

# APPENDIX 1

From 31/12/11

To 30/06/12

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**Planning Application:** EB/2010/0759 **Ward:** RATTON

**Site:** LAND TO THE REAR OF 18-34 RANGEMORE DRIVE

**Officer Recommendation:** Approved conditionally

**Appeal Decision:** Allowed

**Costs Awarded to Authority:** £0.00

**Costs Awarded To Appellant:** YES Amount to be Set

**Proposal** Re-development of garage block and rear gardens with the erection of 2 pairs of semi-detached two-storey houses with garages, a detached two-storey house with integral garage, and alterations to existing vehicular access to Rangemore Drive (outline application).

**Decision Summary:** Main Points:- Effect on the living conditions of neighbouring residents with reference to visual dominance, privacy, noise and disturbance.

Inspectors Comments:- The alignment of the proposed properties would maintain acceptable separation distances between dwellings and, together with the difference in land levels, could prevent overlooking of the rear gardens to the existing houses in Rangemore Drive.

Access and parking would not impact upon the amenities of the adjoining properties.

The proposal would not have any material impact upon the living conditions of neighbouring residential occupiers of Nos 18-34 Rangemore Drive with reference to visual dominance, privacy, noise and disturbance.

No impact upon the character of the area as the plot sizes would not be out of character with the predominant pattern of development in the surrounding area.

On the Costs claim the Inspector commented that the scheme is identical to the proposal dismissed at appeal on the 15th Nov 2010 and that the sole reason for the appeal being dismissed was the S106 agreement had not been executed. Given that the appeal scheme was identical to the earlier proposal and that now the S106 had been secured it was considered that the subjective judgement on the proposal was determined at the earlier appeal and for the Council to refuse the application on issues that had been determined by the previous Inspector was therefore unreasonable and caused the Appellant to waste unnecessary expense in submitting the current appeal.

Costs were awarded to the appellant

The precise amount of the costs award is yet to be established by the parties involved.

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**Planning Application:** EB/2011/0070 **Ward:** MEADS

**Site:** 7 CHATSWORTH GARDENS

**Officer Recommendation:** Approved conditionally

**Appeal Decision:** Allowed

**Costs Awarded to Authority:** £0.00

**Costs Awarded To Appellant:** NONE

**Proposal** Replacement of external doors and windows with UPVC and the replacement of existing entrance door pillars from wood to UPVC.

**Decision Summary:** Main issues:- Would the development affect the development impact upon the character and appearance of the Conservation Area.

Inspectors Comments:- The character of windows in the conservation area is formed by white timber and UPVC. No substantive evidence was supplied to justify why white UPVC windows would be harmful to the character of the Conservation Area.

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To 30/06/12

## Appeal Decisions

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**Planning Application:** EB/2011/0106 **Ward:** OLD TOWN **Site:** LAND ADJACENT TO 6 BAY POND ROAD

**Officer Recommendation:** No Recommendation

**Appeal Decision:** Dismissed

**Costs Awarded to Authority:** £0.00

**Costs Awarded To Appellant:** 0

**Proposal** Erection of a two bedroom chalet bungalow

**Decision Summary:** Main Issues:- the effect of the proposed development upon the living conditions of neighbouring residential occupiers of No 20 Lawns Avenue with reference to overshadowing and dominance and also those of the future occupiers of the dwelling with reference to overlooking and also whether the appeal proposal would preserve or enhance the character or appearance of the Old Town Conservation Area.

Inspectors Comments:- Given that the side garden to No 20 is already, shaded from the south by the dwelling at No 6 Bay Pond Road and by trees, the effect of the appeal proposal would be to overshadow the entire garden of No 20 Lawns Avenue. The new dwelling would also overshadow and dominate the rear elevation to No 20, imposing a high, bulky and blank set of elevation, at close quarters, into its rear outlook.

Given the very short depth of the rear gardens, the first floor windows to the first floor windows to the houses and in particular No 20 would closely and unavoidably overlook the entire private garden area to the appeal dwelling.

For the above reasons it is considered that the proposal would have a detrimental impact upon the amenities of No 20 and also the amenities of the future occupiers of the appeal building.

