
Appeal Decision

Site visit made on 5 January 2016

by **R J Marshall LLB DipTP MRTPI**

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

Decision date: 16 March 2016

Appeal Ref: APP/T1410/D/15/3133114

199, Seaside, Eastbourne, East Sussex, BN22 7NP

- 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 Carlos Dantis against the decision of Eastbourne Borough Council.
 - The application Ref PC/150646, dated 5 June 2015 was refused by notice dated 5 August 2015.
 - The development proposed is erect single storey extension and first floor addition at rear.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are: **first**, the effect of the proposed development on the living conditions of neighbours with special reference to sunlight/daylight and privacy; and **second**, its effect on the character and appearance of the surrounding area.
3. I appreciate that the Council raised no objection on character and appearance grounds. However, this issue is derived from third party concerns and what I saw.

Reasons

Living conditions

4. The appeal dwelling is a mid terrace house of Victorian style. At the rear is a 2 storey gable end extension attached to a similar extension at No. 197 Seaview to the south. No. 201 Seaview to the north also has a 2 storey gable end rear extension. The proposed single storey extension would occupy part of the gap between the 2 storey rear extension on the appeal site and the fence with No. 201. The Council has no objection to this part of the scheme and nor could I see any.
5. The Council's concerns lies on the first floor addition at the rear. This would extend from the rear of the first floor gable to the existing extension and be constructed over a single storey structure. It would be relatively small scale with a hipped roof and a ridgeline lower than the existing extension.

6. The neighbouring house at No. 201 has a ground floor side window serving a kitchen looking directly onto the appeal property. The existing extension to the appeal property already blocks light and outlook to the neighbour's kitchen making it appear quite dark inside. The proposal would block out any remaining view of the sky from this window and be likely to further reduce sunlight to it. This would be likely to make the kitchen even darker to the harm of the neighbour's living conditions.
7. I see no potential for similar harm to those in a terraced house opposite the site given the distance of this house from the appeal site. A rear window in the proposed extension would result in houses opposite and directly to either side being overlooked to an extent. However, the overlooking would be either from such a distance or sufficiently oblique for no unacceptable loss of privacy to arise. However, lack of harm in this respect does not make the proposal acceptable given the harm found in the preceding paragraph.
8. It is concluded that the proposed development would detract from the living conditions of neighbours at No. 201 Seaside with special reference to sunlight/daylight. As such it would be contrary to Policy HO20 of the Eastbourne Borough Plan 2007 (BP) and Policy B2 of the Core Strategy Local Plan 2013 (CS) which seek to protect residential amenity.

Character and appearance

9. The terrace in which the appeal site lies, and the appeal building itself, is of modest but pleasing design typical of its period. Most of the dwellings in the terrace have 2 storey rear extensions, likely to have been part of the original structure, similar to the existing extension on the appeal site. There are some differences in their scale and design. However, all are quite substantial in design and have gable ends. By contrast the proposal would result in a smaller scale structure with a hipped roof. As such it would appear an incongruous addition to the appeal building to the detriment of the character and appearance of the area. Adding to this harm would be the proposed deviation from the all render finish characteristic of houses in the terrace. My view on the harm I have found above is not lessened by the fact that houses in terrace opposite the appeal site have different rear elevations to those in the terrace in which the appeal site lies.
10. The harm I have found would be much more apparent than the appellant suggests for the proposed development would be clearly seen from neighbouring gardens and from a road to the south. From the latter viewpoint the extension at the end house in the terrace would be insufficiently large to provide a significant screen. It is said that a perusal of Google Earth would show similar extensions in the area to that proposed. However, my visit showed no similar extensions in the vicinity of the site.
11. It is concluded that the proposed development would harm the character and appearance of the surrounding area. As such it would be contrary to BP Policies UHT1 and UHT4 and CS Policies D10a and B2 which seek to prevent such harm.

Other matters

12. Noise from the proposed kitchen in the single storey part of the proposal should be little if any more intrusive than from the current kitchen. There is no substantial evidence to support concerns that this relatively small scale

proposal would be harmful to the integrity of the building's foundations. However, lack of harm in these respects, and support for the proposal from the neighbour to the south, does not make the proposal acceptable given the harm on the main issues. Nor is the harm outweighed by the potential benefits of removing an existing first floor side elevation window overlooking No. 201.

13. As I have found no harm with regard to the single storey extension I have considered whether a split decision could be issued allowing this but dismissing the first floor addition. However, I am unclear whether the 2 elements would be severable and thus have not done so.

Conclusion

14. For the reasons given above it is concluded that the appeal should be dismissed.

R J Marshall

INSPECTOR