

Appeal Decision

Site visit made on 20 March 2017

by Kenneth Stone BSc Hons DipTP MRTPI

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

Decision date: 31 March 2017

Appeal Ref: APP/T1410/W/16/3165819

9 Farady Close, Eastbourne BN22 9BH

- 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 Cosmarida 2010 Ltd against the decision of Eastbourne Borough Council.
 - The application Ref PC/160487, dated 22 April 2016, was refused by notice dated 11 July 2016.
 - The development proposed is described as the 'erection of a temporary warehouse to the rear of 9 Faraday Road'.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The description of development refers to the building as a temporary warehouse however full planning permission is sought and there is no suggestion that a temporary permission is being sought. The reference to temporary is in the context of the nature of the construction of the building. The appellant has referred to its renegotiation of a 9 year lease and that the building would be easily demountable at the end of that period. However, there is no suggestion in the papers that the applicant seeks a temporary planning permission for a building that would only be required for a temporary period. I have considered the appeal on this basis.

Main Issues

3. The main issue is the effect of the proposed development on the character and appearance of the area, including the effect on existing trees within the site.

Reasons

4. The appeal site presently accommodates a single storey industrial building with a two storey office block attached to the front. The building sits in a wider site which includes a grassed open space to the rear, contained within a metal palisade fence. Beyond the site boundary to the rear is Lottbridge Drove a main arterial route through Eastbourne.
 5. The area is characterised by large industrial scale buildings incorporating warehousing, industrial and retail uses. There is a mix of building styles, sizes, designs and ages including a number of modern and refurbished buildings close
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- by, including a B&Q and a Lidl, flanking the site on both sides and a Morrison's superstore opposite.
6. The proposed building would be sited to the rear of the existing building and take up the majority of the open space area to the rear of the building within the palisade fence. The proposed building would project substantially beyond the flank wall of the adjacent B&Q building and significantly in front of the next door Lidl building. The space into which it would intrude is readily apparent as an open undeveloped space, albeit within the palisade fencing, within the street. In association with the open grassed space adjacent to the B&Q building and the car park of the Lidl Store the existing site creates an element of space and a pattern of development with buildings set back from the main arterial route. The proposed building would appear as a particularly intrusive and prominent building in this context.
 7. The proposed materials, form and construction of the building would ensure that its 'temporary' nature was readily apparent and given the prominent position this would not be an exemplary standard of design and architecture and would not create a high quality environment as is required by policy D10a of the Eastbourne Core Strategy Local Plan 2013 (Core Strategy) nor fulfil the requirements of the National Planning Policy Framework (the Framework) with regards to the quality of design.
 8. The proposed temporary method of construction would not require foundations and significant ground works and may therefore have only a limited impact on the existing trees. The Horse chestnut tree is identified as in poor condition and appropriate to remove in the Tree report and I see no reason to disagree with those conclusions. Whilst the Council raise concerns about the potential impact on the remaining trees they provide no robust evidence to demonstrate the significant effect that they suggest. The appellant's tree report however does identify that the building will be in close proximity to the trees and would require significant pruning to facilitate the building. In any case the trees are not protected and could be removed and they do not appear as a part of a wider planted scheme, rather they are isolated elements within the street. Whilst their loss would reduce the green canopy and contribution that makes to the street their loss would not be so harmful as to warrant the refusal of permission given the limited contribution they make to the wider character of the area. There would therefore be no conflict with policy UHT5 which requires the retention of landscaping that contributes to the character of the area.
 9. In conclusion whilst I have found that the loss of the trees would not be so harmful as to warrant dismissal of the appeal I am satisfied that given the prominent location and nature form and design (including materials) that the proposed building would have a materially harmful impact on the character and appearance of the area. The proposal would therefore conflict with policy D10a of the Core Strategy which seeks to encourage high quality development.

Other matters

10. The appellant has suggested that the economic benefits associated with the development would outweigh any harm that may arise. They have identified the level of employment expenditure in the local economy and other factors that have an economic benefit. I accept that the securing of jobs and the potential for future job creation are potential benefits of the scheme but these do not outweigh the harm that I have identified.

11. The appellants have also suggested that the additional storage space would reduce travel of vehicles between various sites and therefore reduce the carbon footprint of the business through the reduction in travel between other sites. There is a potential benefit arising from consolidation but this has not been quantified and I am not satisfied that this would outweigh the harm that I have identified.
12. Other examples of development in the locality as referred to by the appellant do not in my mind compare with the temporary form and nature of this proposal or its prominent siting.

Overall conclusions

13. For the reasons given above I am satisfied that the proposed development would result in material harm to the character and appearance of the area and that this would not be outweighed by the benefits that may derive from the scheme.
14. Consequently, for the reasons given above, I conclude that the appeal should be dismissed.

Kenneth Stone

INSPECTOR