

Appeal Decision

Site visit made on 20 March 2017

by Kenneth Stone BSc Hons DipTP MRTPI

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

Decision date: 31 March 2017

Appeal Ref: APP/T1410/W/16/3162220

Suite 2, 22 Church Street, Eastbourne BN21 1HS

- 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 Eduino Corro against the decision of Eastbourne Borough Council.
 - The application Ref PC/160892, dated 27 July 2016, was refused by notice dated 12 October 2016.
 - The development proposed is an extension and alterations to provide 1 no. 1 person 1 bedroom Flat.
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Decision

1. The appeal is dismissed.

Background and procedural matters

2. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (the Framework) is a material consideration.
3. The Council accept that they cannot identify a five year supply of housing sites and as the proposals are for housing paragraphs 14 and 49 of the Framework are engaged. This means that relevant policies for the supply of housing are not to be considered up-to-date and therefore bullet point two for decision making in paragraph 14 requires that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. I have considered the appeal in this context.

Main Issues

4. The main issues are:
 - the effect of the proposed development on the character and appearance of the surrounding area; and
 - whether the proposed development would provide acceptable living conditions for future occupiers, with regard to internal space, private amenity space, outlook and daylight.
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Reasons

Character and appearance

5. 22 Church Street is located at the corner of Church Street and New Place. The building is two storeys with a third floor created in a mansard roof. The building is part of a terrace that fronts Church Street with the return elevation fronting onto New Place being well detailed with a double height bay window feature towards the rear. New Place is a short street linking Church Street with Bradford Street and is characterised by the small terraced properties of two storeys facing each other on either side of the street.
6. The appeal proposal would result in the conversion of the rear part of the ground floor of 22 Church Street and its extension to create a one bed roomed flat. The extension would be single storey and appear cramped and awkwardly located in relation to 22 and the adjoining terrace. The limited space between the buildings would be virtually filled by the extension and its projection forward of the main wall of 22 and the front wall of the adjoining terrace would add to its intrusion into the street scene.
7. The large front facing gable feature forward projection and limited separation from the surrounding built form would give the appearance of a building that was excessively large for the space. The form and pattern of development in the street with the short terraces separated from the buildings fronting Church Street would be compromised and would appear as an unwelcome addition into the street scene, disrupting the order and simple lines of the street and the relationship between the built forms.
8. Although the use of materials and some architectural detailing may reflect some of the materials surrounding this would not overcome the concerns I have identified. The forward location of the bin store area would also be highly visible in the street scene and further detract from it.
9. For the reasons given above I conclude that the proposed development would result in material harm to the character and appearance of the surrounding area. Consequently it would conflict with policy D10a of the Eastbourne Core Strategy Local Plan Feb 2013 (Core Strategy) and policies UHT1 and UHT4 of the saved policies from the Eastbourne Borough Plan 2001 – 2011 (September 2003) (Borough Plan). Collectively these seek high quality development that respects the character and appearance of the surrounding environment and the local distinctiveness of the area. These policies are consistent with the Framework and in particular the core planning principles at paragraph 17 and paragraphs 56 and 60 which require good design and promote local distinctiveness. I therefore afford these policies the full weight of the development plan.

Living conditions of future occupiers

10. The proposed flat would according to the appeal form have a floor area of 41 square metres. The Council's officer report suggests the floor area would be approximately 39 square metres. The Appellant contends that the flat would meet the nationally described space standards for a one bedroom flat and the Officer report also appears to accept this is the case. The national standard for a one bedroom flat is 39 square metres and the proposal is therefore very close to this minimum standard. The bedroom is significantly larger than a one

person bedroom and only marginally below that for a double bedroom in these standards. Indeed if the additional storage space in the bedroom is added to the stated size of the bedroom the bedroom would exceed the two person bedroom size and the flat would then be judged against a 1 bedroom 2 person flat which would require 50 square metres. The amount of built in storage is not additional to the gross floor area as is noted in the footnotes.

11. The proposed flat would have a single aspect, with only the front elevation having windows. Whilst there would be a large bay feature window in the bedroom there would only be a small double sash window feature in the front elevation providing light to the main living space, albeit this would be supplemented by a sky light. Given the depth of the room and the layout of the flat I am of the opinion this would provide an excessively restricted outlook for future occupiers and an overly heavy reliance on those windows for the light into the main living accommodation.
12. The site is small and the built form would take up the majority of the space there would therefore be no external amenity space available for future residents. The proposed unit is already tight for internal space and at the cusp of acceptability, in such circumstances external space has an important role to play. Even in flatted developments there is normally communal space for residents to sit out, or in higher density developments balconies. This is not the case here. I have not been directed to other open spaces or amenity areas in the vicinity that may compensate for such a shortfall and in the absence of any mitigating factors I find the shortfall in amenity space unacceptable.
13. For the reasons given above I conclude that the proposed development would not provide for acceptable living conditions for future residents with regard to internal space, private amenity space, outlook and daylight. Consequently the proposals would conflict with policy HO20 of the Borough Plan which seeks to ensure new development respects residential amenity. It would also not therefore be high quality development which would conflict with policy D10a of the Core Strategy. These policies are consistent with the Framework and in particular paragraph 17, bullet point 4, which advises planning should seek high quality design and a good standard of amenity for all existing and future occupants of land and buildings. I therefore accord these policies full weight.

Other matters

14. The lack of a five year housing land supply is a significant issue. However, one small residential unit would not significantly address the issue and would not outweigh the harm that I have identified. The site is not in my view vacant land but serves a purpose ancillary to the existing building and in the context of the street scene. There is therefore not any additional benefit derived from the redevelopment of the site that needs to be added to the balance.

Overall conclusions

15. For the reasons given above I conclude that the adverse impacts of the development would significantly and demonstrably outweigh the benefits of the scheme when assessed against the policies in the Framework taken as a whole. Moreover the proposal clearly conflicts with the development plan with regard to policies which are still consistent with the Framework and can be afforded full weight. On this basis the development would not be sustainable

development and would not satisfy the environmental role required to make it so.

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

Kenneth Stone

INSPECTOR