



Appeal Decision

Site visit made on 30 October 2018

by Cullum J A Parker BA(Hons) MA MRTPI IHBC

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

Decision date: 6th November 2018

Appeal Ref: APP/T1410/W/18/3197884

5 Fastnet Close, Eastbourne, BN23 6UW

- 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 Mrs Joan Todd against the decision of Eastbourne Borough Council.
 - The application Ref PC/175088, dated 20 April 2017, was refused by notice dated 22 December 2017.
 - The development proposed is new one bedroom dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposal on the character and appearance of the street scene, and;
 - The effect of the proposed development on the living conditions of occupiers of adjoining buildings and land.

Reasons

3. The appeal site is comprises a semi-detached bungalow located on a residential estate of similarly designed dwellings in Eastbourne. The proposal seeks the extension of the building with a gable-ended roof perpendicular to the main roof and gable-ended projections to the front and rear.
4. This would create a one bedroom dwelling with living/dining/kitchen area and shower room/W.C. as shown on drawing 269300-03 Revision f. The area of land on which the new dwelling would be erected is set out as an amenity and parking space.
5. The street scene is typified by semi-detached bungalows set in fairly spacious plots, giving an open feel to the wider estate.

Character and appearance

6. The proposal would result in the loss of an area of open space to the side of 5 Fastnet Close, with the development being about 1 metre at it closest point with a footpath that runs between the appeal site and properties facing Viking Way. In practice, the existing gap between the side of the appeal building and

Nos 36/38 Viking Way, which is characteristic of the overall spatial openness of the estate, would be lost. It would also result in the creation of a short terrace of three dwellings which would be at odds with the prevailing pattern of development within the area.

7. I acknowledge the appellant's view that the wider estate has examples of further development, as provided in their Appendix B. However, this does not detract from the fact that the proposal would erode the open character of this part of the estate. This would be further exacerbated by the 3 metres rear extension projecting beyond the rear elevation of No 5 and the 1 metre front projection. I also acknowledge that the 'communal' value of the land is aesthetic rather than a matter of land ownership, which is beyond my remit.
8. The proposal would nonetheless erode the open plan nature of the wider estate. I therefore conclude that it would have an adverse impact on the character and appearance of the street scene. Accordingly, it would be contrary to Saved Policies UHT1 and UHT2 of the *Eastbourne Borough Plan 2007 (EBP)* and Policies D1 and D10a of the *Eastbourne Core Strategy 2013 (CS)*, which amongst other aims seek to ensure that the layout and design of developments contribute to local distinctiveness.
9. It would also conflict with Paragraph 127 b) of the *National Planning Policy Framework* (the Framework) which seeks to ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.

Living conditions

10. Both 36 and 38 Viking Way are semi-detached bungalows located to the east/southeast of the appeal site across a narrow footpath. Concerns have been raised by the Council and neighbours that the proposal would lead to a loss of light and outlook from the rear elevation and amenity space.
11. However, the proposed extension to No 5, to accommodate the new dwelling, would be single storey in height thus reducing the potential for an overbearing or visually dominating structure. In terms of light, there is a possibility that some direct sunlight at the end of the day could be lost to the rear of No 36 given that the proposal is to the west. This is nevertheless mitigated in part by the single storey nature of the proposal.
12. I therefore find that the proposal would not result in materially harmful impact on the living conditions of neighbouring occupiers. As a result I consider that the proposal would accord with Saved Policy HO20 of the EBP which seeks to refuse proposals if they cause unacceptable loss of outlook and privacy.

Planning Balance and Conclusion

13. The Council concedes that at the current time it is unable to demonstrate a five year supply of housing. In such circumstances the 'tilted balance' set out in Paragraph 11 of the Framework applies.
14. In this case, I find that the adverse impacts in terms of the failure to create a high quality building and place, which is *fundamental* to what the development

process should achieve¹, outweigh the principal benefit of the proposal in contributing one, 1-bedroom dwelling to the housing supply.

15. Accordingly, the proposal is contrary to the adopted development when taken as a whole and there are no material considerations indicating a decision otherwise than in accordance with it.
16. For the reasons given above I conclude that the appeal should be dismissed.

Cullum J A Parker

INSPECTOR

¹ See Paragraph 124, the Framework. Emphasis mine.