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## Appeal Decision

Site visit made on 22 March 2016

**by Richard S Jones BA(Hons) BTP MRTPI**

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

Decision date: 4 April 2016

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**Appeal Ref: APP/T1410/D/15/3141219**

**145 Burton Road, Eastbourne, East Sussex BN21 2RU**

- 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 Mrs S. Ravipati against the decision of Eastbourne Borough Council.
  - The application Ref PC/150797, dated 29 July 2015, was refused by notice dated 21 October 2015.
  - The development proposed is a two storey extension at side.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues to be considered are the effects of the proposed development on the character and appearance of the area and on the living conditions of the occupants of the neighbouring property at No 143 Burton Road, with particular reference to outlook and light.

### Reasons

#### *Character and appearance*

3. The host property is an extended two storey detached dwelling built in a chalet style with an asymmetrical roof. The corner position and roughly triangular shape to the appeal site is such that the dwelling is positioned almost at right angles to the neighbouring property at No 143, which is a single storey dwelling. At present, there is a comfortable visual separation between the two dwellings.
  4. Although the appeal site may be relatively large, its usability is constrained by the very steep nature of the rear garden area, which has focused the main built development to the lower street level. In overall terms, the width of the extension would not be too dissimilar to the width of the original form of the host dwelling and at two storeys in height would largely close the existing visual gap between it and the dwelling at No 143. As a consequence, a characteristic and positive feature of the area provided by the regular rhythm of gaps between dwellings would be lost in this location.
  5. The existing gap also assists in reconciling the visual transition between the scale of the two storey appeal dwelling and the bungalow at No 143. The loss of the gap to a two storey side extension in such close proximity to No 143 would serve to emphasize the differences in scale and would result in a domineering and
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visually awkward relationship. This would not be materially alleviated by stepping the extension back on 3 different planes or by any existing evergreen trees which would be retained. Although stepped down from the main ridgeline, the width of the extension is such that it would not appear subservient to the original form of the house.

6. I therefore conclude on this main issue that the appeal proposal would be harmful to the character and appearance of the area, contrary to Policy D10A of the Eastbourne Plan Submission Core Strategy 2006 – 2027 (CS). This policy seeks to ensure that the layout and design of development contributes to local distinctiveness and is appropriate and sympathetic to its setting in terms of scale, height, massing and density and its relationship to adjoining buildings.

#### *Living conditions*

7. The above referenced gap and landscaping also provides a visual buffer between the appeal site and No 143, which assists in relieving the effect of the juxtaposition of a two storey dwelling almost at right angles to a single storey dwelling.
8. Although the rear windows of No 143 would not directly face the enlarged appeal dwelling, it would nonetheless be sited close to the north west corner of the bungalow and would result in a looming presence. This physical presence would dominate the outlook from the amenity space adjacent to the western side of the bungalow in a way that I consider would be overbearing and oppressive.
9. As the majority of the built form would be positioned to the north west of No 143, any loss of light and overshadowing arising would, in my view, be limited, not least having regard to the steeply sloping east to west landform at the rear of the properties which would likely restrict sunlight reaching the dwellings late in the day when such overshadowing could occur.
10. I acknowledge that the Council has not raised any concerns with regards to overlooking and loss of privacy, however, the absence of such harm cannot weigh in favour of the proposal and should properly be considered as neutral in the planning balance. It follows therefore that this cannot mitigate the harm I have explained above.
11. I therefore conclude on this second main issue that the proposal would result in an overbearing and visually harmful form of development that would cause material harm to the living conditions of neighbouring occupants at No 143. This would be contrary to CS Policy B2 and Saved Policy HO20 of the Eastbourne Borough Plan 2001 – 2011, which, amongst other matters, require extensions to existing buildings to respect residential amenity and state that proposals will be refused unless they can demonstrate that they do not cause unacceptable loss of outlook.

#### **Conclusion**

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

*Richard S Jones*

Inspector