On the proposed design the bulky roof added to the visual dominance of the roof would be accentuated by the use of the vertical tile hanging to gable ends, this added to the lack of windows in key elevations and accepting that the site once accommodated a building which had long since gone it is considered that the proposed development would not preserve nor enhance the character or appearance of the Conservation Area, and also would have a materially harmful effect upon an important vista contrary to Policy UHT4

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**Planning Application:** EB/2011/0193 **Ward:** OLD TOWN **Site:** LAND TO THE REAR OF 2-8 UPWICK ROAD

**Officer Recommendation:** Approved conditionally

**Appeal Decision:** Allowed

**Costs Awarded to Authority:** £0.00

**Costs Awarded To Appellant:** 0

**Proposal** Demolition of the garages to the rear of 2-8 Upwick Road and the erection of 6 houses and garages, parking spaces, landscaping and amendments to vehicular access from Upwick Road, and external alterations to 2/4 Upwick Road to remove the entrance door at the side and form a new entrance door at the front

**Decision Summary:** Main Point:- the effect of the proposal on the character and appearance of the surrounding area, and its effect on the living conditions of occupiers of surrounding properties with specific regard to privacy, outlook and overshadowing.

Inspectors Comments:- Density of the proposal is consistent with the surrounding area, mix of property types is also consistent with the surrounding area, the design, size and massing of the buildings and also the palette of materials used take their cue from surrounding properties. Separation distances are considered appropriate at between 22-26m. Given the above there are no impacts upon the character of the site and surrounding area.

Separation distances are considered sufficient so as not to give rise to any material loss of amenity through direct overlooking. Layout and orientation of the properties would not give rise to any material overshadowing.

From 31/12/11  
To 30/06/12

## Appeal Decisions

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<b>Planning Application:</b> EB/2011/0229	<b>Ward:</b> DEVONSHIRE	<b>Site:</b> 57 PEVENSEY ROAD
<b>Officer Recommendation:</b> Refused		<b>Appeal Decision:</b> Dismissed
<b>Costs Awarded to Authority:</b>	£0.00	<b>Costs Awarded To Appellant:</b> 0

**Proposal** Retrospective application for replacement timber windows with double glazed UPVC windows

**Decision** Main Issue:- The main issue is whether the replacement windows preserve or enhance the character or appearance of the Town and Seafront Conservation Area.

**Summary:**

Inspectors Comments:- The buildings in the area have ground and first floor bay windows; this provides a very strong sense of rhythm and uniformity to the street scene.

Nos 55 and 57 have lost their original windows, No 59 has been retained originals. Elsewhere there is a mixture of original and replacement windows.

Where replacement windows have occurred the thicker plastic frames, the use of tilting opening sections and the loss of fenestration details and glazing bars has fundamentally changed the appearance of many of the buildings in this street. The loss of these features has eroded the character of this part of the Conservation Area.

The harm resulting from the loss of the original windows on an individual property in the street may be less than substantial. However, the incremental and cumulative loss of these original features significantly and adversely affects the conservation area as a whole.

The existence and presence elsewhere in Pevensey Road of replacement windows is not therefore, a justification for permitting unsuitable replacements at No 57.

The scheme proposed the replacement of replacement windows, notwithstanding this they appear bulkier than those that they have replaced. This reinforces the difference between the design of original wooden windows elsewhere in the street and these plastic replacements. These differences are particularly apparent in relation to the ground floor windows. The overall result has been a further erosion of the historic features of the building, this pair of semis and the wider street scene.

Benefits in terms of thermal efficiency and a reduction in energy consumption does not mitigate the harm caused by the proposed window design.

The appeal proposals are harmful to the character of the conservation area, contrary to the saved policies of the Local Plan, which requires development in conservation areas to preserve and enhance the character and appearance of the area, they also fail to comply with the principles and policies of PPS5, which seek the conservation of heritage assets.

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<b>Planning Application:</b> EB/2011/0272	<b>Ward:</b> MEADS	<b>Site:</b> 6 GRASSINGTON ROAD
<b>Officer Recommendation:</b> Refused		<b>Appeal Decision:</b> Allowed
<b>Costs Awarded to Authority:</b>	£0.00	<b>Costs Awarded To Appellant:</b> NO

**Proposal** Erection of a single storey Orangery

**Decision** Main Issue

**Summary:**

The main issue in this appeal is the effect of the proposed orangery on the living conditions of the occupants of 8 Grassington Road with regard to outlook.

