
Appeal Decision

Site visit made on 18 July, 2017

by S. J. Buckingham, BA (Hons) DipTP MSc MRTPI FSA

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

Decision date: 16th August, 2017

Appeal Ref: APP/U1430/W/17/3173796

10 -12 Egerton Road, Bexhill-on-Sea, East Sussex, TN39 3HH

- 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 L Cook against the decision of Rother District Council.
 - The application Ref: RR/2016/2210/P dated 14 September, 2016 was refused by notice dated 22 November, 2016.
 - The development proposed is demolition of existing buildings; erection of new building to provide a hotel comprising 5-storeys and basement, Use Class C1.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr L Cook against Rother District Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The description of development in the planning application form referred to the demolition of a single building and to the erection of a building of five storeys plus basement. This description was accepted by the Council. However, as the application is for the demolition of two houses, and the submitted drawings show the proposed hotel to be of up to six-storeys, including a roof storey, plus basement, in the interests of accuracy I have altered the description in the heading above to take account of this.
4. The appellant in his statement indicates that his application was for outline planning permission. However, it is clear that the Council has determined it as an application for full planning permission, as required by local plan policy relating to planning applications in conservation areas. Having regard to this and other evidence before me, I have also done so.

Main Issues

5. The main issues in this case are:-
 - the effect of the proposed development on the character and appearance of the area, with particular regard to the effect on the character and appearance of the Bexhill Town Centre Conservation Area;
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- the effect on the living conditions of neighbouring occupiers with respect to light, outlook, overlooking and privacy; and
- the effect on traffic and parking congestion.

Reasons

Character and Appearance and the Bexhill Town Centre Conservation Area

6. The appeal site is within the town centre, and the town centre conservation area. Notwithstanding the description of development given in the application, the proposal is for a hotel building of five storeys plus lower ground and roof storey facing Egerton Road, with a three storey plus basement section adjoining properties on Cornwall Road. The existing buildings on site are a pair of traditional, two storey villas.
7. A conservation area appraisal has been put before me which sets out the character of the conservation area. As a result of its planned development it consists of a largely homogeneous assemblage of good quality late Victorian/Edwardian buildings including houses, shops and hotels, characterised by a lively and rich variety in decorative details. I saw nothing in the area to conflict with this assessment. The Council has supplied an earlier appeal decision¹ which acknowledges the contribution of such buildings to the historic character of the area, with which I concur.
8. Throughout the town centre, building plots are typically long and narrow, and the buildings set in terraces, with the major commercial frontages generally characterised by buildings of three storeys or more, contrasting with the two or three storey residential areas behind them. In the residential areas, the vertical emphasis created by the narrow plots is often emphasised by repeated features such as bays and gables, creating a regular rhythm to the streetscape.
9. Although peppered with a small number of later insertions in the form of large blocks, and notwithstanding some minor erosion of character due to small changes such as loss of original features, the traditional townscape appears largely intact. Although there are a number of listed buildings throughout the town centre, it appears to me that the consistency of scale, materials and quality of design of the mass of buildings are important to the overall character of the conservation area.
10. Nos 10 and 12 Egerton Road sit within a residential area set behind the busier frontages of West Parade and Sackville Road. They are a handed pair of three storey villas in a loosely Italianate style, with a canted, gabled bay set at either end. They reflect the design of other buildings along Egerton Road, and like other properties in the vicinity, are set behind a small front garden. In these respects therefore they are typical of the conservation area. The Council has drawn attention to an appeal decision² which concludes that they make a positive contribution to the character of the conservation area, and I can see no reason to disagree with this.
11. The proposed hotel building would be close to, but set away from the major junction of Sackville Road with West Parade and Marina, and surrounded on three sides by residential properties. It would be set nearly on the site

¹ Ref APP/U1430/C/13/2192321

² Ref APP/U1430/A/03/1123095

boundary on Egerton Road, with a small set back to the extension running along Cornwall Road and would occupy most of the site footprint. In its siting, and abruptly increased height, bulk and massing it would fail to reflect the predominant townscape in the vicinity, with the effect that it would appear as a harmfully obtrusive and uncharacteristic element in the conservation area. The smaller block running along Cornwall Road, while stepping down to meet the adjoining houses, also of three storeys, would nonetheless be noticeably higher than them, and would as a result appear oddly over-scaled.

