

**Planning Committee Tuesday 30th August
Appeal Update**

St. Elisabeth's Church, 266-268 Victoria Drive, Eastbourne

(1) Application for Listed Building Consent Ref: EB/2010/0478(LB):

Change of use to existing building and convert to apartments, convert existing Parsonage into dwellings, construct one pair of semi-detached houses

(2) Planning Application Ref: EB/2010/0477(FP):

Change of use to existing building and convert to apartments, convert existing Parsonage into dwellings, construct one pair of semi-detached houses

(1) The application for listed building consent was refused for the following reason:

That the proposed extensions to the roof and alterations to the Church building would result in a form of development that would be detrimental to the character and appearance of the grade II listed building and group of listed buildings and thereby materially affecting this local historic asset. The proposed development is therefore contrary to Policies UHT1, UHT4 and UHT17 of the Eastbourne Borough Plan (2001-2011).

In considering the appeal, the Inspector acknowledged that the church has considerable architectural interest and that the scale of the building stands in dramatic contrast to the surrounding mainly two storey suburban development. This contrast is very apparent in views from surrounding residential areas and in longer views from the Downs. The church was designed as a group with the adjoining church hall and vicarage and all three buildings gain added architectural significance from this group value.

The Inspector acknowledged that some local residents are highly critical of the appearance of the church, which they regard as out of scale and character with its surroundings. However, the scale of the building is an important component of its significance. Whether or not the building is thought to be attractive, its listed status means that it is a designated heritage asset. Planning Policy Statement 5: *Planning for the Historic Environment (PPS5)*, states that there should be a presumption in favour of the conservation of designated heritage assets.

The Inspector confirmed that the Council approved a Planning Brief for the site in 2003 which aims to facilitate the process of finding a viable use for the church, which is an important material consideration. It advocates a flexible approach to the future use of the building and identifies a wide range of suitable uses, including residential apartments.

The Inspector confirmed that the impact of having an entirely new multi-storey structure within the building providing lateral support to the external walls, would have a major impact, resulting in the complete loss of the internal spatial quality of

the church. However as the Council and English Heritage are prepared to accept this impact on the basis that it would be outweighed by the benefit of preserving the structure and external elevations of the listed building, he saw no reason to take a different view in relation to these internal changes.

With regard to the proposed roof extensions, the Inspector confirmed that the existing roof, when viewed from ground level, is partially hidden behind a parapet and that whilst the roof has a long ridgeline, its bulk is reduced by hipped ends. When the church is seen from the higher ground of the Downs the roof is fully visible. Nevertheless, it does not appear unduly bulky and it sits comfortably in relation to the overall proportions of the building.

It was acknowledged that the proposed extension to the main roof would be no higher than the existing ridgeline, however the Inspector considered that the stark cuboid form would result in a bulky extension which would be poorly related to the existing elevations. It would have a strong horizontal emphasis that would conflict with and diminish the existing vertical proportions of the building. Furthermore, when viewed from the Downs, the overbearing scale and bland horizontal form of the extension would do great harm to the elegant proportions of the church. The extensions to the transepts would have a similarly unsympathetic effect.

Having regard to PPS5, the Inspector confirmed that he had not identified significant public benefits sufficient to outweigh the harm and that the appellant had not demonstrated that the appeal scheme is the only viable way of conserving the building or that the harm to the heritage asset would be outweighed by the benefit of bringing the building back into use.

The Inspector raised no objections to the proposed conversion of the vicarage or to the proposed semi-detached dwellings. The proposed conversion would be sympathetic to the plan form of the vicarage with only limited change to the exterior. The design and siting of the semi-detached houses would be sympathetic to the other buildings in the group. However, the roof extensions to the church would be harmful to the settings of the vicarage and church hall.

For the above reasons, the Inspector concluded that the proposal would result in substantial harm to the significance of the church, a designated heritage asset. It would therefore fail to preserve the special interest of the church. It would also fail to preserve the settings of the church hall and vicarage and would not meet the tests of Policies of PPS5 and finally, the proposal would be contrary to Borough Plan Policy UHT17 which seeks to protect listed buildings.

The Inspector therefore dismissed the appeal.

