

Appendix 1 – Summary of Appeal Decisions 2020

Key to Appeals Reporting:

Method of decision
Appeal method
A
B

See Authority label to see if Delegated or Committee Decision
 All are through written representations unless otherwise specified
 Allowed
 Dismissed

Planning Appeals:

Planning Application No	Authority	Site	Description of Development	Decision
190437	Delegated	8 Chiswick Place, Eastbourne	Demolition of existing single storey garage and construction of a two storey house	A. 03 January 2020
<p>Inspector's Reasoning</p> <ul style="list-style-type: none"> • The site is located within the Eastbourne Town Centre and Seafront Conservation Area (the Conservation Area), at a point where the predominantly Victorian villas of the seafront, including Chiswick Place, give way to the more varied mix of properties of a range of ages on Blackwater Road, which are outside the Conservation Area. • The proposed dwelling would be of a contemporary design deliberately not copying the architectural style of either No. 8 or No. 27 which I consider to be an honest approach. Given the variety of architectural styles along Blackwater Road, I do not consider that it would be a discordant feature in the street scene. Although the design has given rise to some objections by third parties, I consider the design to be acceptable in this context, a view I note is shared by the Council. • I therefore conclude that the proposed development would not be harmful to and thus would preserve the character and appearance of the Conservation Area. Consequently, I find no conflict in this respect with Policies D10 and D10A of the 				

Eastbourne Core Strategy Local Plan (2013) I also find no conflict in this respect with paragraph 193 of the Framework regarding designated heritage assets.

- I therefore conclude that the proposed development would not be harmful to the setting of the listed building and would thus preserve that setting. In this respect, the proposed development would not conflict with paragraph 193 of the Framework as regards development affecting the significance of a designated heritage asset.
- The Council acknowledges that it is unable to demonstrate a 5-year supply of deliverable housing sites as required by paragraph 73 of the Framework. From the evidence before me, as at 1 October 2018, the Council could only demonstrate 1.57 years' supply. Therefore, in accordance with footnote 7 of the Framework, the most important policies for determining the application are out-of-date and clause d) of paragraph 11 of the Framework is engaged.
- Under this clause permission should be granted unless either the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
- The proposed development would result in the loss of off-road parking spaces. However, from the evidence before me, the garage and hardstanding are currently used by a third party not associated with any of the surrounding properties. Accordingly, the loss of the appeal site would not create a demand for additional parking in the vicinity. Even if it did, I have no persuasive evidence that this would be harmful to highway safety or the living conditions of the occupiers of surrounding dwellings. The appeal site is within walking and cycling distance of a range of facilities and services in the town centre and the proposals include a cycle storage facility. There is thus the opportunity for the proposed development to be car free.
- In response to the other concerns raised, as the site currently accommodates a garage and hardstanding, the proposed development would not result in the loss of any garden area for No. 8 or any other property. I have no evidence that the appeal site is of particular archaeological interest. The attachment of the proposed dwelling to No. 27 and potential damage to the existing walls would be private matters between the parties involved and are outside the scope of this appeal. The granting of permission for this development would not set a precedent for further development in the rear gardens of 2 – 7 Chiswick Place as the site before me is previously-developed land with a road frontage, which differentiates it from these rear gardens.

Planning Application No	Authority	Site	Description of Development	Decision
190437	Delegated	8 Chiswick Place	Costs Decision	D. 03 January 2020
<p>Inspector's Reasoning</p> <ul style="list-style-type: none"> Following the refusal of the application and in full knowledge of the Council's concerns, it was the applicant's decision to submit an appeal. Parties in planning appeals are normally expected to meet their own expenses. <p>Conclusion</p> <ul style="list-style-type: none"> I therefore find, for the reasons given above, that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated in this appeal. The application for the award of costs is therefore refused. 				