Inspectors comments:-

The height and depth of the proposed extension taking into account the length of the gardens and size of the houses would not seem overly large and would not harm the living conditions of No 8 Grassington with respect to outlook.

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To 30/06/12

## Appeal Decisions

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**Planning Application:** EB/2011/0286 **Ward:** UPPERTON **Site:** AILSA CRAIG 5 MILL GAP ROAD

**Officer Recommendation:** Refused

**Appeal Decision:** Dismissed

**Costs Awarded to Authority:**

**Costs Awarded To Appellant:**

**Proposal** Demolition of part of front boundary wall and steps, excavation of part of the front garden and provision of a parking area, including the widening of the vehicular access.

**Decision Summary:** The Inspector considered that the main issue was whether the proposed development would preserve or enhance the character or appearance of the South Lynn Drive Conservation Area. He noted that the road frontage of the site is around 15 metres in length, comprising a garage with small front forecourt, a recessed entrance gate with steps and walling with planting behind; the enclosed area forms part of the extensive walling along Mill Gap Road. He considered that the proposal would result in a significant proportion of the frontage

being

open with no form of boundary wall delineation. He also noted that garages are a common feature in the road, but not open parking areas, other than in front of garages; the excavation proposed, with the creation of such an open parking area, would therefore represent an uncharacteristic and visually harmful feature within the street scene. The Inspector was clear that the particular requirements of the appellant to accommodate a large vehicle and general parking difficulties in the vicinity are not justification for the permanent removal of important historical features in a conservation area. He concluded that the development did not accord with Policies UHT1 and UHT15 of the Borough Plan and Guidelines FWCP4 and FWCP7 of the Eastbourne Townscape Guide (which are not at odds with the National Planning Policy Framework).

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**Planning Application:** EB/2011/0293 **Ward:** UPPERTON **Site:** OLD TOWN SERVICE STATION 11 HIGH STREET

**Officer Recommendation:** Standard advert

**Appeal Decision:** Allowed

**Costs Awarded to Authority:** £0.00

**Costs Awarded To Appellant:** 0

**Proposal** Display of an externally illuminated fascia sign and an internally illuminated free standing pricing sign.

**Decision Summary:** Main Points:- The main issues are the effects of the proposal upon visual amenity given the sites location within the Old Town Conservation Area and also effects upon highway safety.

Inspectors Comments:- The signs are seen primarily against the backdrop of the carriageway and given the adjacent listed building is large and complex in its form, the disputed sign does not obscure or diminish it. Consequently the appeal sign would at least preserve the character and appearance of the Conservation Area, nor would affect the setting of the listed building and would not have a materially harmful effect upon visual amenity.

In terms of highway safety it is considered tat the sign does not impact or obscure views of the crossing and

given

the lack of objection from the Highway Authority there is considered not to be any impacts upon highway safety.

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## Appeal Decisions

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**Planning Application:** EB/2011/0352 **Ward:** DEVONSHIRE **Site:** 32 - 34 ESHTON ROAD  
**Officer Recommendation:** Refused **Appeal Decision:** Dismissed  
**Costs Awarded to Authority:** £0.00 **Costs Awarded To Appellant:** 0

**Proposal** To vary condition No 3 of Planning Permission EB/2000/0234 (at 32-34 Eshton Road) in order to allow an increase the number of children attending the Day Nursery from 48 to 56 at any one time.

**Decision Summary:** Main Issue:- Effect of the appeal proposal upon highway safety and convenience

Inspector Comments:- Neither the houses nor many businesses including Tots Nursery have any off street parking spaces, so that parking demands is focused on the roadway. The demands for the on street parking would be either end of the working day and there may be pressure to park/wait in the carriageway, blocking the traffic, such practices would add to the congestion and may lead to highway safety issues.

The increase in the number of Children would place greater pressure on parking and given the likely increase in highway safety issues as result of this increase parking pressure the scheme is considered to have a material impact on highway safety and residential amenity.

The scheme would generate employment both directly and allowing mothers to work, however the weight to be given to the benefits of this would be cancelled by the harm identified to the highway conditions and the local residential area.

