotherfield's defined development boundary and within the High Weald National Landscape (HWNL). The garage building subject of this appeal has been erected in the northern part of the site on higher ground to the host property, and fronts onto the parking area. Vehicular access to the parking area and the development is through double gates from Cottage Hill.
5. Paragraph 182 of the National Planning Policy Framework (the Framework) states that great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Beauty (now called National Landscapes), which have the highest status of protection in relation to these issues.
6. I am aware of the planning history at the site that included the grant of planning permission Ref: WD/2019/0777F for a new garage, which had a similar width and footprint to the garage that has been built at the site.

7. The development differs from WD/2019/0777/F by being around 0.9m higher, has accommodation at first floor for a gym accessed by an external staircase, two dormer windows facing Cottage Hill, a flue and glazing on the southern elevation.
8. Saved Policy DC19 of the Wealden Local Plan 1998 (WLP) states that ancillary residential outbuildings in the countryside should not be intrusive in the landscape, be an appropriate size and character relative to the original dwelling and should not visually dominate or otherwise adversely change the character of the existing building. DC19 also requires that proposals should also comply with Saved Policy HG10 of the WLP, which states that extensions and alterations to dwelling will be permitted where the scale, style, design and materials are appropriate and sympathetic to existing buildings. The Wealden Design Guide Supplementary Planning Document 2008 (SPD) advises that residential outbuildings should be modest in scale appropriate to the main dwelling, and roof spaces should not be used for accommodation purposes as this often requires increased ridge and / or eaves height.
9. In this context, I agree with the appellant that the footprint and width is acceptable given the size of the plot. However, whilst I acknowledge the large separation distance to the dwelling, the development has an overly large and domestic appearance at first floor due to its glazed southern elevation, height and dormer windows. These features, result in the development appearing as overly large and top heavy, which is not sympathetic in scale or appearance to the host dwelling. The first floor, therefore, creates an incongruous and competing relationship between the two buildings that is not in accordance with the requirements of Saved Policies DC19 and HG10 of the WLP that require ancillary development to be appropriate in size and character relative to the original dwelling, or the similar advice within the WDG.
10. Whilst I recognise that the previous garage building was approved in the same general location, it was lower in height and had the appearance of a subservient and ancillary structure. In contrast, even with the presence of vegetation that provides some screening, the development is an unduly prominent structure appearing more akin to a small dwelling when viewed from Cottage Hill rather than an ancillary outbuilding.
11. I also acknowledge in this regard that residential properties being visible from Cottage Hill is a character feature of the area. However, existing buildings nearby are mainly grouped closer together than is the case with the development and the host dwelling at the appeal site. Given the separation distance from the main dwelling, the difference in levels and the incongruous scale and appearance at first floor, the resulting effect is an uncharacteristically prominent outbuilding when viewed from Cottage Hill, which is visually intrusive and harmful to the rural character of the area and the HWNL. I afford significant weight to the impact on the character and appearance of the HWNL given the status given to its protection.
12. I acknowledge that the appellant installed the first-floor accommodation to make best use of the roof space. However, this does not justify and outweigh the harm identified given the sensitivity of the location within the HWNL.
13. To conclude, the development's scale and uncharacteristically domestic appearance at first floor is not sympathetic to the character and appearance of the host dwelling or the HWNL. I, therefore, find that the development is

contrary to Policies DC19, HG10 and EN27 of the WLP. The development is also not consistent with the advice within the SPD and Paragraph 182 of the Framework.

Other Matters

14. I am aware that the adjoining neighbour at Rotherhurst Cottage raised concerns over the development having deviated significantly from the original planning permission (Ref: WD/2019/0777F), the log flue not being shown on the plans, the gym likely not being necessary, the first floor having a separate entrance and therefore is a separate unit, potential impacts from future floodlighting, and the south elevation being made entirely of glass that overlooks their property.
15. I observed the development from the adjoining garden area to consider the overall impact. I note that the Council did not include a loss of privacy reason for refusal in their decision concluding that the views from the first-floor accommodation were oblique, were partially screened by existing boundary treatment and did not overlook all the adjacent garden. The Officer's Report also references that had the proposal been acceptable, this elevation could have been subject to a condition requiring obscure glazing to minimise impact to the adjoining property. However, as I have found the development to be unacceptable for other reasons I do not need to consider this, and the other matters raised, further in this decision.

Conclusion

16. To conclude, the development results in a harmful visual relationship with the host dwelling and an adverse impact on the character and appearance of the HWNL. There are no material considerations that would outweigh the conflict with the Development Plan and therefore the appeal is dismissed.

N Perrins

INSPECTOR