Planning Application No	Authority	Site	Description of Development	Decision
190843 Enf: 123178	Delegated	26 Mountbatten Drive	Fence erected without planning permission	D. 20 January 2020
<p>Inspector's Reasoning</p> <ul style="list-style-type: none"> I note that since the enforcement notice was issued, a regularising planning application was submitted to the Council (PC/190648) to retain the fence. This application was refused on 22 October 2019. I have had regard to this decision and the Council's reasons for issuing the notice. I therefore consider that the main issue is the effect of the development on the character and appearance of the area. I acknowledge that the fence has been provided to give some privacy and security for the owner's pets. However, the height and design of the fence, together with the materials used and its proximity to the highway, results in an overly stark, dominant and incongruous feature, that is significantly at odds with the open and spacious character of the surrounding area. 				

Planning Application No	Authority	Site	Description of Development	Decision
180068	Delegated	2 Old Camp Road	Application for a Lawful Development Certificate for use of land to station a mobile home/annexe for use incidental to the main dwelling house.	A. 06 February 2020

Inspector's Reasoning

- The appeal property is a substantial detached house with a generous garden in a residential road in Eastbourne. The appellants consist of an elderly couple who presently live in the main house and their daughter and her husband. They are hoping to have a 'twin unit' mobile home stationed in the rear garden of the property to provide annexe accommodation for the older couple.
- They state that the couple using the mobile home will be cared for and supported by their daughter and son-in-law and, whilst sleeping in the annexe, will still use the main house for meals, laundry facilities and socialising as a family. This arrangement would mean that the use of the site would remain as a single dwellinghouse, with the mobile home providing ancillary accommodation.

Conclusion:

- For the reasons given above I conclude, on the evidence now available, that the Council's refusal to grant a certificate of lawful use or development in respect of the stationing of a mobile home/annexe for use incidental to the main dwelling house was not well-founded and that the appeal should succeed. I will exercise the powers transferred to me under section 195(2) of the 1990 Act as amended.

Planning Application No	Authority	Site	Description of Development	Decision
190391	Delegated	126 Seaside Road	Replacement of an existing illuminated 48-sheet advertisement display with an illuminated 48-sheet digital advertisement display	A. 27 February 2020

Inspector's Reasoning

- That the proposed advertisement would not cause undue harm to amenity. Subject to the imposition of appropriate conditions, a grant of express consent is justified.

Planning Application No	Authority	Site	Description of Development	Decision
190744	Delegated	4 North Street	Proposed Second Floor	D. 13 March 2020

Inspector's Reasoning

- North Street is a narrow street close to the town centre of Eastbourne. It comprises a mix of commercial and residential uses within an eclectic mix of buildings. Commercial buildings, which immediately abut the footway and appear to be 3 and 4 storeys in height, almost completely enclose its western side.
- That the proposal would not result in any harmful loss of light, outlook or privacy for adjoining occupiers. Neither of the policies cited in the Council's decision notice specifically address living conditions, so are not relevant to my assessment of the scheme in respect of this issue. However, I am satisfied that the scheme accords with the Framework's objective of ensuring a good standard of amenity for existing and future users.
- The proposal would provide additional floorspace for the business thereby providing economic benefits through the ongoing commercial use of the building. I have also found that there would be no harm to the living conditions of neighbours. These factors weigh in favour of the scheme.
- The design of the extension would be harmful to the appearance of the building, arising from the size of the windows proposed on the front elevation.
- The economic benefits arising from the scheme would be outweighed by the permanent harm to the appearance of the building. For this reason, I conclude that the appeal should be dismissed.

Appeal Reference	Authority	Site	Description	Decision
190264	Committee	Glebe Cottage, 4 Grassington Road	Demolition of existing dwelling. Proposed 16N° block of flats with associated parking to rear.	D. 20 March 2020

Inspector's Reasoning

- No 4 is a two-storey dwelling of simple design in a good-sized plot. The rear garden is laid to lawn and there are significant gaps between the house and the shared boundaries with No 6, the adjacent pair of semis to the south, and Saffron Meads a 5-storey apartment block immediately to the north.

