

Report to	Planning Committee
Date	14 March 2013
By	Director of Planning
Local Authority	SDNPA (Wealden District)
Application Numbers	SDNP/12/02528/HOUS Appeal ref: APP/Y9507/D/13/2191478
Application	Erection of double garage
Site Address	Milton Court, Milton Street, Polegate, East Sussex, BN26 5RJ
Purpose of Report	To update Members on the Planning Inspectorate's decision to allow the appeal at the above site.

Recommendation: to note the appeal decision

1. Introduction

- 1.1 Application SDNP/12/02528/HOUS for the erection of a detached double garage within the rear garden of Milton Court was considered by the SDNPA Planning Committee on 4 December 2012 when it was resolved to refuse permission for the following reason:
- The proposed garage by reason of its scale and massing interrupts the spatial unity of this cohesive group of heritage assets and will harm the historic environment and the amenities of neighbouring properties contrary to policies C2 of the South East Plan, SP02 of the emerging Wealden and SDNPA Joint Core Strategy and EN27 and DC19 of the Wealden Local Plan and NE8, BE1 and DC17 of the non-statutory Wealden Local Plan 2005.
- 1.2 The applicant appealed against this decision and the appeal was considered under the Housholder appeal process where there is no opportunity for further comments by either the SDNPA, the applicant or third parties.
- 1.3 The appeal was allowed on 28 February 2013. The Inspector's decision is considered in section 2 below.

2. Appeal Decision

- 2.1 In arriving at his decision, the Inspector identified the main issue as the effect of the proposed development on the heritage assets and the character and appearance of the surrounding area, including the South Downs National Park.
- 2.2 The Inspector agreed that the group of buildings of which Milton Court was a part was a local heritage asset although it was not on the Statutory List. He also agreed that there was a visual unity to the group. He refers to the concerns raised by his colleague in the previous appeal and considered that the revised scheme addresses those concerns. In particular the pyramidal roof, though taller, would be similar to the side addition of Milton Court Cottage and the re-positioning of the garage removed the awkward relationship with the wall. In summary he considered the scheme would respect the character of the group of buildings rather than detract from the architectural integrity and spatial unity of the group.
- 2.3 The Inspector's decision can be viewed at:
<http://www.pcs.planningportal.gov.uk/pcsportal/ViewCase.asp>

3. Conclusion

3.1 This appeal decision recognises the importance of the group of buildings and their visual unity and emphasises the great weight to be given to conserving the landscape and scenic beauty of the South Downs National Park. However the Inspector took the view that the proposed garage would have a positive relationship with the group of buildings because the changes that had been made to the design in the light of his colleague's comments in the previous appeal decision.

4. Crime and Disorder Implication

4.1 It is considered that the proposal does not raise any crime and disorder implications.

5. Human Rights Implications

5.1 This planning application has been considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims sought to be realised.

6. Equalities Act 2010

6.1 Due regard, where relevant, has been taken to the South Downs National Park Authority's equality duty as contained within the Equalities Act 2010.

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Background Previous Appeal Decision - APP/Y9507/D/12/2168553
Documents
Committee report (December 2012)

<http://www.southdowns.gov.uk/about-us/about-the-authority/committees/planning-committee/2012-meetings/13-dec-2012>