
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: 30 March 2017

Appeal Ref: APP/U1430/W/16/3163845

Rose Marie, Orchard Road, Bexhill-on Sea TN40 2DQ

- 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 Ben White against the decision of Rother District Council.
 - The application Ref RR/2016/1592/P, dated 11 June 2016, was refused by notice dated 23 August 2016.
 - The development proposed is a new two bedroom low set bungalow with curved green living roof.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application seeks outline planning permission with appearance, layout, scale and landscaping to be determined at this stage. Access is a reserved matter to be considered in the future. However, the submitted plans show details of the proposed access and parking arrangements, and are not marked or defined by the appellant as being illustrative. In considering the merits of the development I have had therefore had due regard to these proposed arrangements.

Background and Main Issues

3. The appeal site has a planning history that includes two appeals which were dismissed¹. In dismissing the appeal in 2015, the inspector concluded the nature of the parking provision would give rise to excessive vehicle manoeuvring close to Rose Marie. The appellant has made changes to the scheme to seek to overcome the concerns identified by that Inspector.
4. The main issues are the effect of the proposal on the living conditions of the occupiers of Nos 8 and 10 Orchard Road in respect of noise and disturbance and whether the proposal would make adequate provision for parking and access.

Reasons

Living conditions

5. The proposal is for a contemporary style dwelling which would be located on land towards the rear of Rose Marie. The appellant does not dispute the need

¹ APP/U1430/A/14/2217834 & APP/U1430/W/15/3012588

to provide two parking spaces. The parking is proposed to be within the parking area for No 10 Orchard Road. The parking space can presently accommodate 2 cars parked side by side and there is sufficient space to do so. The cars are also some distance from the rear and side windows of No 10 and the conservatory of No 8.

6. The plans show that two additional cars would be parked in tandem as well as the existing parking spaces. I accept that the proposed provision has different consequences to that proposed in the previous scheme which would have involved four cars parked on the forecourt of Rose Marie. I also acknowledge that the experience of neighbours comings and goings is not uncommon in built up areas.
7. However, the provision would appear to require some additional garden land being taken from No 10 to accommodate the cars. This in turn would bring the parking spaces much closer to the private garden of No 10. There would also be more vehicle movements close to the garden of No 8 which would have a boundary with the parking spaces. Nos 8 and 10 do not have additional garden areas with their sole private gardens facing towards Orchard Road. The gardens are also not very large, particularly in the case of No 10. Given the increase in the numbers of cars, and the proximity of the cars to the gardens and windows of Nos 8 and 10 this would result in an increase in noise and disturbance which would be detrimental to the occupiers of those properties.
8. For the reasons given above, I conclude that the proposed development would cause harm to the living conditions of the occupiers of Nos 8 and 10 Orchard Road in respect of noise and disturbance. It would be in conflict with Policy OS4 of the Rother Local Plan (LP) 2014. This amongst other things seeks new development that does not unreasonably harm the amenities of adjoining properties.

Provision for parking and access

9. The parking at No 10 at present does not have a significant impact on the street scene as the number of cars is limited, and there is some space around the cars. However, the use of the forecourt for parking by four cars would result in a cramped and more congested appearance than at present with cars dominating the street scene. This is particularly the case as the road at this point is very narrow, and feels more enclosed than the area around the turning head. This would also be different to the previous arrangement for parking proposed at Rose Marie which is set further away from the narrow part of the road.
10. The vehicles would be manoeuvring to and from the narrowest part of the lane. The spaces located close to Rose Marie would be opposite a recently constructed vehicle access for a house on St James Road. Parking on the street takes place on both sides with cars being parked on the pavement. Based on observations on my visit I consider these factors and the proposed arrangements could cause difficulties with other users of the road in terms of manoeuvring. The scheme would provide pedestrian access to the proposed new dwelling from the parking area. The location of the parking space closest to the path would be such that it would severely restrict the ability of those with restricted mobility to gain access to the path if there was a car parked there. I am not satisfied that this could be dealt with through reserved matters. I am therefore not persuaded that the form of layout would be

appropriate or that it represents a practical alternative to that previously proposed.

11. The appellant has provided a photograph which indicates the nature of parking that can be found in the area. I accept that parking close to front windows and adjacent parking does occur. However, I cannot be certain that these examples represent a direct parallel to the scheme before me as it seems to me that there would be private gardens to the rear of these properties which is not the case here. I therefore give these examples very little weight.
12. For the reasons given above, I conclude that the proposed development would fail to provide adequate parking and access. It would be in conflict with Policies EN3 and TR4 of the LP. These amongst other things seek new development that contributes positively to the character of the site and surroundings, and meets the residual needs of the development for off-street parking.

Other matters

13. The Council and the previous Inspector did not raise any concerns in respect of the effect of the new dwelling itself on the living conditions of adjoining occupiers and also in respect of the design of the house. Based on the evidence before me, I see no reason to disagree with these matters. However, these are not sufficient reasons to overcome my concerns on the main issues.

Conclusion

14. The proposal would make a contribution to the supply of housing land within the area. This has some weight in favour of the appeal scheme. However, this benefit would not be sufficient to outweigh the harm I have found in respect of the effect of the parking provision on the living conditions of the adjoining occupiers, and that it would fail to provide adequate parking and access. The proposal would therefore fail to accord with the development plan as a whole.
15. For the above reasons and having regard to all other matters raised, I conclude that the appeal should be dismissed.

L Gibbons

INSPECTOR