- The proposed building would be of a contemporary design and 5-storeys high. The gable ended elements to the front and rear elevations would reflect similar features on both original and more modern nearby buildings. The ridge height would be similar albeit marginally smaller, than Saffron Meads, while the outer edge of the gable would approximately align with the ridge of No 6. This would help to integrate the increased height of the building into the street scene.
- On the other hand, I have found that the scheme would harm the area's character and appearance and the living conditions of neighbours would be adversely affected. These are factors which weigh significantly against the scheme, particularly as the area has been identified as one of High Townscape Value.
- This leads me to conclude that the adverse impacts of the scheme would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. The presumption in favour of sustainable development therefore does not apply in this case.
- I have found that the scheme conflicts with the development plan and there are no other considerations, including the advice of the Framework, which outweigh that conflict.
- For this reason, I conclude that the appeal should be dismissed.

Planning Application No.	Authority	Site	Description of Development	Decision
190264 Costs	Committee	Glebe Cottage, 4 Grassington Road	Demolition of existing dwelling. Proposed 16N° block of flats with associated parking to rear.	D. 20 March 2020

Inspector's Reasoning

- I therefore conclude that while the Council could have relied on conditions to address the drainage and should have undertaken the balance required by Paragraph 11(d) of the Framework, it did not behave unreasonably in refusing the scheme. I have found that the decision did not prevent or delay development which should have been permitted, neither did it result in any unnecessary expense for the appellant in the appeal process. It therefore follows that no award of costs is justified.

Planning Application No	Authority	Site	Description of Development	Decision
190096	Delegated	St Lukes Reformed Church, Elm Grove	Variation of approved plans and removal of condition 5 (Retention of wall) of planning reference EB/2006/0752 (Appeal reference APP/T1410/A/07/2033878)	A. 03 April 2020

Inspector's Reasoning

- The application sought to remove condition 5 which provides for retention of the front boundary wall, in order that the appellant can demolish it. It is clear from the application form that the application also sought minor material amendments to the approved scheme to form parking spaces and associated vehicular accesses at the front of the site, albeit that as the 'plans' condition was un-numbered it was not listed on the application form. At the time of my site visit the front wall remained in place and no parking or access had been formed.
- The removal of the front boundary wall would not harm the character and appearance of the area, discourage use of non-motorised travel or harm the living conditions of neighbours and would not conflict with national or local policies on these matters. Condition 5 of the original permission is therefore not necessary and, in this respect, the appeal is allowed.
- The proposed amendments to the development to form car parking and vehicular access in the configuration proposed would however result in an unacceptable impact on highway safety and conflict with the Framework. This harm would not be outweighed by any other consideration, including the benefits of the proposal. Therefore, I conclude that in this respect the appeal should not succeed. For the avoidance of doubt therefore, the plans condition remains unchanged.

Planning Application No	Authority	Site	Description of Development	Decision
190603	Delegated	Land Adjacent to 45 Desmond Road	Re-application (ref: 180765) for partial demolition & change of use to create 1 no one bedroom residential unit	D. 08 June 2020

Inspector's Reasoning

- The proposed dwelling would provide 57m² of internal floor area and would therefore fall 1m² under the requirement of the Nationally Described Space Standards (amended May 2016) for a one-bedroom dwelling situated over two-storeys. The rectangular shape to the building would enable a satisfactory internal layout otherwise. The minor shortfall would not significantly impact on living conditions for future occupiers.