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**Planning Application:** EB/2011/0451 **Ward:** UPPERTON **Site:** LAND TO THE REAR OF 15 HARTFIELD ROAD  
**Officer Recommendation:** Refused **Appeal Decision:** Dismissed  
**Costs Awarded to Authority:** £0.00 **Costs Awarded To Appellant:** none

**Proposal** Erection of three two bedroom self contained flats with off street parking at front

**Decision Summary:** Main Issues:- The effect of the development on the character and appearance of the Upperton Conservation Area and Area of High Townscape Value. The effect of the development on the living conditons of adjoining and prospective residents with particular regard to outlook, daylight and amenity space. The effect of the development on the provision of services.

The Inspector commented:- special attention needs to be paid to the desirability of preserving or enhancing the character of the conservation area.

The former garden of No 15 has been cleared of vegetation and outbuildings and this open cleared development site should be given little weight in favour of the development. The proposed development seeks to follow the elevational treatment of numbers 1-7 Eversfield Road two pairs of semi detached properties. It is stated that the gaps between would be similar to that existing between numbers 3 and 5. However, whilst this does appear to be the case, the visible side elevation would lack the interest, depth and hence townscape contribution of the present exposed elevation of 1 Eversfield Road and would appear as a contrived and poorly detailed addition to

the property

area, intruding into and lessening the effect of the open space without forming an acceptable new townscape element. The proposal would fail to preserve the character and appearance of the Upperton Conservation Area contrary to National and local policies. The harm would however be less than substantial as set out in paragraphs 134 of the Framework.

The Council accepts that the development of new housing would make a valuable contribution to the overall housing targets and that it is in a sustainable location relative to transport, employment services. The stated presumption in favour of substantial development in paragraph 14 of the Framework is, however tempered by the need to have regard to policies on designated heritage assets In this case the development would cause harm to the character and appearance of the conservation area and to the living conditions of adjacent and prospective occupiers. The proposals would not accord with the Local Plan Policies where they are consistent with the Framework nor with the provisions of the Framework concerning good design and the protection of the historic environment.

From 31/12/11  
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## Appeal Decisions

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**Planning Application:** EB/2011/0463 **Ward:** UPPERTON **Site:** CHASE REST HOME 5 - 6 SOUTHFIELDS ROAD

**Officer Recommendation:** Refused

**Appeal Decision:** Dismissed

**Costs Awarded to Authority:**

**Costs Awarded To Appellant:**

**Proposal** Single storey extension at rear to provide four additional bedrooms and a lounge.

**Decision Summary:** The Inspector considered that the main issues were the effect on the character and appearance of the area and the effect on living conditions of the occupiers of 7 Southfields Road by reason of outlook. He noted that the gardens in the area were largely open in character, and considered that an extension of the proportions indicated, extending almost the full depth of the garden, would be a visually intrusive and dominant development, resulting in an uncharacteristic feature. He concluded that it would be excessive, would unacceptably diminish the open character of the garden area and represent an overdevelopment of the site. The Inspector went on to state that as virtually all of the pitched roof of the extension would rise above the boundary wall to a height of 4 metres and would be viewed from the flats and garden at no.7 (at a lower level) the impact would be increased; he found it would be oppressive and adversely affect the outlook from the adjoining property and its garden, unacceptably harming the living conditions of the neighbouring residents. The development conflicted with Policies UHT1 and HO20, which are not at odds with the National Planning Policy Framework.

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**Planning Application:** EB/2011/0471 **Ward:** OLD TOWN **Site:** 42 SUMMERDOWN ROAD

**Officer Recommendation:** Refused

**Appeal Decision:** Allowed

**Costs Awarded to Authority:**

£0.00

**Costs Awarded To Appellant:** 0

**Proposal** Proposed conversion of roof including erection of dormer window facing Old Camp Road and the insertion of rooflight windows to all other elevations

**Decision Summary:** Main Points:- Effect of the development on the character and appearance of the area.

Inspectors Comments:- Because of the distances involved between the dwelling and the adjacent properties, together with the natural screening afforded by the presence of the mature trees on and around the site, the development would not give rise to any unacceptable conditions of over looking or loss of privacy to the neighbouring dwellings.

The development would have very little impact on the character or appearance of the area, as the development has been thoughtfully designed. Other dormers exist in the street. The development would not impact in the streetscene nor affect the character of the wider area.

