



Appeal Decision

Site visit made on 25 March 2025

by **C Coles MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 25 APRIL 2025

Appeal Ref: APP/C1435/D/25/3360040

1 Bagham Villas, Bagham Lane, Herstmonceux, East Sussex BN27 4NA

- 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 Keet against the decision of Wealden District Council.
 - The application Ref is WD/2024/2575/F.
 - The development proposed is first floor extension at side over existing garage.
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Decision

1. The appeal is allowed and planning permission is granted for first floor extension at side over existing garage at 1 Bagham Villas, Herstmonceux, East Sussex BN27 4NA in accordance with the terms of the application Ref WD/2024/2575/F and the plans submitted with it, 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 nos, 14624.01, 14624.02 and 14624.03.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) The extension hereby permitted shall not be occupied until the window on the side elevation has been fitted with obscured glazing, and no part of that window that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscured glazing shall be retained thereafter.

Preliminary Matter

2. The Council requested the Inspector visit 2 Bagham Villas (No 2), however, the proposed development would not be visible from inside or to the rear of No 2 therefore no visit was made to this property. The second reason for refusal relates to the effect on the amenity of the occupiers of The Pumphouse in relation to overlooking. In conducting my site visit, I was able to assess the effect of the proposal on the occupiers of The Pumphouse without entering the site.

Main Issues

3. The main issues are:

- the effect of the proposed development on the character and appearance of the dwelling; and
- the effect of the proposal on the amenity of the occupiers of The Pumphouse, with regard to overlooking.

Reasons

Character and Appearance

4. The appeal site is occupied by a semi-detached, two-storey dwelling on a rectangular plot elevated from Bagham Lane. The property is constructed of red brick with a tiled roof and has previously been extended with a two-storey side extension, attached single garage and single storey rear extension.
5. The character of the surrounding area is residential, with predominantly two-storey detached and semi-detached dwellings in a variety of styles and materials.
6. The proposed development is for a first-floor extension over an existing attached garage. The extension would have a pitched roof to match the existing dwelling, would be setback from the front elevation of the building and would have a lower ridge and eaves line than the rest of the house. As a result, the proposal would appear subservient to the dwelling and constructed using suitable materials, which is a matter that could be controlled by condition, it would complement its appearance.
7. The previous extensions to the appeal site already differentiate the dwelling from its attached neighbour. The proposed development is a minor and logical addition to the dwelling which integrates well with the existing extended property such that cumulatively there is no material harm to the character and appearance of the dwelling in accordance with Chapter 10, Section 2 of the Wealden Design Guide. Owing to its front door and garage, the extended building would still be read as a single dwelling in views from the street and the absence of built form adjacent to its unattached side would avoid a terracing effect.
8. Taking all these matters into account, I conclude that the proposed extension would not have a harmful effect on the character and appearance of the dwelling. Consequently, I find no conflict with Policies EN27 and HG10 of the Wealden Local Plan (1998) which require development to relate well to its surroundings and respect the scale, form, site coverage and design of the existing dwelling.

Amenity of the occupiers of The Pumphouse with regard to overlooking

9. The window on the side elevation of the proposed extension would have the potential to overlook the outdoor amenity space of the occupiers of The Pumphouse. However, as this window is a secondary window, if the appeal was allowed, the potential for overlooking could be mitigated by attaching a suitably worded condition to obscure glaze the window and fix it shut below 1.7m in height. On this basis, I accordingly conclude that the proposed extension would not have a harmful effect on the amenities of the occupiers of the neighbouring dwelling with regard to overlooking. It follows therefore that I find no conflict with Policies EN27 and HG10 of the Wealden Local Plan (1998) which require that development has no adverse impact on the privacy and amenities of neighbouring properties.

Other Matters

10. The appeal property is located to the rear of The Chestnuts and Carriers Cottage which are both Grade II listed buildings whose significance is architectural and historical. The elements of their setting that contributes to their significance is their relationship with Gardner Street and their immediate plots. The Council is of the view that the proposed development would not harm the setting, special interest or significance of these listed buildings. Owing to the location of the appeal building on a different street and its reasonably long rear garden, I agree with that assessment.

Conditions

11. To meet legislative requirements, conditions will be imposed to address the period for commencement and specifying the relevant drawings and materials to match the existing as this provides certainty.
12. The window on the side elevation will be conditioned to be obscure glazed and fixed shut below 1.7m in height to prevent overlooking to the amenity space of the occupiers of The Pumphouse.

Conclusion

13. For the reasons given above the appeal should be allowed.

C Coles

INSPECTOR