- The shortfall in internal floor area and the absence of external amenity space and cycle storage facilities would result in only limited harm for occupiers of the proposed dwelling. There would not be conflict with Policy HO20 of the EBP which relates primarily to the residential amenity of adjoining occupiers and no significant conflict with Policies UHT1 and TR2 of the EBP or with Policy D10a of the ECS in relation to the design of new development and managing travel demands.
- The Council cannot demonstrate a five-year supply of deliverable housing sites. It also has a poor recent track record of delivering new housing. Its Housing Delivery Test (HDT) result published in early 2020 shows just 38% of housing required by targets being delivered in the previous three years. The paucity of the Council's current housing provision is such that the presumption in favour of sustainable development applies. Footnote 7 to Paragraph 11 of the Framework makes this clear. As such, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework when taken as a whole.
- Having regard to the Government's objective to significantly boost the supply of homes set out at Paragraph 59 of the Framework, and the persistent recent under supply of housing in Eastbourne, housing need is a matter that attracts significant weight in favour of the proposal in the overall planning balance.
- The site is in a sustainable, urban location reasonably close to services and to public transport options. The proposal would result in the benefit of an additional dwelling in such a location. This would make a small contribution to helping the Council meet the local need for additional housing. The limited harm arising from the shortfall in floor area against national standards and the absence of external amenity space and a dedicated cycle storage space would not outweigh the benefit arising from the proposal.
- But the development would result in just one small dwelling in relation to overall housing need. The adverse impacts arising from the proposal would be long-term. In my judgement, the harm arising in relation to its impact on the character and appearance of the area and on the living conditions of the occupiers of adjacent dwellings would significantly and demonstrably outweigh the benefit arising from this single additional dwelling.

Planning Application No	Authority	Site	Description of Development	Decision
181049	Delegated	10 Wallis Place	Proposed erection of 3 bed chalet bungalow on land at 10 Wallis Place with 2no off road parking spaces accessed via St Anthonys Avenue.	D. 30 June 2020
Inspector's Reasoning <ul style="list-style-type: none"> • Whilst I do not find harm in relation to highway safety or living conditions, the lack of harm in these regards are neutral factors which therefore do not outweigh my finding in respect of the harm to the character and appearance of the area. • I note the social, economic and environmental benefits of the provision of a new dwelling including economic benefits during construction, additional spend by future occupiers, provision of housing in an accessible location and the development of an under-utilised area. It is also put to me that the site is available now. However, given the size of the development, a single dwelling, these benefits are limited in their scale. • The Council cannot demonstrate a five-year housing land supply and the Housing Delivery Test results indicate that the presumption in favour of sustainable development contained within the Framework will apply. However, the identified permanent and public harm to the character and appearance of the area would significantly and demonstrably outweigh the benefits of the proposed development discussed above. • The proposal would not accord with the development plan and there are no material considerations to indicate that the appeal should be determined otherwise. Therefore, for the reasons set out above, this appeal is dismissed. 				

Planning Application No	Authority	Site	Description of Development	Decision
181049 Costs Decision	Delegated	10 Wallis Avenue	Proposed erection of 3 bed chalet bungalow on land at 10 Wallis Place with 2no off road parking spaces accessed via St Anthonys Avenue.	A. 30 June 2020
Inspector's Reasoning <ul style="list-style-type: none"> • I reach the conclusion that the development should not clearly have been permitted and therefore the appeal would be required in any case. However, the reasons for refusal relating to highway safety were unreasonable, and the appellant has experienced wasted expense in defending these reasons for refusal at appeal. 				

- I therefore find that unreasonable behaviour by the Council, resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has been demonstrated and that a partial award of costs is justified.
- In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that the Council of Eastbourne Borough Council shall pay to Mr Colin Dowding & Mrs Joanne Shave, the costs of the appeal proceedings described in the heading of this decision limited to those costs incurred in arguing against reasons for refusal 4 and 5 relating to highway safety.
- The applicant is now invited to submit to the Council of Eastbourne Borough Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

Planning Application No	Authority	Site	Description of Development	Decision
190787	Delegated	16 Dene Drive	Retrospective application for retention of fencing and decking erected to the rear of the host dwelling.	D. 07 July 2020

Inspector's Reasoning

- While the development does not harm the character or the appearance of the area and it makes garden maintenance easier, this does not outweigh the harm identified to the privacy of surrounding occupiers. For the reasons given above, I conclude that the appeal should be dismissed.

