



Appeal Decision

Site visit made on 20 May 2016

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

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

Decision date: 26 May 2016

Appeal Ref: APP/T1410/D/16/3142583

46 Hardy Drive, Eastbourne, East Sussex BN23 6EP

- 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 John Kirk against the decision of Eastbourne Borough Council.
 - The application, Ref. PC/150883, dated 23 August 2015, was refused by notice dated 30 October 2015.
 - The development proposed is the extension of the side boundary wall.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. There is a difference between the application form and the appeal form as to the appellant's name. I have adopted the normal practice in appeals of using the name on the application form.

Main Issues

3. The main issues are (i) the effect of the extended wall on the character and appearance of the Royal Sovereign View street scene; (ii) the effect on the pedestrian and highway safety of Royal Sovereign View, and (iii) the effect on the living conditions for the occupiers of No. 2 Royal Sovereign View as regards outlook.

Reasons

4. On the first issue, the view from Hardy Drive into Royal Sovereign View is in part enhanced by its largely open plan layout at the front of the properties. There is a line of sight across both the area to be enclosed and the front garden of No. 2 Royal Sovereign View towards the flats beyond. I consider that the set-back position of the flank boundary wall of the rear garden of the appellant's property makes an important contribution to the openness and spacious character of this part of the street scene.
 5. If the appeal were to succeed, the wall's position on the back of the footpath would close down that pleasing aspect and reduce the visual amenity value of the two trees, albeit I accept that these are not protected and could be felled. Nonetheless, the re-alignment of the wall would be a jarring feature in the street scene when seen not only in the approach from Hardy Drive but also for pedestrians and drivers travelling round the bend in the opposite direction. I
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appreciate that the area to be enclosed is fairly small but this is more than offset by its prominence in the street scene.

6. In respect of the second issue, as a result of the re-positioned wall the driver of a car exiting from the driveway of No. 2 Royal Sovereign View, particularly in reverse gear, would have a much more restricted northward view of pedestrians and vehicles already on the highway. By the same token those drivers and pedestrians would be unable to see the car until it was almost on the point of crossing the footpath. The fairly modest number of vehicles and relatively low speeds would reduce the risk of an accident, but the fact remains that the appeal proposal would almost certainly lead to some reduction in highway safety.
7. Finally as regards the third issue, it is clear from the officers' report that the omission from the Notice of Refusal of a reason relating to the effect on the loss of outlook to the north from the front garden of No. 2 Royal Sovereign View is a typographical error. However this is mentioned in the objections received by the Council as a result of public consultation on the application and I consider that it is a further disadvantage of the proposal.
8. Overall, I consider that there would be harmful effects on the character and appearance of the street scene; highway safety, and the outlook for the occupiers of No. 2 Royal Sovereign View. This would result in a conflict with the saved Policies UHT1, UHT4 & HO20 of the Eastbourne Borough Local Plan (2001-2011) 2003 and Policies B2 & D10A of the Eastbourne Core Strategy 2013, as well as Government policy in the National Planning Policy Framework 2012.
9. In reaching this conclusion I have taken account of the grounds of appeal and fully appreciate the reasons for the proposed enclosure of the land, including the current difficulty of keeping the area clean and tidy. I also note that the deeds permit the erection of a wall, which in itself would be constructed of good quality materials and not unattractive. Also, as I have mentioned in paragraph 5 above the strip of land to be enclosed is a small area. However these factors do not in my judgement outweigh the harm that I have identified on the main issues.
10. The appeal is therefore dismissed.

Martin Andrews

INSPECTOR