

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: 15th November 2016

Appeal Ref: APP/T1410/W/16/3153837

Ridgelands, 2 Upland Road, Eastbourne, East Sussex BN20 8EW

- 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 Gary Ferrier of Lucas Design and Construction against the decision of Eastbourne Borough Council.
 - The application Ref PC/151314, dated 2 December 2015, was refused by notice dated 21 April 2016.
 - The development proposed is erection of two and a half storey building containing 10 no. 2 bed flats and associated external works following demolition of existing dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was amended prior to its determination by the Council and I have therefore had regard to the drawings that formed the basis of the Council's decision, albeit, given the appellant's submissions, I have treated the proposed street scene and section drawings¹ as being indicative. This is because amended versions of those drawings were not submitted to the Council and they therefore do not reflect the elevations shown on drawing PL004 Rev A. In referring to the application drawings the appellant has used a prefix of '15/017'. However, I have not used that prefix because it appears on the drawings as a project number rather than as being part of the drawing numbers.
3. In response to the floorspace concern identified in the Council's second reason for refusal the appellant has submitted a revised floor plan drawing, drawing PL003 Rev B, which it has requested I should treat as a substitute for the equivalent drawing (PL003 Rev A) in determining this appeal. That request being made on the basis of a dialogue between the appellant and the Council's officers prior to the appeal being submitted and the Council confirming in two emails that it would raise no objection to drawing PL003 Rev B being treated as a substitute plan. During the course of the email exchange that took place the Council also advised, given the contents of drawing PL003 Rev B, that it would not submit as part of the appeal any evidence in support of the second reason for refusal. The Council has subsequently proceeded on that basis.

¹ Respectively drawings PL005 and PL006

4. The amendments made to the development's floor plans, as shown on drawing PL003 Rev B, do not affect the scheme's external appearance nor the number of dwellings proposed. Drawing PL003 Rev B shows that three of the flats would be intended for occupation by three people, rather than the four as originally shown, resulting in them having floor areas that would accord with the national standards². Given there would be no change to the external appearance of the originally proposed building and as the Council has advised that the details shown on drawing PL003 Rev B would overcome the concern highlighted in the second reason for refusal, I am content that I can take this drawing into account without prejudice being caused to the parties' cases. The issue central to the second reason for refusal, namely the adequacy of the floor areas for the flats, has therefore become uncontested. Under these circumstances it is unnecessary for me to consider the second reason for refusal any further and I shall therefore make no further reference to it.

Main Issues

5. In the light of the above the main issues are: the effect of the development on: the character and appearance of the surrounding area; and the living conditions of the occupiers of neighbouring properties, with particular regard to whether or not the development would be overbearing.

Reasons

6. The development would involve the demolition of a two storey, detached house (No 2) and its replacement with a two and a half storey building (block) that would accommodate ten flats. As part of the development a new access in Upland Road would replace the one currently serving No 2 and an on-site parking area for 12 cars would be provided.

The approach to the decision

7. At the time of the application's determination by the Council it acknowledged that it could not demonstrate the availability of a five year supply of deliverable housing sites (an HLS). In connection with this appeal no evidence has been submitted suggesting that the HLS position has changed. Accordingly having regard to the provisions of paragraph 49 of the National Planning Policy Framework (the Framework) I shall treat the Council's policies for the supply of housing as not being up to date.
8. Having regard to the provisions of paragraph 14 of the Framework I have therefore approached this appeal on the basis that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework, taken as a whole or specific policies within the Framework indicate that development should be restricted.

Character and Appearance

9. No 2 occupies a sizeable plot that is prominently located within the middle of the 'Y' form junction between East Dean Road (the A259) and Upland Road. The boundaries to this site are marked by a combination of walls and planting (trees, shrubs and hedging). There are also extensive areas of soft landscaping within the interior of No 2's garden area and the substantial

² 'Technical housing standards – nationally described space standard' March 2015

- copper beech tree in the eastern corner is subject to a tree preservation order. The site therefore has a leafy appearance and the existing house has a quite discrete presence within its plot and the wider streetscene.
10. Although No 2's plot is a comparatively large one, the flat block would have a much greater mass than the house it would replace and its proximity to the boundary with East Dean Road would mean that the new building would be readily visible from that street, notwithstanding the retention of the boundary wall and planting along the northern boundary. The irregular floorplan of the building and the implications that has for the building's appearance would further draw attention to the block's presence in views from East Dean Road. As the block would be a comparatively large building, have an uncharacteristic form for the area and would be readily visible, I find that its scale and appearance would be harmful to the streetscene in East Dean Road.
 11. The submitted block plan suggests much of the mature planting along or immediately adjoining the site's boundary with Upland Road would be removed³. That change in the site's appearance, along with the creation of the replacement access point, would mean that the block would have a much more overt presence in Upland Road than the existing house. I therefore consider that the block would fail to integrate well into Upland Road's streetscene.
 12. The properties on the southern sides of Upland Road and East Dean Road share a stepped roofscape, reflecting the sloping nature of those streets. The block, however, would not share that characteristic, with the eastern and western wings having the same ridge height. I find that the absence of a step in the ridge line towards the eastern of the end of the block would mean that this building would have an unduly elongated and top heavy appearance, which would not be in keeping with the way other properties respond to the local topography. Limited contextual information accompanies the application, however, the indicative section drawing⁴ suggests that much of the block, and particularly its eastern wing, would have a ridge line exceeding that of Downside Court on the opposite side of East Dean Road. As the ridge lines of the block and Downside Court would not be in step with one another the comparison between the proposed and existing buildings is not a direct one and I therefore consider that the latter's presence does not of itself provide a justification for the development's height.
 13. While the building would share some of the vernacular of the neighbouring properties, the incorporation of an extensive false/dummy pitched roof area into its design would be excessive in comparison with this roof form's use in the immediately surrounding area. I consider that the block's roof form would contribute to this building having a top heavy appearance and this is indicative of it being too large for this site.
 14. It has been suggested that the development would detract from the approach into the South Downs National Park, to the setting of the national park and Eastbourne's wider skyline. However, I do not consider that would be the case because the scale of the block would mean that its visual impact would be limited to the immediate environs of No 2.