Planning Application No	Authority	Site	Description of Development	Decision
200078	Delegated	93 Percival Road	Retrospective application for car port and upvc windows with built in security shutters.	D. 16 July 2020

Inspector's Reasoning

- The main issue is whether the car port meets the standard of design sought in local and national policies, with particular regard to the effect on the street scene. Policy UHT1 of the Eastbourne Borough Plan sets out criteria that all

development is required to meet including harmonising with the appearance and character of the local environment, respecting local distinctiveness, and being appropriate in scale, form, materials (preferably locally sourced), setting, alignment and layout

- The length of time that the structure is said to have been in place and the support of local residents is acknowledged, but those considerations do not outweigh or justify the harm. The proposal does not reach the standard of design sought in national and local policy, and for the reasons given above it is concluded that the appeal should be dismissed.

Planning Application No	Authority	Site	Description of Development	Decision
200030	Delegated	7 Annington Road	Proposed Rear Conservatory	D. 23 July 2020

Inspector's Reasoning

- To conclude, the proposal does not reach the standard of design sought in national and local policy and would further diminish the quality and quantity of amenity space available on the property. For the reasons given above it is concluded that the appeal should be dismissed.

Planning Application No	Authority	Site	Description of Development	Decision
190835	Delegated	145a Ashford Road	Proposed conversion and adaptation of the existing roof space including the lifting of the existing roofline to permit the formation of 2x 1 bed and 2x 2 bed flats upon the existing footprint	A. 30 July 2020

Inspector's Reasoning

- That the limited adverse effects of the scheme would not significantly and demonstrably outweigh the moderate benefits, when assessed against the Framework as a whole. The presumption in favour of sustainable development therefore applies in this case and leads me to the view that the appeal should succeed.

- I have found only limited conflict with the development plan. However, there are other considerations, arising from the advice of the Framework, that outweigh that conflict. This leads me to conclude that the proposal is acceptable, and the appeal should be allowed, subject to conditions.

Planning Application No	Authority	Site	Description of Development	Decision
190835 Costs Decision	Delegated	145a Ashford Road	Proposed conversion and adaptation of the existing roof space including the lifting of the existing roofline to permit the formation of 2x 1 bed and 2x 2 bed flats upon the existing footprint	D. 30 July 2020

Inspector's Reasoning

- The Planning Practice Guidance (PPG) advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
- The appeal has given the appellant the opportunity to present additional information in support of her case. This has satisfied me that the scheme is acceptable and should be allowed. The expenses incurred in presenting her case have therefore not been wasted.
- I therefore find that although the Council acted unreasonably in failing to undertake the balancing exercise required by Paragraph 11(d)(ii) of the Framework, the appellant has not incurred unnecessary or wasted expense in the appeal process.
- The application for costs is therefore refused.

Planning Application No	Authority	Site	Description of Development	Decision
190624 & 200177	Committee	Land at Shortdean Place	Re-development of site to form 3 no. residential dwellings. Revised outline application for 2no two bed detached houses with all matters reserved.	D. 30 July 2020
<p>Inspector's Reasoning</p> <ul style="list-style-type: none"> Milton Road is characterised by good sized detached and semi-detached houses set in generously proportioned plots. Shortdean Place is an L-shaped cul-de-sac off Milton Road which serves a group of modest two-storey blocks of flats surrounded by neatly maintained areas of communal open space. At one end of the cul-de-sac is a turning area and a series of garages in a poor state of repair. The appeal site is an open area of ground to the rear of Nos 71 and 73, part of which was occupied by 2 garages that have been removed. There have been several previous attempts to secure permission for residential development on the site, all of which have been dismissed on appeal¹. The most recent of these was in 2008 when a scheme for a terrace of 3 two-storey houses was rejected. However, the appeal site now includes 25% more land and all the earlier schemes would have been assessed under different planning policies. These previous decisions therefore have little bearing on my assessment of the current proposals. That Appeal A would result in significant harm to the character and appearance of the area, arising from its cramped layout and would also be harmful to the living conditions of occupants of nearby dwellings. These adverse impacts would significantly and demonstrably outweigh the limited benefits associated with 3 houses. The presumption in favour of sustainable development therefore does not apply to Appeal A. In relation to Appeal B, with its more spacious layout, I have concluded it would cause only limited harm to the local environment, but given the lack of detail associated with an outline application, I could not be certain that the privacy of neighbours would be not harmed. In these circumstances, although more finely balanced, I consider that the collective adverse impacts would significantly and demonstrably outweigh the social and economic benefits of two additional homes. The presumption in favour of sustainable development therefore does not apply. That both schemes would conflict with the development plan and there are no other considerations, including the advice of the Framework and the acute shortfall of housing supply in Eastbourne, that outweigh that conflict. I therefore conclude that both appeals should be dismissed. 				

