



Appeal Decision

Site visit made on 3 January 2019

by **D Cramond** BSc MRTPI

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

Decision date: 11 January 2019

Appeal Ref: APP/T1410/W/18/3211898

12 Eversfield Road, Eastbourne, East Sussex, BN21 2AS

- 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 CWP Residential LLP against the decision of Eastbourne Borough Council.
 - The application Ref PC/180190, dated 26 February 2018, was refused by notice dated 1 May 2018.
 - The development proposed is the creation of a self contained single storey 1 bed dwelling to the rear of 12 Eversfield Road with entrance onto Hartfield Lane.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. I use the Council's description of development which is more precise than the application form; I note the Appellant also uses this on the appeal form.

Main Issues

3. The main issues are the effect of the proposal on the:
 - character and appearance of the locality;
 - living conditions for neighbours; and
 - living conditions for future residents.

Reasons

Character and appearance

4. The appeal property is a detached villa recently divided into flats; it fronts the grand Eversfield Road with parkland beyond and it runs through to the rear minor road, Hartfield Lane. The proposal is as described above.
 5. The site lies within the Upperton Conservation Area (CA). There is a duty imposed by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requiring decision makers to have special regard to the desirability of preserving or enhancing the character or appearance of a Conservation Area. The Council's Core Strategy Local Plan 2013 (LP) Policy D10 and Saved Policy UHT15 of the Borough Plan 2007 (BP) reflect this. BP Saved Policies UHT1 and UHT4 are also relevant to the case. Taken together
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- and amongst other matters they seek to secure development which would display good quality design, be appropriate in scale and layout, protect local amenity and reflect local distinctiveness.
6. Since the time of the application and appeal submission progression of the flatted development at the site appears to have moved close to completion. The rear area, rather than having buildings as shown on the plans includes a storage area to one side with the remainder shingled and available for parking. Beyond this lie principal rear-facing windows including at semi-basement level with a patio alongside, lying behind and below hit and miss type fencing which provides some privacy and some light entrance / outlook. The principal large scale elevations facing Hartfield Lane and the foreground to the rear of the site look reasonable as they stand and represent an aesthetically fair pattern of development in the CA context. The scope for the claimed visual gain of removing old structures has been greatly diminished.
 7. The special interest of the CA stems from elegant terraces, semi-detached and detached housing set around leafy squares. Much of its character is derived from its coherent layout with wide, straight or gently arcing avenues, open and closed vistas, wide pavements and garden walls. The formal building lines of the houses are softened by the informality of the landscaped gardens. Integral to the overall scene are the narrow lanes to the rear which provided access for the tradesmen and staff who serviced the properties; Hartfield Lane continues in a rear service vein. Albeit, as exceptions, the lane also includes the Guide Hut which is of interest as a modest red brick six-bay single-storey former parish hall with approval for residential conversion and there is Hooky Cottage (no.1) and Hartfield Cottage (no. 2) which are a pair of semi-detached two-storey red brick gable-fronted houses of attractive appearance. Elsewhere garages, storage, gardens or open parking extensively predominate on the lane.
 8. In this context what I consider to be the somewhat mundane elevations along with the alien siting, scale and roof form of the proposed 'mini-bungalow' would appear most out of place whether seen from lane level or adjoining properties. This random structure would neither preserve nor enhance the character or appearance of the CA; it would quite simply be out of place both functionally and visually.
 9. Given the foregoing I conclude that the development proposed would be contrary to the aims of Section 72(1) and would conflict with the development plan policies which I cite in paragraph 5 above.

Living conditions for neighbours

10. I touch above in paragraph 6 on the lower level accommodation which has been created on the rear elevation. Outlook from these windows and sense of space whilst on the patio would not be particularly great as things stand. I am in no doubt that the siting of a bungalow style building at ground level, above this neighbouring arrangement and little more than one metre away from the shared boundary, would be a serious imposition upon residential amenity for these nearest neighbours. The effect of being unduly hemmed-in would be palpable.
11. LP Policy B2 and BP Saved Policy HO20 are relevant. Taken together and amongst other matters they seek to ensure that development would protect

residential amenity in its various guises for neighbours. Given the foregoing I would conclude that the appeal scheme would conflict with these policies.

Living conditions for future residents

12. Reference is made to National Described Space Standards (NDSS) but as the Appellant rightly underlines and explains these have no formal basis for application in this Council area. The Council has clarified that, setting aside these standards, it considers against the background of applicable local policy with a subjective assessment the property would be too small for a 2 person 1 bedroom home. In this instance I would share that view. The property would be too tightly constrained internally and not offer a good standard of living conditions. Along with tight space there would only be single aspect north east facing fenestration.
13. There would be extremely limited external amenity space with, if one ever did use it, little quality of environment offered. This would be not least because of tight proximity to the lane and communal facilities including bin storage for the main building's numerous flats.
14. I recognise the relative proximity of parkland but this does not negate the need to make this planned home a good quality one in its own right.
15. On this basis I conclude that there would be conflict with LP Policy B2 and BP Saved Policy HO20 where they seek to ensure suitable amenity for future residents of a property.

Other matters

16. I appreciate that the scheme would add to the housing supply and the considerable impetus which is applied to this. However the addition to the stock would be very minimal and whilst this is an accessible location I would not deem the proposal to be sustainable development because of the environmental issues I have cited. I have reviewed the examples of other cases drawn to my attention but would not see them as directly comparable by reason of location or other factors and I would adjudge that they would not set any benchmark or precedent. In any event I must determine this case on its own merits.
17. I have carefully considered all the points raised by the Appellant but these matters individually or collectively do not outweigh the concerns which I have in relation to the main issues identified above.
18. I confirm that policies in the National Planning Policy Framework (the Framework) have been considered. Key objectives of the Framework are to protect and enhance the qualities of the built environment as well as to safeguard heritage assets; development plan policies which I cite mirror these. The Framework underlines that great weight should be given to a heritage asset's conservation. The appeal proposal would lead to less than substantial harm to the significance of the designated heritage asset however what public benefits there would be would not outweigh this harm. Furthermore there are no other benefits, including to the Appellant, which to my mind would be of a scale to outweigh the harm to the Conservation Area which I have identified.

Overall conclusion

19. For the reasons given above I conclude that the appeal proposal would have unacceptable adverse effects on the character and appearance of the locality and on living conditions for neighbours and future residents. Accordingly the appeal is dismissed.

D Cramond

INSPECTOR