
Appeal Decision

Site visit made on 29 September 2015

by Alex Hutson MATP CMLI MArborA

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

Decision date: 14 December 2015

Appeal Ref: APP/T1410/W/15/3005474

4 Enys Road, Eastbourne, East Sussex BN21 2DG

- 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 Mr L Gibbons against the decision of Eastbourne Borough Council.
 - The application Ref 141025, dated 4 August 2014, was refused by notice dated 1 October 2014.
 - The development proposed is "change of use from garage to single private dwelling".
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council's description of the proposal is "Single storey side extension and change of use from garage to single private dwelling". The plans submitted clearly illustrate the garage is to be extended and therefore I accept this is an accurate description of the proposal and I have considered the appeal on this basis.

Main Issues

3. The main issues are the adequacy of living conditions for the future occupier in respect of the size of the accommodation; whether the proposal would preserve or enhance the character or appearance of the Upperton Conservation Area (UCA); and the effect on highway safety.

Reasons

Living Conditions

4. The proposed side extension would increase the floorspace of the proposed dwelling by approximately 50% over and above the previous proposal dismissed under appeal Ref APP/T1410/A/12/2173927, from 19.5sqm to 29.5sqm, according to the evidence before me. Furthermore, plan 2014-44-2 illustrates how furniture, domestic storage and circulation space could be appropriately arranged. However, whilst a marked improvement over the internal space provision of the previous proposal and although no reference is made to any specific requirements in terms of size, the overall internal space would still be excessively modest.

5. The significant lack of outdoor space provision, by virtue of the proposed off-street parking, would fail to mitigate the excessively modest internal space provision. Furthermore, the proximity of a parked car to the front windows of the proposed dwelling would significantly harm the outlook for any future occupier, given that these windows would provide the main aspect. I therefore consider that overall, the proposal would result in a cramped and poor living environment for the future occupier.
6. The proposal would therefore result in unsatisfactory living conditions for the future occupier and would be contrary to saved policy HO20- Residential Amenity of the Eastbourne Borough Plan 2003 (Borough Plan); and policy B2- Creating Sustainable Neighbourhoods of the Eastbourne Core Strategy Local Plan 2013 (Core Strategy). These policies require, amongst other things, development to protect the residential amenity of future residents and are consistent with the core principles of the National Planning Policy Framework (the Framework) that require a good standard of amenity for all future occupants of land and buildings.

Conservation Area

7. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires that with respect to development affecting buildings or other land in a conservation area, "special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."
8. Furthermore, by virtue of its statutory designation, the UCA is a heritage asset of great importance and I must therefore give great weight to its conservation, in accordance with paragraph 132 of the Framework.
9. Enys Road is a long straight road of a predominantly residential character with 4 Enys Road located in a prominent position on the junction with Upperton Gardens. The existing garage is located to the rear of No 4 and is a brick and greensand structure that forms and defines the boundary of Upperton Lane. Notwithstanding some deterioration in the fabric of the existing garage, it contributes positively to the character and appearance of the streetscape and wider UCA.
10. The Council raises two main concerns regarding the effect of the proposal on the character and appearance of the UCA. Firstly, that the proposed render to the front elevation of the proposed dwelling would be out of keeping with the existing materials; and secondly, that the provision of off-street parking would prevent the proposed access gates closing, failing to preserve or enhance the character or appearance of the UCA.
11. I acknowledge that the proposed render would match the existing render of No 4. However, I consider that render would be an inappropriate finish to the proposed dwelling and would be out of keeping with the existing materials. As a result, the proposed render would undermine the historical integrity of the structure and would fail to preserve or enhance the character or appearance of the UCA. Nevertheless, I note that both the Council's conservation advisor and the Appellant consider a suitably worded materials condition could overcome this issue. I have no substantive reason to conclude otherwise.

