



Appeal Decision

Site visit made on 30 July 2019

by Andrew Bremford BSc (Hons) MRICS

an Inspector appointed by the Secretary of State

Decision date: 27 August 2019

Appeal Ref: APP/T1410/W/19/3229204

Wood Winton, 63A Silverdale Road, Eastbourne, East Sussex BN20 7EY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Sal Dato against the decision of Eastbourne Borough Council.
 - The application Ref PC/181206, dated 10 January 2019, was refused by notice dated 27 March 2019.
 - The development proposed is erection of six houses.
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Decision

1. The appeal is allowed and outline planning permission is granted for the erection of six houses at Wood Winton, 63A Silverdale Road, Eastbourne, East Sussex BN20 7EY, in accordance with the terms of the application Ref PC/181206, dated 10 January 2019, subject to the conditions set out in the attached schedule.

Procedural Matters

2. The planning application is submitted in outline with all detailed matters reserved for a subsequent reserved matters application. An indicative layout plan (drawing No 94554/106/A) accompanies the outline planning application and I have taken this into account in so far as establishing whether or not it would be possible, in principle, to erect six dwellings on the site.
3. The Council state that although the application was made with all matters reserved, plans showing layout and access details were submitted and as such were considered to form part of the application. Notwithstanding the submission of plans showing layout and access arrangements, the application is outline with all detailed matters reserved for a subsequent reserved matters application. I have, therefore, determined the appeal on this basis.
4. The Council's refusal notice does not make reference to any policies that the application was considered to be in conflict with. The Council state that this was due to a formatting error of the decision notice. Furthermore, my attention has been drawn to a typographical error on the decision notice in respect of the year of refusal: the decision notice states 2018, however the application was refused in 2019. The Council's appeal statement includes reference to the following policies which were absent from the decision notice: Policy UHT1 of the adopted Eastbourne Borough Plan 2003 (EBP), Policy D10a of the adopted Eastbourne Core Strategy Local Plan 2013 (CSLP) and paragraphs 110 and 127 of the National Planning Policy Framework (the Framework). I consider these policies relevant for the purposes of determining

this appeal and as the appellant has had the opportunity to comment on the Council's appeal statement, I do not consider their interests would be prejudiced if I have regard to them.

Main Issue

5. The main issue is the effect of the proposed development upon the character and appearance of the area.

Reasons

6. The appeal site is a roughly triangular shaped plot of land adjacent to a large detached dwelling (Wood Winton) in the Meads area of Eastbourne. It is set well back from the street in a secluded position to the rear of surrounding buildings and is accessed via a long private drive, which it shares with Wood Winton. The site area is approximately 0.24 of a hectare including the access drive. The boundary is formed mainly of walls of varying height with some mature trees and other foliage mostly around the edge of the site and either side of the access drive.
7. It is proposed to erect six dwellings on the site and whilst detailed matters are to be considered by means of a reserved matters application, the indicative layout plan shows two detached and four link detached two-storey dwellings each with a car port. Development in the surrounding area is predominantly residential in nature and consists mainly of a mixture of large detached properties, some of which have been sub-divided into flats and large modern blocks of flats set within generous sized plots. However, there are also smaller modern detached properties and three storey town houses in the vicinity of the site set within smaller sized plots. Thus, the erection of detached dwellings, although set within smaller sized plots than the prevailing pattern of development, would not be out of keeping with other development in the surrounding area.
8. The proposal would constitute a change to the sense of spaciousness around most buildings in the surrounding area. However, the indicative layout plan demonstrates that, in principle, it would be possible to erect six dwellings on the land within plots that would provide a good degree of separation between individual buildings and suitably sized private amenity space. Overall, therefore, whilst the space around buildings would differ from others in the surrounding area the proposal would not result in a cramped form of development.
9. Taking into account the secluded position of the site and the presence of trees and other foliage which afford a degree of screening from local views, I do not consider the land is fundamentally important to the form and character of the Meads or the street scene. Clearly, design and layout matters would be important considerations for any subsequent reserved matters application. However, on balance, I conclude that the erection of six dwellings, in principle, would not materially detract from the character and appearance of the area.
10. For the above reasons, therefore, the proposed development, in principle, would not be harmful to the character and appearance of the area. Consequently, it would accord with Policy UHT1 of the EBP, Policy D10a of the CSLP and paragraph 127 of the Framework which, amongst other things, set

out to ensure that new development respects the character of existing development in the surrounding area.

