

Appeal Decision

Site visit made on 21 March 2017

by **Nicola Davies BA DipTP MRTPI**

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

Decision date: 24/03/2017

Appeal Ref: APP/T1410/W/16/3160567

26 Jevington Gardens, Eastbourne, East Sussex BN21 4HN

- 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 Mrs Danuta Blunden against the decision of Eastbourne Borough Council.
 - The application Ref PC/160846, dated 20 June 2016, was refused by notice dated 9 September 2016.
 - The development proposed is to form a parking bay at the front for 1 car.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues raised in respect of the appeal are the effect of the proposed development on the character and appearance of the area and the living conditions of adjoining occupier(s).

Reasons

Character and appearance of the area

3. The development to the northern side of Jevington Gardens comprises mainly four-storey semi-detached and terraced properties. The lower ground floor accommodation of these properties is positioned below the level of the adjoining highway. I observed that many properties in the area have a refuse area immediately behind the front boundary wall positioned at the same level as the adjacent highway, although the remaining front garden areas descend to match that of the lower ground floor level. Whilst some properties to the west of the appeal site have had their front boundary walls removed and parking created within their frontages, in the main, most properties retain their front walled boundaries and pedestrian gate posted entrances. The frontage walls and enclosed front gardens contribute to the character of this area which the Council has designated 'high townscape value'.
 4. The proposed development would demolish 3 metres of the front red brick boundary wall. The continuity of the walls along this street frontage contributes to the character of this area. A further interruption of a wide opening would be out of keeping with the existing rhythm of these frontage
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- walls. This would significantly diminish the visual contribution the front boundaries make to this particular street scape.
5. Furthermore, the proposal would create an enlarged raised platform within the frontage at street level to provide an area of hardstanding. This, along with a vehicle parked upon it, would be clearly visible in the streetscene and would further detract from the appearance of the area and would compound the harm that would be created by the proposal.
 6. I acknowledge that the proposed development is a reduced scheme to that previously proposed and part of the boundary wall would be rebuilt. Nonetheless, this does not overcome the harm that I have identified above.
 7. I therefore conclude that the proposed development would have a harmful effect on the character and appearance of the area. It would be in conflict with Policies B2 and C11 of the Eastbourne Core Strategy Local Plan (the Local Plan) and saved Policies UHT5 and UHT16 of the Eastbourne Borough Plan (the Borough Plan) which seek to retain both boundary walls that are typical of the surrounding area and amenity spaces where they form part of the established character of the area, amongst other matters. These policies are consistent with the aims of Paragraph 58 of the National Planning Policy Framework (the Framework) which seeks to establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit.

Living conditions of adjoining occupiers

8. The Council indicate that the proposed vertical support walls of the parking area would be 1.8 metres high. The high retaining wall topped by safety railings and a vehicle parked upon the hardstanding area would be in close proximity to the front bay window of the lower ground floor flat. The proposal would significantly reduce the light to, and outlook from, this residential property. It would also have an enclosing effect upon the living environment of its occupiers. I acknowledge the appellant has sought to reduce the size of the proposed parking bay from that of the previous scheme. However, despite the occupier of the ground floor flat being the appellant and indicating that the proposed raised garden would not, in her opinion, affect her, in my judgement, the proposed development would substantially harm the living conditions of this adjoining occupier.
9. I therefore conclude that the proposed development would have a harmful effect on the living conditions of the adjoining occupier(s) of the lower ground floor flat. It would be in conflict with Policy B2 of the Local Plan and saved Policy HO20 of the Borough Plan, which seek to protect the residential and environmental amenity of exiting residents, amongst other matters. The proposal would also conflict with the aims of paragraph 17 of the Framework that aims to secure a good standard of amenity for all existing occupants of land and buildings.

Conclusions

10. For the reasons given above, I conclude that the appeal should be dismissed.

Nicola Davies

INSPECTOR