12. In relation to the proposed off-street parking, it is clear to me from the plans that a parked car would prevent the proposed access gates from closing as they would need to open inwards to prevent an obstruction to the public highway. This would result in any parked car in the driveway being prominent in a location where off-street parking in front gardens is not typical within this part of the UCA. This would be contrary to saved policy UHT 1: Design of New Development of the Borough Plan that requires, amongst other things, that car parking is not visually dominant.
13. The Appellant has suggested that a sliding gate could be secured by a planning condition, but no details in relation to this have been provided to demonstrate how this could work in a manner that would preserve or enhance the character or appearance of the UCA. Furthermore, during my site visit, I observed a tree in the garden of No 4 that could be affected by a sliding gate. However, no evidence relating to the potential effects of sliding gates on this tree has been provided to allow the further consideration of this matter.
14. I therefore consider that this element of the proposal would fail to preserve or enhance the character or appearance of the UCA. However in the context of the UCA as a whole, I consider the harm arising to the significance of the UCA designated heritage asset would be less than substantial.
15. Paragraph 134 of the Framework specifies that I must consider whether there are any public benefits that outweigh the less than substantial harm to the significance of the UCA designated heritage asset as identified above. Whilst the proposal seeks to repair the fabric of the existing garage and boundary walls, this beneficial effect does not, in my view, outweigh the harm caused as set out above. I also accept that the proposed dwelling would offer an affordable and accessible home that would boost the supply of housing. However, whilst a useful contribution to housing supply in the Borough, I consider that the proposal would provide unsatisfactory living conditions for the future occupier as set out above and I therefore afford very limited weight to this issue.
16. I therefore conclude that the proposal would fail to preserve or enhance the character or appearance of the UCA contrary to the requirements of s72(1) of the Act and that the harm identified, albeit less than substantial, would not be outweighed by public benefits as required by paragraph 134 of the Framework.
17. The proposal would therefore be contrary to saved policies UHT 1, UHT 4- Visual Amenity and UHT 15- Protection of Conservation Areas of the Borough Plan; and policies D10- Historic Environment and D10A- Design of the Core Strategy. These policies require, amongst other things, development to protect the character of the local area and to preserve or enhance the character or appearance of conservation areas. They are consistent with the broad aims and principles of the Framework, that require the conservation of heritage assets in a manner appropriate to their significance and for development to improve the character and quality of an area.

Highway Safety

18. The Council's evidence relies heavily on guidance set out in East Sussex County Council's Minor Planning Application Guidance- Proposed Development Comprising 5 Dwellings or Less (or Equivalent) (MPAG). I accept the proposed off-street parking space does not meet the minimum recommended dimensions

set out within the MPAG. However, it only falls short by a relatively small amount and would be of a sufficient size to accommodate a small car. I also accept the proposed access gates would not be set back from the highway by the recommended distances specified within the MAPG. Nevertheless, the proposed parking provision would not be significantly different to the current parking situation with no additional harm arising.

19. Additionally, whilst saved policy TR11- Car Parking of the Borough Plan, requires compliance with approved maximum car parking standards, I have not been provided with any evidence of these standards, which as the policy states, reflects, amongst other things, accessibility to local public transport. In respect of this, I consider that the proposed dwelling is within an accessible location, given its close proximity to bus stops along Upperton Road and Eastbourne train station. I therefore consider that one off-street parking space would be the maximum number required for the proposed dwelling.
20. I therefore conclude that the proposal would not result in harm to highway safety and does not conflict with saved policy TR11 of the Borough Plan. However, this does not outweigh the harm to the UCA or to the living conditions of the future occupier as set out above.

Other Matters

21. The Council has also raised concerns that the proposed side extension would harm the outlook of the current occupiers of a ground floor residential unit at No 4. Whilst the proposed side extension would bring built form approximately 1.5 metres closer to a window of this residential unit, a 4 metre separation distance would still be maintained. I consider that this separation distance, in combination with the low, single storey height proposed dwelling, would not substantially alter the existing view obtained by the occupiers of this property or the enjoyment of their outdoor space. As a result, I do not consider any significant harm would arise to the outlook of the occupiers of this property.

Conclusion

22. Although I have not found harm to highway safety or the living conditions of existing occupiers, I have found that the proposal would fail to preserve or enhance the character or appearance of the UCA and would provide unsatisfactory living conditions for the future occupier. These are the prevailing considerations and so it is concluded that the appeal should be dismissed.

Alex Hutson

INSPECTOR