Other Matters

11. Concerns have been raised by the Council and third parties about the access to the site. The Council's decision notice refers to 'poor access arrangement'. I acknowledge the long access drive is relatively narrow, winding and steep. However, I have no evidence before me to disagree with the conclusions reached by the Highway Authority that in principle it would be possible to erect six dwellings on the site without harm being caused to matters of highway safety, nor would the evidence before me suggest that the increase in vehicle movements from six additional dwellings would cause significant harm from a traffic congestion or living conditions point of view.
12. I note that the site lies adjacent to the Meads Conservation Area (MCA). Although the Council has not raised any concerns about the proposal in regard to the setting of the MCA I have a duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the MCA. The appeal site is located north of the MCA on lower ground beyond the generously sized rear gardens of properties on the north side St John's Road. The proposed development would not be readily visible in local views from St John's Road, thus would not be harmful to the setting of the MCA. Therefore, I conclude that the proposal would not have a harmful effect on the character or appearance of the MCA as a whole.
13. Concerns have also been raised about the impact of the proposal on trees at the site. I saw on my site visit that some trees had been felled and general foliage had been cleared, although a number of trees were present around the edge of the site and either side of the access drive. I note from the Council's officer report that the Council's specialist arboriculture advisor states that only one lime tree, the subject of a Tree Preservation Order, is of interest. I have no substantive evidence before me that would lead me to come to a different conclusion. Nevertheless, in the interest of visual amenity and the retention of important landscape features, details of the trees to be retained and how they would be protected during construction could be considered as part of a future reserved matters planning application.
14. Third parties have raised concerns about noise and disturbance during building work at the site. Construction works would likely lead to some disruption, but this would be temporary and any effects from it would be short-term and could be suitably controlled by means of the imposition of a planning condition relating to the submission and approval of a construction method statement.
15. I note concerns raised about potential flood risk as a result of increased surface water runoff from the proposed development. However, details regarding the disposal of surface water runoff could be considered and controlled at reserved matters stage. There is no evidence to suggest that any surface water run off could not, in principle, be appropriately controlled.
16. I acknowledge the comments raised by third parties regarding the effect of the proposal on the living conditions of the occupiers of neighbouring properties with regard to light, outlook and privacy, parking on surrounding streets, wildlife at the site, air pollution and refuse storage and collection. This is an

outline application with all matters reserved, but I have no doubt that it would be possible in principle to erect six dwellings on the site without causing harm to the living conditions of both the occupiers of the neighbouring properties and the occupiers of the proposed dwellings. Refuse and storage facilities would be capable of being considered at reserved matters stage. Furthermore, there is no objective evidence before me that the proposal would result in any significant effects in terms of air pollution or that the development would cause significant harm to bio-diversity interests.

17. There is no dispute between the parties that the local planning authority cannot demonstrate a deliverable five-year supply of housing sites. On the evidence that is before me, there is a significant five-year housing land supply shortfall and hence the proposal for six dwellings would make a very positive contribution towards boosting housing land supply in the local area. This is a matter which weighs in favour of allowing the development. However, it has not been necessary for me to apply the 'tilted balance' as outlined in paragraph 11d of the Framework. This is because the outline proposal accords with the development plan for the area and in addition there is no conflict with any of the policies in the Framework. Consequently, the proposal would constitute a sustainable form of development.
18. None of the other matters raised alter or outweigh my conclusion on the main issue.

Conditions

19. The conditions set out in the accompanying schedule are based on those suggested by the Council in their appeal statement should the appeal be allowed. The appellant was given the opportunity to comment on them. Where necessary I have amended the wording of the suggested conditions, in the interests of precision and clarity, and in order to comply with advice in the Planning Practice Guidance.
20. I have attached standard conditions relating to the submission and timing of reserved matters application(s) and the commencement of development. It is not necessary for me to specifically refer to surface water drainage as part of the former condition as this matter would be considered as part of the layout reserved matters details. I have attached a condition referring to the site location plan to specify the site to which the permission relates to, for the avoidance of doubt and to clearly identify the site.
21. The Council has suggested conditions requiring specific details of surfacing, signage and other measures with regard to access, layout of parking spaces at the site and retention/protection of trees. However, details pertaining to access, layout and landscaping would be considered at reserved matters stage and so it has not been necessary for me to impose these suggested conditions.
22. In the interests of the living conditions of the occupiers of neighbouring properties and highway safety, it is necessary to impose a condition requiring the submission and approval of a construction method statement.

Conclusion

23. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be allowed.

Andrew Bremford

INSPECTOR

Schedule of conditions

- 1) Details of the access, appearance, landscaping, layout and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plan: 'Location Plan' 94554/LP'.
- 5) No development shall take place until a construction method statement has been submitted to and approved in writing by the local planning authority. The statement shall provide for:
 - i. the parking of vehicles of site operatives and visitors;
 - ii. loading and unloading of plant and materials;
 - iii. storage of plant and materials used in constructing the development;
 - iv. wheel washing facilities;
 - v. delivery and construction working hours.

The approved construction method statement shall be adhered to throughout the construction period for the development.