Appeal Reference	Authority	Site	Description	Decision
200246	Committee	Land South of Langney Shopping Centre and West of Langney Rise	Application for variation of condition 3 (Drawings) and 22 (Ground Contaminated Risk assessment) and removal of condition 17 (Internal Layout) and following grant 14/02/2020 for Proposed development of 9 houses(PC/190668)	A. 10 September 2020

Inspector's Reasoning

- The permitted scheme is for 9 units each with 2 bedrooms, one double and one single, and the effect of the changes sought would be to provide a 'home office' in 5 of the units (numbers 1, 6, 7, 8 and 9) by effectively sub-dividing the single bedroom, through the substitution of drawings 2C and 4C for the equivalent revision B drawings listed in condition 3). It is argued that condition 17) is no reasonable and should not have been attached in the first place.
- The Standards require 70m² gross internal floor area for a 2-bedroom 3-person unit, and this total is exceeded by 8m² in units 1 and 6, and by 12m² in units 7 – 9. As permitted, the single bedrooms in units 1 and 6 exceed the 7.5m² Standard, being 9.3m², while those in units 7 to 9 are 9.8m², a slightly greater excess. Both unit types would have that bedroom reduced to a new figure of 8.0m² and 8.3m² respectively which is still in excess of the Standard. The concern is that a 'home office' of a stated 5.4m² would be used as a sub-standard single bedroom and would therefore turn the dwellings into 3- bedroom 4-person units which would not be in accordance with the Standards' requirement of 84m².
- The Council do not claim that the over-sized single bedrooms would risk being double occupancy, and the existing conditions would not appear to prevent that, only subdivision.
- In the event the advantages of a home office have taken on a greater significance during the early stages of the Covid-19 pandemic through the Government's advice to work from home where possible. That advice has recently changed and there is concern as to the effect continued working from home is having on the town and city centre economy, through lack of trade for service providers.
- Nevertheless, Government policy includes reducing the need to travel in order to reduce congestion and emissions with a resulting improvement in air quality and public health. In a house with an open plan living/dining/kitchen on the ground floor, the provision of a room separated from those used for sleeping is particularly useful. It allows access to all members of the family for hobbies or homework as well as working from home. Limited weight is attached to the Council's view that a home office is not essential, and it can add to the quality of life of occupiers.
- Taking all of the above into consideration, the risks of the units becoming, in effect, 3-bedroom 4-person units, has been designed-out by reducing the size of the single bedroom and by the small size of the home office. In any event, on the figures

provided, the harm that is sought to be avoided is a difference between the Standard 84m2 and the stated actual of 82m2 in units 7 – 9, although the shortfall is more in units 1 and 6.

- The conclusion is that the substitution of drawings GEG/1011/2C and 4C in a revised condition 3) would not cause harm and would accord with the tests in the Framework and Guidance;
- For the reasons given above it is concluded that the appeal should succeed. A new planning permission is granted substituting the revised conditions referred to above, and deleting 17), and restating those undisputed conditions that are still subsisting and capable of taking effect. For clarity, the original numbering is retained with 17) not used.