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## Appeal Decisions

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<b>Planning Application:</b> EB/2011/0474	<b>Ward:</b> SOVEREIGN	<b>Site:</b> 32 DRAKE AVENUE
<b>Officer Recommendation:</b> Refused		<b>Appeal Decision:</b> Dismissed
<b>Costs Awarded to Authority:</b>	£0.00	<b>Costs Awarded To Appellant:</b> 0

**Proposal** Two storey side extension

**Decision Summary:** Main Points:- Effect of the development on the character and appearance of the area.

Inspectors Comments:- Within this part of the estate the houses are generally set well back from their side boundaries where there is a return frontage to the adjoining road. The proposed extension would infill the existing gap to an unacceptable degree by introducing a bulky, two storey form of development into an exposed and prominent position that would be out of character with the area and materially harmful to the appearance of the street scene. The extension would be perceived as an incongruous and visually awkward feature in this part of

this position eroding the level of spaciousness of the layout to the estate from which an important part of its character derives.

Design would also unbalance this pair of semi detached dwellings, extension would not be subservient and would be disproportionate to the host property.

Scheme is considered to be contrary to Policy UHT1 which states that development should harmonise with the appearance and character of the local environment.

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<b>Planning Application:</b> EB/2011/0475	<b>Ward:</b> LANGNEY	<b>Site:</b> 16 CHILHAM CLOSE
<b>Officer Recommendation:</b> Refused		<b>Appeal Decision:</b> Dismissed
<b>Costs Awarded to Authority:</b>	£0.00	<b>Costs Awarded To Appellant:</b> 0

**Proposal** Ground and first floor rear extension

**Decision Summary:** Main Points:- Effect of the proposal on the living conditions of the occupiers of No 14 with particular reference to visual intrusion and loss of outlook.

Inspectors Comments:- The ground floor element of the proposal is considered to be acceptable. Given the height and bulk of the proposal and its orientation the proposal would give rise to some limited overshadowing, the conservatory roof at No 14 has obscure glazing and as such the overshadowing should not result in material harm to the occupants of this property. The 45 degree rule in respect of the bedroom window at No 14 is not breached and as such there would not be any material loss of light or overshadowing. However their

proposal would profoundly affect the outlook from this window and would appear visually intrusive and create an unacceptable sense of enclosure for the occupants of this bedroom.

From 31/12/11  
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## Appeal Decisions

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**Planning Application:** EB/2011/0493 **Ward:** SOVEREIGN **Site:** 1 AYLESBURY AVENUE  
**Officer Recommendation:** Refused **Appeal Decision:** Allowed  
**Costs Awarded to Authority:** £0.00 **Costs Awarded To Appellant:** NO

**Proposal** Erection of a fence (900mm high decreasing to 400mm high) on top of an original boundary wall.

**Decision** Main Issue

**Summary:**

The main issue is the effect of the proposed fence on the character and appearance of the area.

Inspectors comments:-

The new fence has been added to enclose part of the front garden to the side of No 1. The front elevation of the house is still visible from the surrounding street scene and the low wall remains the predominant feature when looking along Aylesbury Avenue. At its highest point the new fence is less than that of the existing fence along the Ramsey Way boundary and it drops in height as it turns the corner into Aylesbury Avenue.

In this context the fence blends in with the existing fence on Ramsey way and appears to be a continuation of it.

Its gradual reduction in height reinforces this effect and reduces its impact on the wider street scene. The visual relationship with the boundary treatments along Aylesbury Avenue is less pronounced and the new

fence

is barely noticeable from longer views further down the street. Once the new fence has become weathered in appearance its visibility will be further reduced.

In conclusion the fence is not harmful to the character and appearance of the area and complies with Saved policies UHT1 and HUT4 of Eastbourne Borough Plan, which seek to protect visual amenity and ensure that development respects its setting.

The Inspector acknowledged that boundary treatments are highly visible features and can appear intrusive in the street scene, however each application should be judged on its individual merits and in this case there

are

no material reasons to withhold consent.

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**Planning Application:** EB/2011/0502 **Ward:** ST. ANTHONYS **Site:** 7 ST ANTHONYS AVENUE  
**Officer Recommendation:** Refused **Appeal Decision:** Dismissed  
**Costs Awarded to Authority:** £0.00 **Costs Awarded To Appellant:** NO

**Proposal** First floor extension to rear (minor material amendment to planning application EB/2011/0014)

**Decision** Main Issue:-

**Summary:**

The Main issue in this appeal is the effect on the living conditions of occupiers of 9 St Anthony's Avenue with respect to light and outlook.