³ Given that drawing PL002 Rev B does not show retained hedging, unlike the situation for the hedge along the East Dean Road boundary

⁴ PL006

15. I therefore find that the flat block would be of a scale that would not be in keeping with the character and appearance of the surrounding area. In reaching this finding I am mindful of the proximity of Downside Court, a building that I understand was extended as part of its conversion into flats. However, the ground level of Downside Court is below the carriageway level, screening is provided by a substantial boundary wall and this building has a stepped roof. Given Downside Court's characteristics, I find that the block would not be comparable with it.
16. Reference has been made to a care home scheme at the DB Autos site, although no drawn details of that development have been put before me. However, I consider the locational characteristics of that site not to be comparable with No 2 because it occupies a mid-street position and for the most part it has a ground level significantly below the carriageway in East Dean Road. On the available evidence I therefore find that the scheme at the DB Autos site is not directly comparable with the appeal development.
17. For the reasons given above I conclude that the development would unacceptably harm the character and appearance of the area. Accordingly there would be conflict with saved Policies UHT1 and UHT2 of the Eastbourne Borough Plan 2001-2011 (the Borough Plan), which was adopted in 2003, and Policies B2 and D10A⁵ of the Eastbourne Core Strategy Local Plan of 2013 (the Core Strategy) in that the development would not be respectful of its surroundings and it would be of an inappropriate mass and height. 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 Framework, insofar as it addresses design, most particularly paragraphs 17 (the fourth core planning principle) 56, 57, 58, 60, 63 and 64.

Living Conditions

18. I recognise that the block would be considerably larger than the existing house and that its siting would also be very different. However, I find because of the differences in levels, the location and height of the existing boundary walls and fencing and the orientation of the block relative to 4 Upland Road (No 4) and 53 East Dean Road (No 53) that the new building would not have an overbearing presence when viewed from Nos 4 and 53. With respect to the neighbouring properties that are further afield, I find the separation distances would be such that the block would not appear as an overbearing building for the occupiers of those properties.
19. I also consider that the siting and height of the block would be such that no unacceptable loss of privacy or adverse effect upon the receipt of natural light would be experienced by the occupiers of any of the neighbouring properties.
20. For the reasons given above I conclude that there would be no unacceptable harm to the living conditions of the occupiers of the neighbouring properties. Accordingly I find there to be no conflict with Policy HO20 of the Borough Plan and Policy B2 of the Core Strategy because the residential amenity (living conditions) of existing and future residents would be protected.

⁵ As opposed to Policy '10A' cited in error in the first reason for refusal

Other Matters

21. The appellant has given an indication of an intention to enter into an obligation under Section 106 of the Act, which would make provision for 'local employment initiatives' in response to a requirement identified in the Council's committee report. An executed deed was, however, not received by the Planning Inspectorate by the due date for its submission. However, given the subject matter of the intended obligation, its absence has had no bearing on the outcome of this appeal, given the nature of the harm that I have identified above.
22. There are concerns that the development would generate additional traffic and make inadequate provision for on-site parking and that those matters could be prejudicial to highway safety in the vicinity of the site. In this respect there was evidence⁶ of an accident on the day before my site visit, which I understand from representations involved a fatality. However, as this appeal is to be dismissed for another reason, I find it unnecessary for me to comment further on the traffic and parking concerns that have been raised.

Conclusions

23. In the absence of an HLS the provision of additional housing would amount to social and economic benefits weighing in favour of this development. However, while I have found that there would be no harm to the living conditions for the occupiers of neighbouring properties the development would be unacceptably harmful to the character and appearance of the area. That harm gives rise to conflict with the Framework and policies of the Borough Plan and Core Strategy, insofar as they address design considerations. I therefore consider that the harm that I have identified significantly and demonstrably outweighs the benefits of the development and could not be overcome by the imposition of reasonable planning conditions. The appeal is therefore dismissed.

Grahame Gould

INSPECTOR

⁶ Temporary roadside signage and damage to the wall enclosing Downside Court