
Appeal Decision

Site visit made on 14 February 2017

by David Reed BSc DipTP DMS MRTPI

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

Decision date: 6 March 2017

Appeal Ref: APP/B1415/W/16/3163827
206 St Helens Road, Hastings TN34 2EA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr J O'Hara against the decision of Hastings Borough Council.
 - The application Ref HS/OA/16/00304, dated 22 April 2016, was refused by notice dated 2 September 2016.
 - The development proposed is the demolition of existing detached double garage, erection of two storey detached dwelling together with detached single garage with new vehicular access.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr J O'Hara against Hastings Borough Council. This application is the subject of a separate Decision.

Preliminary matters

3. The application was submitted in outline with all matters reserved for later determination. I have dealt with the appeal on this basis, treating the proposed site plan as illustrative only.
4. A similar application, Ref HS/OA/15/00801, has been refused previously.

Main Issues

5. The main issues are:
 - the effect of the proposal on the character and appearance of the area;
 - the effect of the proposal on protected trees; and
 - whether the proposal would provide acceptable living conditions for future occupiers in relation to external amenity space.

Reasons

Character and appearance

6. The proposal, which is in outline, is for a two storey detached house to one side of No 206, a substantial detached property on the eastern side of St Helens Road close to its junction with Parkstone Road. The appeal site also includes

the open grassed area on the corner of the junction which contains a group of protected trees and has at some stage been purchased by the appellant. The site is crossed by a water sewer which needs to be safeguarded and this restricts the extent of any potential development. Responding to this, the proposed house would face towards Parkstone Road with a driveway from that road leading to a turning area and single garage.

7. The proposed house would be in line with the front elevation of No 206 and would thus respect the building line of the properties fronting St Helens Road which are set back behind deep front gardens. However, due to the alignment of the water sewer, the width of the building would be much narrower than that of the three substantial detached houses alongside and those further along the road. This, together with the unusually narrow gap of about 1.5 m between it and No 206, would give the building an odd and cramped appearance in the context of the St Helens Road street scene. In addition, although no design details are available, it would be the side elevation of the new house that would face the road which would be an incongruous feature of the house when seen alongside the adjacent front elevations.
8. The illustrative site plan shows the front of the house facing Parkstone Road would have an unusually complex, stepped and unsymmetrical elevation due to the water sewer. In the absence of detailed elevations, and notwithstanding the tree screening, this may also be incongruous in the street scene. In addition, the wide grass amenity space on the corner of the road junction would be enclosed immediately behind the footway to provide a domestic garden for the property. Whilst the proposal is for a hedge with a 1.2 m high post and wire fence behind it to soften the boundary, this would be inadequate to provide privacy for the occupiers and a taller enclosure would be inevitable in time. The result would be the loss of the prominent amenity space on this corner site which forms an attractive feature on a busy road into the town.
9. For these reasons the proposal would cause significant harm to the character and appearance of the area in conflict with Policies DM1 and DM3 of the Hastings Development Management Plan 2015 (HDMP). These require proposals to reach a good standard of design, protect local character, show an appreciation of surrounding plot layouts and be well designed in terms of private, semi-private and public open space.

Protected trees

10. The part of the appeal site alongside Parkstone Road includes a number of important trees protected by a Tree Preservation Order, including a Hazel, Ash and two Oak trees. The proposal includes an access drive running between the two Oak trees, but it is agreed no-dig construction methods would enable the health of these trees to be safeguarded. A number of small and less important trees in the group would be removed to make way for the new house and its garden but the Council do not object to these losses.
11. However, the front elevation of the house would face directly towards the canopy of the protected trees from a short distance away. Whilst the trees would not actually overhang the property and would lie to the north, the principal windows of the main living rooms and bedrooms are likely to face in this direction. Due to the unusual layout proposed, the south facing rear elevation of the house would only be a few metres from the side wall of No 206 providing a poor outlook and thus likely to have less important windows. The

trees would also dominate the main garden to the west of the house resulting in overshadowing, leaf drop and the perceived danger of falling branches.

12. Consequently, contrary to the appellant's view, the close proximity of the trees to the principal windows of the house and their dominance within the private garden are likely to lead to ongoing pressure to reduce or remove the protected trees. These are important to the character and appearance of the area. Whilst the Council can control any works the proposal would result in inherent conflict between the trees and future occupiers of the property and in the medium term the interests of the occupiers are likely to prevail.
13. For these reasons the proposal would be likely to result in harm to the health and amenity value of the protected trees. This would conflict with the aims behind Policy EN3 of the Hastings Planning Strategy 2014 (HPS) and Policy EN3 of the HDMP which seek to protect woodland and green space.

Living conditions

14. The property would be provided with a relatively small rear garden to the east of the house by demolishing the existing garage. However, in addition, a large enclosed 'front garden' would be provided, albeit at the expense of the open amenity area on the corner of the road junction and dominated by the retained trees. Whilst an unusual arrangement, in total the amount of private amenity space would be reasonable and the requirement for a 10 m length of garden would effectively be met. As such the proposal would provide acceptable living conditions for future occupiers in relation to external amenity space and would comply with Policy DM3 of the HDMP which requires an appropriate level of private external space, especially for larger family homes.

Other matters

15. The appellant submitted an ecological appraisal with the appeal which concluded that any negative ecological impact would be limited. Mitigation measures to enhance biodiversity would be incorporated within the scheme.
16. Permission has been granted for the double garage at the rear of the site to be converted and extended to provide self-contained annex accommodation. Whilst quite large and two storey in scale, this would be discreet, set well back from the front elevation of No 206 and would not threaten protected trees. As such this permission does not set a precedent for the current scheme.

Conclusion

17. The proposal would provide an additional family dwelling in a sustainable location which would have important social and economic benefits for the area. However, in view of the environmental objections which have been identified the proposal does not represent a fully sustainable development and the presumption in favour of such development does not therefore apply.
18. Having regard to the above the appeal should be dismissed.

David Reed

INSPECTOR