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## Appeal Decision

Site visit made on 10 February 2016

**by Cullum J A Parker BA(Hons) MA MRTPI AIEMA**

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

**Decision date: 16 February 2016**

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**Appeal Ref: APP/T1410/W/15/3135002**

**Land to rear of 2 to 8 Queens Crescent, Eastbourne, East Sussex BN23 6JU**

- 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 D Ashford of Brookwell Properties against the decision of Eastbourne Borough Council.
  - The application Ref 150070, dated 22 January 2015, was refused by notice dated 26 March 2015.
  - The development proposed is described as 'proposed erection of 6 No terraced 2 bedroomed houses together with access drive and ancillary parking'.
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### Decision

1. The appeal is allowed and planning permission is granted for the erection of 6 No terraced 2 bedroomed houses together with access drive and ancillary parking at Land to rear of 2 to 8 Queens Crescent, Eastbourne, East Sussex BN23 6JU in accordance with the terms of the application, Ref 150070, dated 22 January 2015, subject to the conditions set out in Appendix A.

### Preliminary Matters

2. At the site visit it was noted by the local planning authority (LPA) that there were two drawings with identical drawing numbers. The differences between the drawings included the separation distances between the proposed footprints and their boundaries and either one or two visitor parking spaces being shown. Following the site visit, the appellant has submitted a drawing re-numbered 240400-01 Revision A, which they consider shows the scheme for which permission was sought. The LPA agrees that this is the drawing which was before the planning committee when it made its decision. For the avoidance of doubt I have proceeded on this basis.
  3. The address on the application form is given as 2 Queens Crescent, rather than Land rear of 2 to 8 Queens Crescent, which is used on the decision notice and appeal form. This latter address appears to reflect the location of the site, and is used elsewhere by the main parties. I have therefore adopted its usage to describe the address of the appeal site.
  4. At the appeal statement stage, the LPA confirmed that it is happy that the CIL requirements have been met, and that it would not contest this reason for refusal. On the basis of the information before me, I see no reason to disagree with this position, and have proceeded on the basis that, for the purposes of this appeal, the third reason for refusal has been satisfactorily addressed.
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## **Main Issues**

5. The main issues are:

- The effect of the proposed development on the character and appearance of the street scene, and;
- The effect of the proposed development living conditions of adjoining occupiers with regard to overlooking, and;
- The effect of the proposed development on highway safety with specific regard to access and parking.

## **Reasons**

### *Character and appearance*

6. The appeal site is located on an area of land that is open, with a row of ten garages and a detached workshop/garage type building. It is located in a residential area, to the rear of properties facing Queens Crescent, Queens Road and Seaside Road (the A259). Planning permission was granted by the LPA in 2011 for the erection of four 3 bedroom dwellings. The scheme in this case seeks the erection of six 2 bedroom dwellings situated in two rows of three. The scale and form of the proposed dwellings is not dissimilar to others found in the locality, although the elevations would have a more modern appearance. The height of the dwellings would be in keeping with the nearby residential buildings and therefore not appear as unduly prominent within the street scene. Moreover, the development itself would be screened by the properties along all four of its boundaries, which would prevent long distance views into the site.
7. The LPA point to the fact that the scheme would represent an overdevelopment of the site out of keeping with the prevailing pattern of development in the area. However, it has failed to articulate why the redevelopment of a site, that also has recent planning permission, would result in an overdevelopment of the site. It is clear from the drawings that each plot would benefit from garden areas to their front and rears, and whilst the appeal scheme would have greater footprint coverage than the earlier approved scheme, there would remain large open areas within the development. Furthermore, as considered above, the overall layout and form of the development is not dissimilar to that found within the wider street scene. In this respect the proposal would continue to respect the prevailing pattern of development.
8. I therefore conclude that the proposed development would not result in a materially harmful effect on the character and appearance of the street scene. It would therefore accord with Policies UHT1, UHT4, and HO6 of the Eastbourne Local Plan 2003 (ELP) and Policies B1 and B2 of the Eastbourne Core Strategy 2013 (ECS), which, amongst other aims, seek to ensure that new development is appropriate in scale, form, materials, setting, alignment and layout and ensure the most effective use of the site with the highest density appropriate to the locality.
9. It would also accord with the Policies of the National Planning Policy Framework (the Framework), which amongst other aims seek to encourage the effective use of land by reusing land that has been previously developed and always seek to secure high quality design.

