



Appeal Decisions

Site visit made on 4 February 2025

by **Stewart Glassar BSc (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 February 2025

Appeal A Ref: APP/U1430/D/24/3346715

Orchard Cottage, 7A Reedswood Road, Broad Oak, East Sussex TN31 6DH

- 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 S Drew against the decision of Rother District Council.
 - The application Ref is RR/2024/332/P.
 - The development proposed is two storey rear extension and alterations.
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Appeal B Ref: APP/U1430/D/24/3350768

Orchard Cottage, 7A Reedswood Road, Broad Oak, East Sussex TN31 6DH

- 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 S Drew against the decision of Rother District Council.
 - The application Ref is RR/2024/767/P.
 - The development proposed is two storey rear extension and alterations.
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Decision

1. Appeal A is dismissed.
2. Appeal B is allowed and planning permission is granted for two storey rear extension and alterations at Orchard Cottage, 7A Reedswood Road, Broad Oak, East Sussex TN31 6DH, in accordance with the terms of the application, Ref RR/2024/767/P, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with drawing numbers:

Location Block Plan	-	7828/24/LBP
Proposed Layout	-	7828/24/1

Preliminary Matters

3. As set out above, there are two appeals on this site. The schemes have the same description of development but differ, principally in their size. I have considered each proposal on its individual merits. However, to avoid duplication I have dealt with the two schemes together, except where otherwise indicated.
4. I have omitted in the descriptions of development the reference to a previous planning permission as this is not an act of development.

Main Issue

5. The main issue in both appeals is the effect of the proposed development on the living conditions of the neighbouring occupiers, with particular regard to it being a dominant and overbearing presence when viewed from the garden; and harming outlook from a bedroom window.

Reasons

6. The appeal property and its adjoining neighbour (Meadow View) form a pair of semi-detached houses. Externally they are similar in appearance but have a staggered layout, with Meadow View sitting forward of Orchard Cottage. As a result, the rear of Orchard Cottage extends further along the shared boundary than the original rear elevation of Meadow Cottage. However, at ground floor level, Meadow View has a lean-to extension which has the effect of bringing the rear elevation to almost level with that of the rear elevation of Orchard Cottage.
7. The proposals involve both ground and first floor rear extensions. Due to the angle of the boundary line the extensions would be slightly set in from the boundary and so would not be the full width of the existing house. This gap to the boundary would be at its widest where the extensions are closest to the rear of the house.
8. The ground floor extension is some 4m in depth and is the same in both cases. The Council has not objected to this part of either scheme. Based on the evidence before me and my own observations on site, I have no reason to disagree. As such, the main area of concern is the first floors and their effect on the living conditions of the occupants of Meadow View.
9. Appeal A entails a first floor extension which is the full width and almost the full length of the ground floor extension. When seen from the neighbour's garden, it would create a large blank wall alongside the boundary and the neighbour's patio area. I find that the combination of the extension's depth and position would ensure that it would be an intrusive feature that would be overbearing and dominate this part of the neighbour's garden.
10. The neighbour would retain good levels of outlook from other parts of their garden. However, that would not mitigate the overbearing nature of the extension which would create a sense of enclosure and, in my opinion, significantly compromise the enjoyment and use of this part of the garden area.
11. The first-floor element of the Appeal B scheme would similarly extend across the full width of the ground floor extension. However, it would be staggered so that the works to Bedroom 1, which would be closest to the boundary with Meadow View, would project a relatively modest distance out from the rear elevation of the host property.
12. The extension would clearly be visible from the neighbour's rear patio area and garden. However, its more modest depth means that its effect would be more limited. It would not have the same overbearing presence or create the same sense of enclosure as Appeal A when stood in the neighbour's garden/patio area and overall, I find that this element would not cause unacceptable harm to the living conditions of the neighbours.
13. The other first floor element of Appeal B (an extension to Bedroom 3) would extend to nearly the full length of the ground floor extension. Although it would still

be visible from the neighbour's garden and contribute to the overall mass of built form it would be set well away from the boundary with Meadow View. Consequently, it would not cause harm to the neighbour's living conditions.

14. The neighbours nearest first floor window serves a bedroom. It is an existing habitable room, and I have treated it accordingly. Given that the extensions would be to the north of the window, there would be no direct loss of sunlight to the room and any diminution of light generally would not be significant.
15. When stood centrally within the room and away from the window neither scheme would appear overly prominent. However, both schemes would be evident when stood closer to the window. Whilst views to the west and south would be unaffected, Appeal A would significantly diminish the outlook to the north and be a dominating presence, harmful to the neighbour's overall outlook.
16. In contrast, whilst Appeal B would still be evident from the window, it would not compromise the enjoyment of the room in the way the Appeal A scheme would do. Having regard to the depth of the proposed extension and my own observations on site, I am satisfied that Appeal B would not result in unacceptable harm to the living conditions of the neighbour with regard to outlook from the bedroom.
17. Overall, by virtue of its size and proximity, the extension proposed in Appeal A would be harmful to the neighbour's living conditions. However, I find that whilst the extension under Appeal B would be evident to the neighbour at Meadow View, its overall effect on their living conditions would not be so great as to warrant rejection of the scheme.
18. As such, the extension in Appeal A would fail to accord with Policy OSS4 (ii) of the Rother Local Plan Core Strategy 2014 and Policy DHG9 (i) of the Rother Development and Site Allocations Local Plan 2019. Conversely, the Appeal B proposal would comply with these policies which, amongst other things, seek to ensure that developments do not harm the amenities of adjoining occupiers.

Other Matters

19. Reference has been made in some representations to the 45 degree rule. This is a guide sometimes used to help determine whether a development will have a harmful effect, mainly in terms of sun or day light. In having regard to this issue and notwithstanding that the 'rule' would be breached in this case, I am mindful that it provides a baseline guide and is not policy. Indeed, it has not been put to me that in these appeals there is any policy in the Council's development plan or advice in a supplementary document which makes specific reference to this approach. As such, there is flexibility, and each proposal must be assessed on its own merits. Having regard to the orientation of the buildings and relationships resulting from the Appeal B extensions, I do not find that outlook would be significantly harmed or that there would be a material loss of light.
20. Both schemes would result in less of the neighbour's existing rear garden being overlooked, particularly their patio area adjacent to the rear of the dwelling. However, the degree of overlooking is not currently excessive and is what might reasonably be expected in a setting such as this one. Accordingly, any benefit from the schemes in this regard would be limited and in the case of Appeal A insufficient to outweigh the harm I have identified.

21. Any construction issues relating to the proposed foundations, party walls or any implications for water pipes etc. would be covered by other legislation and outside the remit of this appeal.
22. The appeal property would remain as a three bedroom house. There is no evidence to indicate that there would be an increase of traffic as a result of the development.

Conditions

23. For Appeal B, I have imposed time limit and plans conditions to provide certainty.

Conclusion

24. I have identified conflict with the development plan with regard to Appeal A and there are no other considerations that would lead me to a decision other than in accordance with the development plan. Therefore, Appeal A should be dismissed.
25. However, for the reasons given above, having considered the development plan as a whole, along with all other relevant material considerations, I conclude that Appeal B should be allowed subject to the conditions listed above.

Stewart Glassar

INSPECTOR