(2) The application for planning permission was refused for the following reasons:

- (1) That the proposals represent an over-development of the site which is out of keeping with the character and appearance of the surrounding locality and would be detrimental to the amenities of occupiers of surrounding residential properties, particularly by reason of overlooking and loss of privacy and increased noise and disturbance from the proposed residential units and the associated vehicle movements. The proposals are therefore contrary to Policies UHT1 and HO20 of the Eastbourne Borough Plan (2001-2011).

- (2) That the proposed extensions to the roof of the Church and the transepts, by reason of their design and appearance, will represent strident and incongruous features, to the detriment of the character and appearance of the grade II listed building and group of listed buildings and will have a harmful effect on the visual amenities of the locality. The proposed development is therefore contrary to Policies UHT1, UHT4 and UHT17 of the Eastbourne Borough Plan (2001-2011).

In considering the effects on the character and appearance of the area, the Inspector confirmed that the provision of apartments is consistent with the adopted Planning Brief for the site, which specifically identifies conversion to apartments as a use which the Council would support. Furthermore, given the height and scale of the existing building it is to be expected that a scheme of conversion will yield a significantly higher density than is found in the surrounding suburban area.

The Inspector referred to the Council's suggestion that the gardens to the vicarage units and the semi-detached houses would be too small. However, he did not consider that any real harm would result because the gardens would be of sufficient size for their intended purpose and the internal layout of the site would have very little impact on the character of the wider area.

Nevertheless, for the reasons given above, the Inspector confirmed that the proposed roof extensions would be unsympathetic to the design of the church. They would be very prominent and would be seen from a wide area. The proposal would therefore be harmful to the character and appearance of the area, contrary to Borough Plan Policies UHT1 and UHT4 which together seek to maintain local distinctiveness and protect visual amenity.

In considering the effects on the living conditions of nearby residents, the Inspector acknowledged that the scheme includes new windows in the east elevation of the church which would face the rear elevation of No 81 Baldwin Avenue. The separation distance would be sufficient to avoid harmful overlooking of the windows but there would be potentially harmful overlooking of the rear garden. However, the Inspector considered that this concern could be resolved by a scheme of obscure glazing to the lower sections of the windows concerned, limiting views down into the adjoining garden. This is a matter which could be controlled by a condition.

The Inspector acknowledged that neighbouring residents have expressed concern about overlooking from the proposed roof terraces and extensions to the transepts. There would be extensive views over the surrounding area from these upper levels. However, the separation distances would preclude unduly intrusive views into neighbouring dwellings. The Inspector confirmed that some overlooking of gardens is commonplace in suburban areas such as this and he did not consider that the degree of overlooking would be so harmful as to merit refusal on these grounds.

With regard to noise and disturbance, the Inspector considered that the main potential for noise would arise from vehicles accessing the site. Only a small number of the parking spaces would be reached from Baldwin Avenue. The main parking area would be reached from the access from Victoria Drive and would be contained in the central part of the site. Subject to details of landscaping and boundary treatment, which could be controlled by a condition, the Inspector considered that the proposed layout would not result in harmful levels of noise and disturbance.

The Inspector also referred to the fact that the Council had suggested that the flats themselves might give rise to unacceptable noise and disturbance. The Inspector confirmed that this suggestion is at odds with the Planning Brief which supports use for residential apartments and the Inspector saw no reason why residential apartments should be regarded as inappropriate within an established residential area.

The Inspector acknowledged that concerns have been expressed regarding overshadowing and the impact of the flank wall of the semi-detached houses on the outlook from houses in Baldwin Avenue. He confirmed that shadow drawings were submitted with the application, which show that the existing church casts a shadow over adjoining properties at certain times of the day and the additional shadowing attributable to the roof extension would be minor and would not result in material harm to living conditions.

In addition, there would be sufficient separation between the flank wall of the proposed house and the rear elevation of houses in Baldwin Avenue to avoid an unduly overbearing effect.

For the above reasons, the Inspector therefore concluded that the proposal would not be harmful to the living conditions of nearby residents and would not conflict with Borough Plan Policy HO20.

