



Appeal Decision

Site visit made on 8 November 2017

by J Ayres BA Hons, Solicitor

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 6th December 2017

Appeal Ref: APP/T1410/W/17/3179907

Store to rear of 315 Seaside, Seaside, Eastbourne BN22 7PA

- 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 THL Developments against the decision of Eastbourne Borough Council.
 - The application Ref PC/170275, dated 8 March 2017, was refused by notice dated 22 May 2017.
 - The development proposed is described in the application form as 'replacement of existing store to form 1 Bedroom dwelling'.
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Decision

1. The appeal is allowed and planning permission is granted for a replacement of existing store to form 1 Bedroom dwelling at Store to rear of 315 Seaside, Seaside, Eastbourne BN22 7PA in accordance with the terms of the application, Ref PC/170275, dated 8 March 2017, subject to the conditions in the attached schedule.

Main Issues

2. The main issues are the effect of the proposal on (i) the character and appearance of the area, (ii) the living conditions of future occupiers, and (iii) highway safety with regards to parking.

Reasons

Character and appearance

3. The appeal site currently hosts an outbuilding which sits on the boundary with Seaford Road and Seabeach Lane. That building is the subject of this appeal. The outbuilding occupies a significant proportion of the rear of the site, this use of rear gardens to accommodate outbuildings is not uncommon in the area. Seaside hosts a mix of residential and commercial properties whilst the properties to the rear along Seaford Road are residential.
4. The general area is characterised by modest town houses opening directly onto the street or with a small space and low wall to the front, the absence of driveways results in on-street parking, which is not restricted. The area in its entirety has a relatively dense, urban character.
5. The proposal would not increase the existing footprint of the building. The pitched roof would be an aesthetic improvement on the existing situation. It

would be modest in pitch, it would include a window in the elevation facing onto Seaford Road, and a skylight on the opposite side. These design elements would allow the building a sense of residential identity which would assist it to form a positive element of the street scene.

6. Seabeach Lane separates the outbuilding from the dwellings along Seaford Road. There is also some distance between the outbuilding and the main property at No 315. These elements of separation would ensure that the proposal would not have an overbearing relationship with the main property, or the properties in the immediate vicinity. It would contribute, and be seen as part of, the urban character of the area.
7. Accordingly, I find that the proposal would comply with saved Policies UHT1 and UHT4 of the Eastbourne Borough Plan 2003 (the Local Plan) with regards to ensuring good design and visual amenity. It would make a positive contribution in compliance with Policy D10a of the Eastbourne Core Strategy in respect of the design aims of that policy.

Living conditions

8. The proposal would provide adequate a kitchen and living area, with upstairs bedroom and two bathrooms. The upstairs space would be slightly limited due to the pitch of the roof. However, taking into account the level of amenity space provided in the main living area I consider that overall the proposal would provide an adequate level of amenity space for future occupiers.
9. The kitchen and living space windows would front onto Seabeach Lane and Seaford Road respectively. The close proximity of the windows to the street is not uncommon in the area and the physical location of the windows would not automatically result in a detriment to the living conditions of future occupiers.
10. All main living spaces would be served by windows which would provide natural light. I have not been provided with any technical evidence to suggest that this would be inadequate. There would not be any physical boundaries to the windows serving the living space and the bedroom that may impact the provision of light. The space provided by Seabeach Lane would be adequate to ensure that a good level of natural light would reach the kitchen window.
11. At present the ground floor of No 315 is served by an area of decking immediately adjoining it. Hardstanding then wraps around the main property, creating a space between the main property and the proposal. Part of this space would be fenced and the occupiers of the proposal would have access to this courtyard area via a gate in the fence and their back door. Taking into account the likely limited occupancy of the proposal and the existing recreation area to the side of No 315 which appears to be utilised I do not consider that the proposal would result in an inadequate level of outdoor amenity space.
12. Adjacent to the outbuilding is an area that would provide sufficient space for refuse and also provides a gate out to the street for collection purposes, this space appears to be utilised already for the storage of bins and comfortably accommodates them.
13. This continued arrangement would ensure that refuse is retained on site, out of view of those using the footpath, subject to collection days. As such it would not have a detrimental impact on the streetscene.

14. Accordingly, I find that the proposal would comply with saved Policies UHT1 and UHT4 of the Eastbourne Borough Plan 2003 (the Local Plan) insofar as those policies seek to protect amenity through design.

Highway safety – parking

15. The area is not currently restricted with regards to on-street parking. The site would provide cycle spaces, it is close to a number of main transport routes, and also local facilities and services are within walking distance. Therefore occupiers of the proposal would be able to take advantage of its sustainable location with regards to transport and may not be reliant upon a car.
16. That being said, I accept that occupiers may have a vehicle and therefore the proposal may result in additional on-street parking. However, due to the limited occupancy that the proposal would provide it is likely that the increase in vehicles would be minimal. Due to the access to properties that Seabeach Lane provides it would not be possible to utilise the space to the side of the building. However, parking is available on Seaford Road and at the time of my site visit was not restricted. On the basis of the evidence before me I consider that any additional vehicles related to this proposal would not have a detrimental impact on the current parking arrangements for residents.
17. As such the proposal would comply with Policy TR11 of the Local Plan with regards to providing adequate parking.

Conditions

18. I have considered the Council's suggested conditions in accordance with advice in the Framework and Planning Practice Guidance. I have amended some of them for clarity.
19. In the interests of certainty a condition is necessary specifying for the development to be carried out in accordance with the approved plans. Conditions relating to materials and the provision of adequate storage space for refuse are cycles necessary in the interests of the character and appearance of the area and local amenity.
20. I have considered the Council's suggested condition revoking permitted development rights relating to extensions, windows and doors. Permitted development rights should only be restricted in exceptional circumstances. Taking into account the important contribution that the outdoor amenity space makes to the proposal, and the proximity of the proposal to the main property and the neighbouring property, I consider such a condition to be necessary in this case.

Conclusion

21. For the reasons above, and taking into account all other matters raised, I conclude that the appeal should be allowed.

J Ayres

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
268900-02 Existing Plan;
268900-05 Site Location and Block Plan;
268900-06 Proposed Plans and Elevations.
- 3) The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.
- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no extension to the building shall be erected, and no window, dormer window, rooflight or door shall be constructed within elevations or the roof slopes of the new dwelling other than those expressly authorised by this permission.
- 5) The dwelling hereby permitted shall not be occupied until details of refuse and cycle storage facilities for both this and the main dwelling have been submitted to and approved in writing by the local planning authority. The storage facilities shall be provided in accordance with the approved details.

END OF SCHEDULE