Planning Application No	Authority	Site	Description of Development	Decision
200246 Costs	Committee	Land South of Langney Shopping Centre and West of Langney Rise	Application for variation of condition 3 (Drawings) and 22 (Ground Contaminated Risk assessment) and removal of condition 17 (Internal Layout) and following grant 14/02/2020 for Proposed development of 9 houses (PC/190668)	A. 10 September 2020

Inspector's Reasoning

- Had a robust consideration of the issues been applied, there would not have been a need for an appeal.
- I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has been demonstrated and that a full award of costs is justified.
- In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Eastbourne Borough Council shall pay to Goldeneye Group, the costs of the appeal proceedings; such costs to be assessed in the Senior Courts Costs Office if not agreed.

Planning Application No	Authority	Site	Description of Development	Decision
190827	Delegated	158 Bridgemere Road	Proposed erection of one bedroom attached dwelling	D. 28 September 2020
Inspector's Reasoning <ul style="list-style-type: none"> The Council accept that they are unable to demonstrate the required 5-year supply of housing land and the tilted balance in paragraph 11 of the Framework is therefore engaged. The principle of a new dwelling in this location is not disputed, and the visual effect is acceptable, while concerns over parking and access are not a reason to dismiss the appeal on the information provided. However, the shape and size of the site appears to have determined the need for a rear projection that would cause an unacceptable loss of outlook and a sense of enclosure to the occupiers of number 158. That failing in the quality of the design has an adverse impact that would significantly outweigh the benefits of the proposal when assessed against the design aims stated in the Framework, and as demonstrated in the Reasons to this Decision. It is concluded that the appeal should be dismissed. 				

Planning Application No	Authority	Site	Description of Development	Decision
190500	Delegated	1 Elmwood Close	Outline application for residential development of land requesting consideration of access and scale	D. 22 October 2020
Inspector's Reasoning <ul style="list-style-type: none"> The proposal would deliver 3 additional dwellings, making a small contribution to housing supply. The site is close to facilities and services, some of which are within walking distance. The development would make efficient use of land and could be delivered quickly. There is therefore no objection in principle to a residential development on the site. The Framework (paragraph 68) is supportive of such developments, stating that great weight should be given to the benefits of using suitable sites within existing settlements. The associated social and economic benefits therefore attract moderate weight in view of the acute shortage of housing. 				

- The proposal would not prejudice highway safety and would be capable of providing sufficient parking for vehicles and bikes. The scheme therefore complies with the Framework’s approach of providing safe access for all users and opportunities for choice of travel mode. These matters are therefore neutral in the balance.
- However, the Framework also seeks to achieve well-designed places where development is sympathetic to local character and adds to the overall quality of the area. I have found that the proposal would cause considerable harm to the character and appearance of the area. It would therefore fail to comply with the Framework in this respect. This is a matter to which I attach very significant weight.
- In my view this adverse impact significantly and demonstrably outweighs the moderate benefits associated with the scheme, when assessed against the Framework as a whole. The presumption in favour of sustainable development therefore does not apply in this case.
- I have found that the proposal conflicts with the development plan. There are no other considerations, including the advice of the Framework, that outweigh that conflict.
- For this reason, the appeal is dismissed.

Planning Application No	Authority	Site	Description of Development	Decision
200098	Delegated	11 Okehurst Road	Loft Conversion with rear dormer	D. 29 October 2020

Inspector’s Reasoning

- Furthermore, the gradient of the road is such that the full depth and width of the extension would be visible from many of the gardens to the rear and side of No 11. Consequently, I conclude that the proposal would be highly prominent in this location and incongruous with the character and appearance of the area.
- Accordingly, the proposal is contrary to Policies D10a, B2 and saved Policies UHT1 and UHT2 of the Eastbourne Core Strategy Local Plan 2013, which say, amongst other things, that development must create an attractive, safe and clean built environment with a sense of place that is distinctive and reflects local character.
- For similar reasons, the proposal does not meet the aims of Paragraph 127 (c) of the *National Planning Policy Framework* which says, that developments must be sympathetic to local character and history, including the surrounding built environment and landscape setting.