The Inspector referred to the fact that local residents had raised issues of parking and highway safety, drawing attention to a nearby school and existing levels of congestion. The Inspector confirmed that the highway authority has commented that the proposed level of parking is acceptable, having regard to the availability of public transport and the accessibility of the site. The Inspector considered that the access points to Victoria Drive and Baldwin Avenue would have satisfactory visibility and there is no technical evidence to suggest that these accesses would be unsafe or that the local highway network would be inadequate to cope with the traffic generated by the scheme.

For the reasons given above, the Inspector concluded that both appeals should be dismissed.

10 August 2011

APPEAL SUMMARY

Site: Land North of Just Learning Nursery, Larkspur Drive

Proposal: Erection of a residential care home (Class C2) with parking and new vehicular access. EB/2010/0407(FP)

The Inspector considered that there were two main issues; the effect of the development on the character and appearance of the area and whether or not appropriate contributions would be secured towards the provision of local infrastructure.

He noted that site falls within the Built-up Area Boundary but has no particular allocation on the Borough Plan Proposals Map and would not be included in the Strategic Housing Land Availability Assessment nor, despite being on the edge of Eastbourne Park, would it be considered in the Local Development Framework review of the park. Taking account of these matters he saw no 'in principle' objection to the proposed development. He also noted the Borough Plan (2003) Inspector's concerns over the future of the site and the impact on views across to Eastbourne Park, but that the concerns related to a larger site prior to the construction of the adjacent nursery.

He went on to state that the footprint, height and bulk of the proposed building would be harmful to some existing views of Eastbourne Park, but would not prevent all views nor would it have any significant enclosing affect on Larkspur Drive or the residential areas beyond. As such, the harm would not, in his view, be sufficient to warrant dismissal of the appeal, and the overall size and positioning of the care home would therefore be acceptable.

However, he considered that, notwithstanding the acceptability of its size, the care home would be a significant presence in the foreground of any long views towards the park, and would also appear as a prominent feature when seen from Eastbourne Park; given this prominence, the detailed design of the home would take on a particular importance. Noting that even though some amendments had been made during the application process, he opined that the drawings showed elevations with a wide range of finishes and treatments, and considerable variety and inequality in the fenestration; this complexity was in direct contrast to the basic simplicity of the building, resulting in a development that, at the same time, would appear both bland and fussy. The size and positioning of the building meant that it would have a significant presence in views into and out of the park. However, given the design shortcomings identified above it did not, in his opinion, possess sufficient intrinsic merit to successfully shoulder that burden.

The Inspector therefore concluded that the proposed development would be materially harmful to the area's character and appearance and would conflict with policies UHT1 and UHT4 of the Borough Plan, and PPS1 which states that design which is inappropriate in its context should not be accepted.

As the development was found to be unacceptable, the Inspector did not pursue the incomplete unilateral undertaking in respect of a financial contribution towards compensatory flood storage on Willingdon Levels.

OTHER APPEALS DECIDED SINCE MARCH 2011

Site:	54/54B Meads Street	Allowed
Proposal:	Change of use of existing shop (A1) to café (A3) and change of use of builders store and yard to A1 for the sale of plants and garden accessories; erection of a single storey extension at rear to increase the café area at ground floor level; partial lowering of boundary wall between 54 and 54B Meads Street	EB/2010/0682
Site:	Land adjoining Esher House, 48 St Leonards Road	Dismissed
Proposal:	Construction of three storey residential accommodation consisting of 12 dwellings and 7 car parking spaces	EB/2010/0501
Site:	1 Lawrence Close	Dismissed
Proposal:	Re-positioning of garden screen wall	EB/2010/0515
Site:	2 Park Lane	Dismissed
Proposal:	Erection of two storey side extension	EB/2010/0604
Site:	51 Green Street	Allowed
Proposal:	Conversion of window to door at rear, first floor level and provision of staircase.	EB/2010/0702
Site:	3 Warrior Square	Dismissed
Proposal:	Retrospective application for shed in front garden	EB/2010/0703
Site:	29 Ascham Place	Dismissed
Proposal:	Installation of a fake hedge above the boundary wall at the side and rear of the property.	EB/2010/0760
Site:	2 Shepherds Close	Dismissed
Proposal:	Erection of a 1.8m high close boarded fence to the property boundary.	EB/2011/0026