

Appeal Decision

Site visit made on 4 October 2016

by **Grahame Gould BA MPhil MRTPI**

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

Decision date: 18th October 2016

Appeal Ref: APP/T1410/W/16/3153719

Aligra House, 55 Friday Street, Eastbourne, East Sussex BN23 8AX

- 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 Stuart Bellwood against the decision of Eastbourne Borough Council.
 - The application Ref PC/160234, dated 2 March 2016, was refused by notice dated 25 April 2016.
 - The development proposed is demolition of garage at rear of site (accessed from Sorrel Drive) and erection of new dwelling house in its place.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on: the character and appearance of the area; and the living conditions of the occupiers of 55 Friday Street (no 55) and the neighbouring properties, with particular regard to outlook and privacy.

Reasons

Character and Appearance

3. The appeal development would involve the construction of a chalet bungalow within the rear garden of No 55. This dwelling would replace a garage and would be served by an existing access via Sorrel Drive. The appealed application having been submitted further to the refusal of planning permission (under Council application reference 141497) for a chalet bungalow of a different design and siting, with a subsequent appeal having been dismissed¹.
4. No 55 is a chalet bungalow and the properties immediately adjoining it in Friday Street and Shinewater Lane are also bungalows, with the properties in Friday Street having relatively large gardens and thus a spacious character. Sorrel Road and the side streets of that road are for the most part characterised by two storey houses of varying types.
5. The proposed chalet bungalow would occupy around two thirds of the No 55's plot width and it would in part be screened by the mature planting in Sorrel Drive's verge. This dwelling would be sited between a detached garage to the

¹ APP/T1410/W/15/3049289

rear of No 57 and the other nearby garages to the rear of 2 and 4 Shirewater Lane (Nos 2 and 4).

6. While the currently proposed chalet bungalow would be of a simpler design to that of the earlier scheme, its provision would nevertheless involve the subdivision of No 55's plot, leaving the host and new properties with comparatively small plots when compared with the immediately adjoining properties. The current scheme also differs from the earlier one in that the new dwelling would be sited slightly further in advance of what would be its rear boundary. However, that siting relationship would still be a comparatively cramped one and uncharacteristic of the nearby properties in Friday Street and Shinewater Lane.
7. While I recognise that the dwelling would be sited further away from the public highway than the properties in Sorrel Drive and the side streets leading from that road, those dwellings form part of a comprehensively planned housing area and the circumstances that gave rise to their layout are not comparable with those of the appeal development. I am also not persuaded that the presence of No 4's garage provides a justification for the appeal development, given that the former is an ancillary residential building and is scaled as such, while the chalet bungalow would be significantly larger and would have a different purpose, serving as a dwelling in its own right.
8. For the reasons given above I conclude that the development would be harmful to the character and appearance of the area. There would therefore be conflict with saved Policies HO6, UHT1 and UHT4 of the Eastbourne Borough Plan 2001-2011 (the Borough Plan) which was adopted in 2003 and Policy D10A of the Eastbourne Core Strategy Local Plan of 2013 (the Core Strategy), insofar as the layout and density of the development would not contribute to the distinctiveness of its surroundings. As I have found that the development would be harmful to the character and appearance of the area there would also be conflict with the National Planning Policy Framework (the Framework), most particularly paragraphs 56, 57, 58, 60, 63 and 64.
9. While conflict with Policy B1 of the Core Strategy has been cited, I find this policy to be of limited relevance to this case. This is because it sets out the general spatial development strategy and distribution for development in the Council's area and identifies only a very general density range for the Langney sub-area. The appellant contends that Policy HO8 (redevelopment of garage courts) is relevant to this case. However, I find policy HO8 is not a relevant policy because the development concerns a site occupied by a single domestic garage rather than a garage court.

Living Conditions

10. The principal rear elevation of the dwelling would be around 2.0 metres from what would be the shared rear boundary with No 55 and that siting of the rear elevation would be around twice the distance envisaged under the previous scheme. While the amended offset from the shared rear boundary would improve the outlook for the users of No 55's rear garden, that improvement would be a modest one. I therefore find that when regard is paid to the siting, height and width of the dwelling and the comparatively short retained garden for No 55, that the new dwelling's presence would unacceptably affect the outlook for the occupiers of No 55. I, however, recognise that the window

configuration to the rear of dwelling would be such that the occupiers of No 55 would experience no loss of privacy.

11. Application drawing 222FS22/04a (proposed first floor plan) has a notation suggesting that the forward facing window serving Bedroom 1 might be incorporated into an en-suite bathroom at some future date. If this bathroom was to be provided, and that would seem to be the appellant's intention otherwise there would be no need for the first floor plan to have been notated in that way, then the only window serving Bedroom 1 would be the one facing towards No 57's garden. The presence of that side window could result in an actual or perceived loss of privacy for the occupiers of No 57. While there is an evergreen hedge between No 57's driveway and rear garden area, which would be capable of providing privacy screening for the occupiers of No 57, there can be no guarantee that that hedge would be retained in perpetuity. In order to safeguard the long term privacy for the occupiers of No 57 a condition could be imposed requiring Bedroom 1's side window to be fitted with obscured glazing.
12. However, if Bedroom 1's side window was the only window serving this room, fitting it with obscure glazing would result in harmful living conditions for the occupiers of the new dwelling because no outlook would be possible from this room. Accordingly given the appellant's apparent intention to convert part of Bedroom 1 into a bathroom, I consider it would be inappropriate for me to impose a condition requiring the side window to be fitted with obscure glazing. There would therefore be potential for No 57's garden to be unacceptably overlooked, given that there would be reliance upon a hedge for screening and the retention of that hedge would not be under the control of the occupiers of the new dwelling.
13. I am content that the dwelling's siting and height would be such, given the separation distances involved, that it would not adversely affect the outlook for the occupiers of No 57 or No 4.
14. For the reasons given above I conclude that there would be unacceptable harm to the living conditions for the occupiers of Nos 55 and 57. There would therefore be conflict with Policies HO6 and HO20 of the Borough Plan in that there would be an unacceptable loss of outlook for the occupiers of No 55 and the potential for the occupiers of No 57 to unacceptably overlooked. I also find there to be conflict with the fourth core planning principle set out in paragraph 17 of the Framework, in that the development would not secure a 'good standard of amenity' for all existing and future occupants of land and buildings.

Other Matters

15. I am sympathetic to the appellant's wish to provide accommodation for his relatives and I accept that architecturally the design of the dwelling would be unobjectionable and that there would be no adverse effect upon the planting in the Sorrel Drive's verge. However, I find those matters to be outweighed by the harm that I have identified.

Conclusions

16. I have found that the development would be harmful to the character and appearance of the area and the living conditions for the occupiers of Nos 55

and 57 and as such there would be conflict with local and national planning policies. The appeal is therefore dismissed.

Grahame Gould

INSPECTOR