
Appeal Decision

Site visit made on 28 February 2017

by L Gibbons BA (Hons) MRTPI

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

Decision date: 29th March 2017

Appeal Ref: APP/B1415/W/16/3164767

87 Willingdon Avenue, St Leonards-on-Sea TN38 9HE

- 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 Lee Jamison against the decision of Hastings Borough Council.
 - The application Ref HS/FA/16/00552, dated 8 July 2016, was refused by notice dated 5 October 2016.
 - The development proposed is the construction of a semi-detached two bedroom 3 person dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - i) The effect of the proposed development on the character and appearance of the area;
 - ii) The effect of the proposed development on the living conditions of the occupiers of Willingdon Close in respect of privacy and outlook;
 - iii) The effect of the proposed development on the living conditions of future occupiers in respect of the indoor and outdoor space to be provided;
 - iv) The effect of the proposed development on parking and highway safety.

Reasons

Character and appearance

3. The appeal site is located within a residential area. The houses in the area are mainly semi-detached properties with very similar, simple but attractive design. There are very few with extensions with most of the houses retaining the original side elevations. The hipped roof design is also a key feature of the dwellings. Although the houses are set at various angles to the street there is a strong pattern of development and gaps between the houses which is a key characteristic of the area. Houses are set back from the road with front gardens. No 87 is one of a pair of semi-detached properties of the same design. There is a side garden which is open to view, and contributes to the spacious quality in this location.
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4. The scheme would involve the addition of a new dwelling to the side elevation of No 87. The proposal would create a short terrace of dwellings which would be out of character with the general pattern of development. The stepped roof formation and set back frontage of the additional dwelling would appear incongruous in relation to the smooth and regular features of the existing properties, and this would draw the eye. Even with the small plot of open land to the south, the dwelling would appear as a prominent addition to the streetscene. It would be very close to the pavement and corner of the plot in a highly visible location. It would considerably reduce the sense of spaciousness which is a key feature of the area.
5. For the reasons given above, I conclude that the proposed development would cause harm to the character and appearance of the area. It would be in conflict with Policy DM1 of the Hastings Development Management Plan (HDMP) 2015. This amongst other things seeks new development that takes into account protecting and enhancing local character and showing an appreciation of the surrounding neighbourhood's historic context, street patterns, plot layouts and boundaries, block sizes and scale, height, massing and materials. It would be contrary to the provisions of the National Planning Policy Framework (the Framework) in respect of the need for high quality design.

Living conditions - Willingdon Close

6. No 87 is on land which is higher than the gardens and properties of Willingdon Close which is to the south east. These are small properties with very small rear and front gardens. The proposal would incorporate a very narrow high level window on the first floor rear elevation. The first floor window on the south west elevation would provide very oblique views towards the gardens of the properties.
7. However, the ground floor would include a pair of opening doors which would allow direct views into the gardens of the properties at Willingdon Close. Taking account of the proximity of the windows to the rear boundary, and the height of the rear garden above the Willingdon Close properties, this would give rise to a significant level of overlooking which would be detrimental to these occupiers. The appellant refers to the potential for soft landscaping. However, this would take some time to mature, and due to the shape of the rear garden it has not been demonstrated that there would be sufficient space to provide landscaping particularly in the south east corner.
8. In addition, the rear and side elevation would be in very close proximity to the boundary with No 1 Willingdon Close. Due to the height of the dwelling on land above No 1 and the small size of the garden at No 1, I consider this would result in the dwelling appearing very overbearing to the occupiers of No 1 when within their garden and rear rooms.
9. For the reasons given above, I conclude that the proposed development would cause harm to the living conditions of the occupiers of Willingdon Close in respect of privacy, and also the occupiers of No 1 Willingdon Close in respect of outlook. It would be in conflict with Policy DM3 (a) of the HDMP. This seeks new development where the use of the scale, form, height, mass, and density of any building or buildings, reduces or avoids any adverse impact on the amenity (privacy, over shadowing, loss of daylight) of neighbouring properties. It would be contrary to the provisions of the Framework in respect of seeking

to secure a good standard of amenity for all existing and future occupants of land and buildings.

Living conditions - indoor and outdoor space

10. Policy DM3 of the HDMP sets out that for dwellings with two or more bedrooms should provide gardens of at least 10 metres in length. With the exception of the properties at Willingdon Close the properties in the area have fairly large and long gardens. The new dwelling would have a garden which would be approximately 50 metres squared and just over 8 metres in length. The proposal would be out of keeping with the character of gardens associated with the pattern of development. Furthermore, the shape of the rear garden would be tapered with very little useable space for sitting out and playing. I consider it would not provide the quality of outdoor environment that future occupiers could reasonably expect. There would be conflict with Policy DM3 (g) of the HDMP in this regard.
11. In respect of size of the internal space, this would fall short of the minimum space set out in the national Technical Housing Standards, and also below the guidelines set out in Policy DM3 of the HDMP. However, the internal space would be well laid out. There would be good circulation space and separation between the different uses on the ground floor. The bedrooms would provide sufficient room for storage and movement. Taking these factors into account I consider that the internal space would be sufficient to allow residents to live comfortably and conveniently, which would be in accordance with the aims of Policy DM3 (f) of the HDMP. I have been referred to a number of schemes which have been granted planning permission within the area which had small net internal areas. However, I have not been provided with the full circumstances of these proposals that led to them being acceptable and so cannot be sure they represent a direct parallel to the appeal proposal. In any event, I have determined the appeal on its own merits.

Parking and highway safety

12. The land on which the proposed dwelling is located is currently used for off road parking. However, this is an informal position and a significant number of other properties within the area do not have parking. No parking spaces would be provided with the new dwelling. I have been referred to the Hastings Borough Council Parking Provision Supplementary Planning Document (SPD) 2013, and in accordance with the SPD the Council consider that the scheme should provide 3 parking spaces.
13. Although the road is a cul-de-sac with some double yellow lines close to bollards, it seemed to me that there would be sufficient parking spaces in the area to accommodate the amount of parking that would result from the addition of one new home. The road is fairly wide and there is room for cars to pass including around the small area of green space near to the site. The Council also refer to the site as being in a sustainable location. For these reasons I consider that the lack of parking provision in this instance does not weigh against the proposal.

Other matters

14. The Council refer to the lack of detail to demonstrate how the proposed scheme would comply with Policies SC1, SC2, SC3 and SC4 of the Hastings Planning

Strategy 2014 in respect of climate change and adaptation measures, and also in respect of sustainable drainage. Were other matters acceptable, I am satisfied that these issues could be dealt with by means of suitable conditions.

Conclusion

15. The appeal site is in an accessible location. The new dwelling would make a very small contribution to the supply of homes within the area. These would be small benefits which weigh in favour of the scheme. The lack of parking provision does not weigh against the proposal. The scheme would also provide sufficient internal space for future occupiers. However, the proposal would cause harm to the character and appearance of the area, and to the living conditions of neighbours in respect of privacy and outlook and in terms of the quality of the outdoor space provided. There would be conflict with the development plan when taken as a whole, and the harm caused would considerably outweigh the minor benefits arising from the scheme.
16. For the above reasons and having regard to all other matters raised, I conclude that the appeal should be dismissed.

L Gibbons

INSPECTOR