Inspectors Comments:-

Due to the proximity of the appeal property to No 9, the size and mass of the proposal, including the proposed dormer, and the relatively modest size of the garden to the rear of No 9, the proposal would be an overbearing

and

intrusive form of development being visible from close quarters from both the windows of the rear elevation and the rear garden of No 9. As such it would harm the living conditions of the occupiers of No 9 with regard to outlook. This would be contrary to Policy HO20 of the Eastbourne Borough Plan 2001 -2011 (Local Plan) which seeks to prevent development which leads to unacceptable loss of outlook for residents. In addition the proposal would result in a significant loss of sunlight entering the rear elevation windows of No 9. For this reason the proposal would cause unacceptable harm to the living conditions of occupiers of No 9 with regard to sunlight. This would be contrary to Local Plan Policy HO20 which seeks to prevent development that would lead to unacceptable loss of light for residents.

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From 31/12/11  
To 30/06/12

## Appeal Decisions

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**Planning Application:** EB/2011/0515 **Ward:** UPPERTON **Site:** 4 WATTS LANE  
**Officer Recommendation:** Refused **Appeal Decision:** Allowed  
**Costs Awarded to Authority:** £0.00 **Costs Awarded To Appellant:** 0  
**Proposal** Proposed vehicular hardstanding  
**Decision Summary:** Main Points:- Effect of the proposed development on the character and appearance of the area, with particular reference to the Old Town Conservation Area.

In allowing the appeal a condition is recommended requiring the reinstatement of the wall within six months from the date of this decision.

Inspector Comments:-Currently a long stretch of the flint wall in the street is missing at the appeal site. This missing section results in a fragmented and disjointed appearance, due to the length involved. Elsewhere along the surviving wall there are openings for pedestrian gates and garages.

The backland development on the appeal site would leave a pedestrian access gate opening in a reinstated flint wall. The proposed development would widen this from 1.0m to 2.5m. That means much of the missing flint wall would be reinstated. Moreover the proposed piers either side would match those nearby and provide a continuing visual link along the length of the wall across the opening involved.

Given the above the development would not be at the expense of the setting of the Old Town Conservation Area and comply with the policies of the Local Plan.

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**Planning Application:** EB/2011/0548 **Ward:** UPPERTON **Site:** FLAT 6 23 ST ANNES ROAD  
**Officer Recommendation:** Refused **Appeal Decision:** Dismissed  
**Costs Awarded to Authority:** £0.00 **Costs Awarded To Appellant:** NONE  
**Proposal** Replacement UPVC windows  
**Decision Summary:** Main Points:- whether the proposed use would preserve or enhance the character of the Conservation Area.

Inspectors Comments:- The NPPF acknowledges heritage assets are irreplaceable resource and should be conserved in a manner to their significance and consider the impact of a proposal on a heritage asset and states that great weight should be given to conserving heritage assets the more important the asset the greater weight should be given. The Council identified the building as being a positive contribution to the Conservation Area. The existing building commands a prominent position and the existing windows are important to the overall style and character of the building and add to its integrity. The replacement window do not mimic the existing and with only top opening casements would look like modern replacements and would be contrary to policy UHT1. Other replacement exists in the building, no planning history of these is known however the appeal scheme has been assessed on its own merits and it is considered to further erode the character of this building and therefore impact upon the conservation area, The suggested efficiency does not outweigh the harm caused by the proposal.

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To 30/06/12

## Appeal Decisions

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**Planning Application:** EB/2011/0599 **Ward:** MEADS **Site:** FLAT 6 AYRA COURT 1 SOUTH CLIFF  
**Officer Recommendation:** Refused **Appeal Decision:** Allowed  
**Costs Awarded to Authority:** £0.00 **Costs Awarded To Appellant:** NONE

**Proposal** Replacement UPVC windows to front and rear

**Decision Summary:** Main Points:- The effect of the proposal on the character and appearance of the building and also upon the character of the Conservation Area and whether any identified harm may be outweighed by other benefits.

