
Appeal Decision

Site visit made on 22 September 2016

by AJ Steen BA (Hons) DipTP MRTPI

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

Decision date: 24 October 2016

Appeal Ref: APP/B1415/W/16/3149770

**The Former Malvern Public House, Malvern Way, Hastings, East Sussex
TN34 3PX**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Bankwell Estates Ltd against Hastings Borough Council.
 - The application Ref HS/FA/15/00709, is dated 12 August 2015.
 - The development proposed is extension to previously converted public house to create 5 flats.
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Decision

1. The appeal is dismissed and planning permission for the extension to previously converted public house to create 5 flats is refused.

Procedural Matters

2. The Council supplied amended floor plans that I understand were submitted during the course of the planning application. These show altered window openings that reflect the submitted elevations of the proposed building.
3. The Council has confirmed that had it determined the planning application it would have been refused. The Council's concerns relate to the effect of the proposed development on the character and appearance of the area.

Main Issue

4. The main issue is the effect of the proposed extension to create five flats on the character and appearance of the surrounding area.

Reasons

5. The former Malvern Public House is located in the centre of a housing estate between a community centre and short parade of shops. The estate comprises a mix of semi-detached and terraced houses and flats within 2-4 storey buildings separated from the roads by wide grass verges with footpaths. Overall, the character of the area is open and spacious.
 6. The existing building comprises eight flats fronting Malvern Way on the junction with Chiltern Drive. It appears as a two storey building in height to the front but a three storey building to the rear as the site slopes steeply down away from Malvern Way. The site is prominent in views along Malvern Way and particularly on the views up Chiltern Drive, with the existing building located on
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the outside of the bend in the road. To the rear of the building is a surfaced parking area and works are taking place to extend the building following a grant of planning permission to provide three more flats. The proposal would extend the building over 2-3 storeys further toward Chiltern Drive, leaving a small verge between the proposed development and the pavement, to provide an additional five flats.

7. The extension to the side would have greater depth over the full 3 floors, with double pitched roofs above and a valley between the two roofs. This would considerably increase the depth of the building over its full height, albeit that it would not be greater depth than the existing building including two storey flat roofed extension to the rear. As a result of the shape and size of the proposed building, it would appear considerably bulkier than the existing and most surrounding development.
8. Given its proximity to the road combined with the bulk of the proposed extension, it would be significantly more prominent than the existing building in the approach up the hill along Chiltern Drive. This relationship would be unusual in this area, where gaps to roads are generally much greater. As a result, the bulk of the proposed extension and proximity to the road would dominate the road and appear incongruous.
9. An open landscaped area would be provided to the rear of the proposed extension that would assist to a limited extent in softening the appearance of the development. However, it would not overcome the harm to the character and appearance of the area from the bulk of the proposed extension and proximity to Chiltern Drive.
10. The Broomgrove Community Centre building to the opposite side of Chiltern Drive is another large building, of contrasting design to surrounding buildings. However, it is set some distance back from the roads such that it maintains the spacious feel to the area.
11. The proposed extension would be set a small distance to the rear of the existing front elevation of the building, such that it would be set slightly further away from Malvern Way, which would retain the spacious character to the front of the building. The proposed extension would reflect the overall appearance, including materials, of the existing building and surrounding development. However, these matters would not overcome the harm to the character and appearance of the area from the bulk of the extension and proximity to Chiltern Drive.
12. For these reasons, I conclude that the bulk of the proposed extension to create five flats in close proximity to Chiltern Drive would harm the character and appearance of the surrounding area. As such, the development would be contrary to Policy DM1 of the Hastings Development Management Plan that seeks to protect and enhance local character and ensure the height, scale and form of development is appropriate to its location.

Other matters

13. The proposed layout would provide space for refuse storage and parking that would meet the needs of the development. I understand that the proposed types of dwellings would reflect the needs of the area and the accommodation would provide satisfactory living conditions to prospective occupiers. The

orientation of the proposed development, combined with the distance to neighbouring properties, would ensure there would not be overlooking or loss of outlook, such that it would not affect the living conditions of occupiers of surrounding dwellings.

14. Reference is made to there being a lack of supply of housing in the borough and the proposed development would provide a modest 5 dwellings toward that supply. Whilst the appeal site represents an appropriate location in principle for new housing and the proposal would make a contribution to the supply of housing in the area, this does not justify or outweigh the harm that would arise from the particular scheme before me in terms of the character and appearance of the area.

Conclusion

15. On the basis of the above considerations, I conclude that the appeal should be dismissed and planning permission refused.

AJ Steen

INSPECTOR