### *Living conditions*

10. In terms of overlooking, the only proposed windows located within the flank walls would serve either hallway landing or downstairs WC areas. The separation distances would be around 23 metres or more, which is not unusual within a built up area such as that surrounding the appeal site. Furthermore, both of these windows could be obscured glazed. This could be reasonably secured through the use of a condition requiring these windows to be obscured glazed and that no new windows or openings are inserted. Whilst there may be some overlooking from the front or rear windows into nearby gardens, given the angles and distances involved, most views would be oblique rather than direct, which would further mitigate any degree of overlooking.
11. I therefore conclude that the proposed development would not result in a materially harmful degree of overlooking, and therefore harm to the living conditions of adjoining occupiers. Accordingly, it would comply with Policies UHT1, UHT4, HO6 and H20 of the ELP and Policies B1 and B2 of the ECS, which, amongst other aims seek to ensure that proposals demonstrate they would not cause unacceptable loss of privacy by overlooking from habitable rooms. The proposed development would also accord with the Policies of the Framework, which include always seeking a good standard of amenity for all existing and future occupants of land and buildings.

### *Highway safety*

12. In terms of highway safety, the LPA is concerned that the introduction of six dwellings may lead to indiscriminate parking on the public highway. I saw during my site visit that there are no restrictions on Queens Crescent or Queens Road, such as parking permits or bays, which would restrict future occupiers from parking on these roads. However, at the time of my site visit I saw that there were a number of on street spaces that could be used by vehicles. I acknowledge that demand for parking may change in the evening when occupiers come home from work. But I have not been presented with any cogent evidence that demonstrates that the area suffers from an unacceptably high level of parking demand, for example parking surveys or photographs.
13. The local highways authority raises no objection to the scheme, although they point out that the parking standards would require the provision of nine spaces for a development of this size compared to the eight shown. However, this could be mitigated by ensuring that adequate cycle storage is provided on the site and the fact that the site is located a short distance from bus routes leading to day to day services. On balance, even with a deficiency of one parking space as per the parking standard, I do not consider that the proposal would lead to an unacceptable level of parking demand that would result in material harm to future or existing occupiers.
14. With regard to the access into the site, this would comprise a shared surface being over three metres wide and achieved adjacent to No 2 Queens Crescent. I note the concerns raised by neighbours, however the access would serve six residential 2 bedroom dwellings and this is unlikely to result in a significantly high level of traffic movements that would result in conflict between potential users of the access including pedestrians, cyclists and vehicles. I am reinforced in this view by the lack of objection from the local highways authority on this matter.

15. I therefore conclude that the development would not have a materially harmful impact on highway safety with regard to parking or access. It would therefore accord with the aims of Policy TR11 of the ELP, which, amongst other aims seeks to ensure that new developments comply with approved maximum parking standards. It would also accord with the Policies of the Framework, which include actively managing patterns of growth to make the fullest possible use of public transport, walking and cycling.

### **Conditions**

16. In addition to conditions considered elsewhere in this decision, I have had regard to the conditions suggested by the main parties in light of Paragraph 206 of the Framework and also the national Planning Practice Guidance in terms of the use of planning conditions. A condition requiring the development to be carried out in accordance with the submitted drawings is necessary for the avoidance of doubt and in the interests of proper planning.
17. Conditions requiring the submission of details of materials and the finished floor levels are necessary in the interests of the character and appearance of the locality. Given the number of nearby residential dwellings, a condition relating to hours of operation (including demolition and construction) is reasonable to protect the living conditions of their occupiers. Conditions requiring the provision of areas for parking, refuse, cycle parking and that spaces for parking are retained, are necessary and reasonable to ensure that vehicles can be parked within the site, to promote sustainable transport modes and make sure that refuse collection vehicles are able to collect waste and recycled items from the proposed dwellings.

### **Conclusion**

18. For the reasons given above, and having taken into account all matters raised, including concerns raised by neighbours, I conclude that the appeal should be allowed.

*Cullum J A Parker*

INSPECTOR

## **Appendix A – List of conditions**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 240400-01 Revision A and Site Plan PAC/22/2015.
- 3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) Notwithstanding condition 2, no development shall take place until drawings showing the finished floor levels are submitted and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 5) No dwelling shall be occupied until space has been laid out within the site in accordance with drawing No 240400-01 Revision A for vehicles to be parked (including visitor parking spaces) and until space has been laid out within the site in accordance with drawing No 240400-01 Revision A (labelled as 'cycle store') for bicycles to be parked.
- 6) The parking spaces and cycles stores to be provided shall be kept available for the parking of motor vehicles or cycles at all times. The spaces shall be used solely for the benefit of the occupants of the dwelling of which it forms part and their visitors and for no other purpose and permanently retained as such thereafter.
- 7) No dwelling shall be occupied until space has been laid out within the site in accordance with drawing No 240400-01 Revision A, for refuse bins and/or recycling bins to be stored generally and the area shown for 'wheelie bin collection space' to be provided. Thereafter the wheelie bin collection space shall be used for no other purpose and permanently retained as such thereafter.
- 8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows or other opening, other than those expressly authorised by this permission, shall be constructed on the flank wall elevations.
- 9) Before the first occupation of the buildings hereby permitted the flank wall windows shall be fitted with obscured glass and shall be permanently retained in that condition.
- 10) Demolition or construction works shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays nor at any time on Sundays or Public/Bank Holidays.