

## Appeal Decision

Site visit made on 16 February 2016

**by David Cliff BA Hons MSc MRTPI**

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

Decision date: 26 February 2016

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**Appeal Ref: APP/T1410/W/15/3136899**

**Land to rear of 48 St Leonards Road, Eastbourne BN21 3UF**

- 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 Simon Khalil against the decision of Eastbourne Borough Council.
  - The application Ref PC/150141, dated 09 February 2015, was refused by notice dated 09 July 2015.
  - The development proposed was originally described as new build 3 storey residential accommodation consisting of 12 dwellings and 7 car parking spaces.
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### Decision

1. The appeal is allowed and planning permission is granted for new build 2 storey residential accommodation consisting of 7 dwellings and 7 car parking spaces at land to rear of 48 St Leonards Road, Eastbourne BN21 3UF in accordance with the terms of the application PC/150141, dated 09 February 2015, and subject to the conditions as set out in the attached schedule.

### Preliminary Matters

2. The planning application was amended following submission to the Council but prior to its determination. The amendments, shown on revised plans, decrease the number of storeys proposed from three to two, and the number of proposed dwellings from twelve to seven. I have determined the appeal on the basis of these revisions which are reflected in the description of development used in my formal decision above, as used in the decision notice and appeal form.
3. Whilst it differs from that used in the planning application form, I have used the site address as it appears in both the decision notice and appeal form as this most accurately relates to the location of the appeal site.

### Main Issue

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

### Reasons

5. The appeal site, currently in use as a car park, is located to the rear of a six storey building fronting on to St Leonard's Road which has recently been converted from offices to residential apartments. The site fronts on to Commercial Road, on the opposite side of which are two storey, predominantly terraced, residential properties. The rear elevations of other large buildings
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fronting on to St Leonard's Road are visible within the Commercial Road streetscene, including the seven storey office building to the north east of the site which has a four storey projecting element which sits close to the Commercial Road frontage.

6. The proposed two storey building would be considerably lower than the existing buildings fronting on to St Leonards Road and more sympathetic to the height of the prevailing form of building in Commercial Road including the two storey residential properties opposite along with other existing two storey properties to the south west on the same side of the road as the appeal site.
7. The building would be set back slightly from the front of the site allowing for the provision of boundary treatment along the pavement edge whilst also relieving the visual effect of the proposal in the streetscene. Its flat roof, although different in form to the pitched roofed residential properties on the opposite side of Commercial Road, would reflect the more contemporary form of the adjacent buildings fronting on to St Leonards Road to the rear and north of the site, which would remain as being prominent buildings contributing to the Commercial Road streetscape. The scale, form, massing and height of the proposed building would be appropriate in this context.
8. Turning to the detailed design of the proposal, the use of brick in the external facades would reflect the external materials of many of the residential properties opposite. Although the proposed building would be of a contemporary appearance in contrast to the residential properties on the opposite side of the road, it would sit comfortably in the context of the more contemporary buildings on St Leonards Road. The overall appearance of the building would be well mannered and articulated, including the provision of front balconies, to provide visual interest in the streetscene. The proposed parking area would be largely screened from the front of the site and so would not be visually dominant. Taking account of its scale, height, form and detailed external design I do not consider that the proposed building would appear as being intrusive or harmful within the surrounding townscape.
9. I am satisfied that the development would not result in the loss of any trees which are of such significance to result in any material harm to the appearance of the area.
10. In conclusion on the main issue, the proposal would not result in any significant adverse effects upon the character and appearance of the area. It would accord with the design aims of policies UHT1 and UHT4 of the Eastbourne Local Plan and policy D10A of the Eastbourne Core Strategy.
11. The Council's reason for refusal also refers to policy UHT15 of the Local Plan. I have not been provided with a copy of this policy by the Council though note from the appellant's statement that it relates specifically to development in, or affecting the setting of, Conservation Areas. As neither scenario appears to be applicable in this case I have not found harm in relation to this particular policy in my conclusion above.