Inspectors Comments:- The Conservation Area is extensive and includes a wide variety of development, however the seafront appeal site is characterised by Victorian and Edwardian buildings with rendered and painted façades and often with bay windows surrounded by moulded detailing. Many infill developments exist in the area, many older properties retain timber sash windows, there are a significant replacement windows in UPVC or aluminium. A number of windows and doors in the block have been replaced with UPVC and aluminium, there is no evidence as to the history of these windows. The scheme proposes to replace with UPVC sash windows with similar proportions and therefore little impact should result. There remains a slight risk that the character and appearance of the conservation area, however WD2 does allow for exceptions and the NPPF in terms of efficiency is a material consideration and the benefits outweigh the slight harm caused by the replacement windows.

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**Planning Application:** EB/2011/0605 **Ward:** ST. ANTHONYS **Site:** 127 QUEENS CRESCENT  
**Officer Recommendation:** Refused **Appeal Decision:** Dismissed  
**Costs Awarded to Authority:** £0.00 **Costs Awarded To Appellant:** NO

**Proposal** Proposed raised decking to the rear and alteration of a rear window to a patio door.

**Decision Summary:** Main Issue

The main issue is whether the development would give rise to unacceptable conditions of overlooking and loss of privacy to adjoining properties.

Inspectors Comments:-

The decked area would be about 2.9m deep with a staircase leading down into the garden. From this position, and bearing in mind the of the decking above the garden, the development would constitute an elevated platform from which unrestricted views of the adjoining garden would be possible at close quarters. When in use recreationally, the degree of overlooking that would be possible would give rise to the potential for a substantial loss of privacy to the rear gardens of the adjoining dwellings.

Due to the high degree of direct overlooking the proposal would be contrary to Saved Policy HO20 of the Eastbourne Borough Local Plan.

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**Planning Application:** EB/2011/0704 **Ward:** ST. ANTHONYS **Site:** 41 JEROME CLOSE  
**Officer Recommendation:** Refused **Appeal Decision:** Dismissed  
**Costs Awarded to Authority:** £0.00 **Costs Awarded To Appellant:** NONE

**Proposal** Retrospective extension at rear

**Decision Summary:** Main Points: Effect on the character of the area and also the living conditions of adjoining occupiers.

Inspector Comments:- The elevated position and design of the conservatory means that it would intrude on the character of the area. No impact upon the living conditions of nearby residents. Personal circumstances of the applicant are noted (disabled) but needed to be balanced against other material considerations. The conflict with UHT1 of the Local Plan arising from the first main issue is sufficient to outweigh the findings with regards to the personal circumstances.

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To 30/06/12

## Appeal Decisions

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**Planning Application:** EB/2011/0733 **Ward:** MEADS **Site:** 78 TERMINUS ROAD  
**Officer Recommendation:** Refused **Appeal Decision:** Allowed  
**Costs Awarded to Authority:** £0.00 **Costs Awarded To Appellant:** YES  
**Proposal** Proposed change of use of ground floor from Class A1 (retail) to A2 (financial and professional services)  
**Decision Summary:** Main Issue:- Effect of the proposed change of use on the vitality and viability of Eastbourne Town Centre.  
The Inspectors Comments: The change of use would take the non A1 frontage above the threshold as permitted by policy TC6 of the Local Plan. The Inspector concluded that as the building was not prominent within the frontage, small in scale, that there was an even spread of non A1 uses within the parade, that the use would encourage footfall and that there was no evidence that the proposed use would cause harm the appeal was allowed.  
An award of costs were awarded to the appellant as it was considered that they had gone to the unnecessary expense of an appeal when the Council had refused the scheme without any evidence justifying the harm that would result from the scheme.

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**Planning Application:** EB/2011/0782 **Ward:** UPPERTON **Site:** 6 UPPERTON GARDENS  
**Officer Recommendation:** Refused **Appeal Decision:** Dismissed  
**Costs Awarded to Authority:** £0.00 **Costs Awarded To Appellant:** 0  
**Proposal** Erection of a single storey extension to the rear  
**Decision Summary:** Main Issue:- Effect of the proposed development on the living conditions of the adjoining occupiers with reference to natural light.  
Inspectors Comments:-  
Due to the orientation and fabric of the exiting building very little (if any) early morning sunshine reaches the two bed sitting rooms in question. Given that the affect windows are principal and only source of natural light to those rooms that they would suffer an unacceptable loss of light.  
The development would have an unacceptable affect on the living conditions of the adjoining occupiers and would conflict with the requirements of Policy Ho20 of the Development Plan.