### **Other Matters**

12. Whilst a previous application for residential development was refused and dismissed at appeal<sup>1</sup> in 2011, including on the basis of the loss of employment

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<sup>1</sup> APP/T1410/A/11/2143917

land, the former officer building to which the site related has subsequently been converted to residential accommodation. The National Planning Policy Framework has also been published since that appeal which encourages the effective use of previously developed land. Within this context, the Council no longer objects in principle to the residential use of the site and, given the change in circumstances since the previous appeal decision, I find that no harm would result from the change in use.

13. Given the separation distance to neighbouring residential properties and the height of the proposal in relation to such properties, I am satisfied that no unacceptable impacts would result upon residential living conditions in respect of loss of light, outlook or privacy.
14. The off-street parking provision of seven spaces for the seven flats proposed would be appropriate for the development in this location close to the town centre. The Council has not raised objections to the highways implications of the proposal or any effects arising from the displacement of cars that currently park in the application site. I have no reason to disagree with such conclusions, taking account of the likelihood that any increase in commuter parking on surrounding streets would be during weekdays rather than evenings or weekends when the demand for residential parking would be at its highest. From the evidence before me, the proposal is unlikely to result in any significant harm upon highway safety or traffic conditions in the vicinity of the site.
15. The Highway Authority has advised that, given the location of the new access, a s106 agreement would be required in order to provide for alterations to the existing street parking bay and double yellow lines. I am satisfied, however, that such matters are capable of being dealt with through a separate highways agreement and so do not need further consideration as part of this appeal. A suitable planning condition would ensure that vehicular access has to be provided before occupation of the development.

### **Conditions**

16. The standard time limit and approved plan conditions are necessary in the interests of proper planning and for the avoidance of doubt as to what has been permitted. Conditions requiring the approval of external materials and landscaping details are reasonable and necessary to ensure the satisfactory appearance of the development.
17. Conditions relating to the provision of parking and access are necessary in order to provide for appropriate levels of on-site parking and access provision, in the interests of highway safety. Whilst its position is shown on the approved plans, further details of the vehicular access are required in order to ensure it complies with the relevant technical standards. Cycle and refuse storage needs to be secured to promote alternative travel to the private car, the objectives of sustainable development and in the interests of the overall appearance of the scheme.
18. I do not consider that a condition restricting demolition and construction working hours is necessary in this case given the limited magnitude of the works likely to be required for the construction of the development proposed and the existence of separate environmental protection regulations.

19. I have made minor alterations to the wording of the conditions suggested by the Council but these do not alter the essence of such conditions.

**Conclusion**

20. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

*David Cliff*

INSPECTOR

### **Schedule of Conditions**

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. Unless varied by other conditions of this decision, the development hereby permitted shall be carried out in accordance with the following approved plans: A.001, A.003, A.004, A.005, D.001, D.002, D.004, D.005a, D.006a, D.007a, D.008a and D.009.
3. No development shall take place until samples of the materials to be used in the construction of the external surfaces (including boundary treatments and hard surfacing) of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
4. No dwelling shall be occupied until a landscaping scheme for the site has been submitted to and approved in writing by the local planning authority. Thereafter, the approved landscaping scheme shall be carried out fully within 12 months of the occupation or completion of the development (whichever is the sooner). Any trees or other plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless otherwise approved in writing by the local planning authority.
5. No dwelling shall be occupied until the car parking area has been constructed in accordance with details (including demonstration of tracked access into and out of each space) which shall have first been submitted to and approved in writing by the local planning authority, and that area shall thereafter be kept available for the parking and manoeuvring of vehicles.
6. No dwelling shall be occupied until secure cycle and refuse storage provision has been constructed in accordance with details which shall have first been submitted to and approved in writing by the local planning authority, and those areas and facilities shall thereafter be kept available for the storage of cycles and refuse.
7. No dwelling shall be occupied until the vehicular access shown on drawing no. D.001 has been constructed in accordance with details which shall have first been submitted to and approved in writing by the local planning authority. The vehicular access shall thereafter be retained in accordance with such approved details.