12. The design incorporates large windows spaced evenly on the frontage. Although it has been suggested that they signal traditional details, the submitted drawings show them only at a small scale, and this is not therefore convincingly demonstrated. However, it does appear from the drawings that they would be over-scaled in relation to the adjacent domestic windows, and would contribute to large, unmodulated frontages the design of which would therefore contrast harmfully with the regular rhythm of domestically scaled frontages in adjacent streets.
13. The appeal building would on its Egerton Road frontage sit next to the "Landmark" block on the corner of that road and Sackville Road, and which at that point is nine-storeys in height. This building is set on a busy junction and frontage area, and, it has been noted in a previous appeal decision³, has a different context, relating to the modern block opposite and the Modernist De La Warr Pavilion close by. As the appeal site is embedded in the residential hinterland of the town centre, and at one remove from this frontage and other large, modern buildings, the Landmark building does not as a result provide a precedent for its development at a significantly greater scale than its surroundings.
14. Paragraph 137 of the National Planning Policy Framework (the Framework), while it indicates that local planning authorities should look for opportunities for new developments within conservation areas, is also clear that it is proposals that make a positive contribution or better reveal the significance of the asset that should be treated favourably. Paragraph 138 is clear that the loss of a building which makes a positive contribution to the significance of the conservation area should be treated as harm, either substantial or less than substantial.
15. The existing dwellings on the appeal site make a positive contribution to the character and appearance of the conservation area, and their replacement with the proposed development would not make a positive contribution to that character and appearance, nor better reveal the significance of the designated heritage asset. For these reasons therefore I conclude that the development would fail to meet the expectations of the Framework and would cause harm.
16. As the harm I have identified would affect a relatively small part of a much larger whole, I conclude that in the terms set out in the Framework, this would amount to less than substantial harm. Paragraph 134 of the Framework requires that where a proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. In this case it is suggested that the development would respond to an unmet need for hotel accommodation and provide economic benefits to the town. This is not disputed by the Council.

³ Ref APP/U1430/C/13/2192321

17. Nonetheless, the proposal is also not disputed to be speculative, with no identified end-user, and very little evidence has been put before me to demonstrate that it would appropriately meet that need. Furthermore, although the harm would be less than substantial, it would still be severe and permanent. I conclude therefore that although there could be some public benefits arising from the development, they are not conclusively demonstrated, and consequently would not overcome the harm which I have identified.
18. The development would also conflict with policy EN2 of the Rother Local Plan Core Strategy 2014 (the LP), which requires development proposals to reinforce the special character of the district's historic settlements.

Light, outlook, overlooking and privacy

19. The development would sit directly to the south of properties on Cornwall Road. The appellant has submitted a series of drawings titled "Daylight Assessment", although there is no indication of their author or the methodology behind them. While these show some existing effect on the rear and gardens of neighbouring dwellings on Cornwall Road from the Landmark building, they also show that the appeal building would exacerbate this effect, particularly in winter, causing harm to the living conditions of neighbouring occupiers.
20. The closing off of the south edge of the block with a high building would result in an increase to the overbearing effect already created by the Landmark, removing views of the sky from the gardens of neighbouring houses, which would therefore be harmful to the living conditions of their occupiers.
21. The appeal development would also create a large number of windows at high level looking directly across the rear gardens of Cornwall Road. Although there is already a degree of overlooking caused by the Landmark, this change would as a result increase considerably both actual and perceived overlooking, which would be harmful to the privacy of occupiers along Cornwall Road and to the enjoyment of their gardens.
22. Although in respect of all these issues there is already harm arising from the presence of the Landmark building, there is nothing before me which persuades me that this would justify the significant further intensification of harm that would arise from the proposed development. The development would therefore conflict with policy OSS4 of the LP, which requires that development does not unreasonably harm the amenities of adjoining properties.

Parking congestion and highway safety

23. No parking spaces have been provided in the proposed development. The appellant has indicated that it is not unusual for hotels to operate without parking spaces, particularly in areas with good accessibility by public transport, as Bexhill has. It is also suggested that any parking requirements could be absorbed in the town centre, where there are no parking restrictions, or in existing car parks such as that associated with the De La Warr pavilion.
24. The proposed hotel is a large one, containing over seventy bedrooms. Notwithstanding rail links to the town, it is likely therefore that a significant number of guests would arrive by car, giving rise to significant additional traffic movements and parking demand, above those generated by staff. While guests might make trips on foot or by bus or bicycle from the hotel, it appears unlikely to me that many would arrive by those modes of transport.

Furthermore, there is no convincing evidence in front of me that future travel improvements will increase visits to the town by public transport.

25. I noted while on site high levels of on-street parking in the unrestricted spaces around the appeal site, and high take-up of spaces in the De La Warr Pavilion car park. The submitted transport statement and other evidence, while stating the number of spaces available, include no detailed examination of take-up of these spaces, including when there are major events at the pavilion. The origins of figures supplied by the Bexhill Chamber of Commerce appear to be "informed estimates" and I cannot therefore be certain of their accuracy.
26. Although it is stated that the appellant intends to approach the managers of the pavilion about the use of the car park, there is no evidence that he has yet done so, nor of the outcome. I therefore do not consider that convincing evidence has been put before me to demonstrate that there would be sufficient parking capacity in the area to accommodate the parking generated by the development.
27. The submitted transport statement calculates that there would be a maximum of 29 additional vehicle trips generated in the local road network during the morning peak period, and an additional 23 in the evening peak. This however is based on the number of rooms, and it is not clear whether it includes trips generated by staff or by the servicing of the hotel. In addition, the proposed development includes conference facilities in the basement area which would generate additional trips. I conclude therefore that this figure, while inconclusive, is likely to be an underestimate.
28. No dropping off arrangements are provided for in the proposals, which would be likely to cause congestion as visitors were dropped off outside the door. There might be alternative arrangement provided in the form of a shuttle bus from the station or other points of arrival at the town, but no evidence has been supplied on the feasibility of such an arrangement and it appears to me that at this stage such an approach could not be relied on.
29. The appellant has suggested that there is a precedent in Eastbourne in the form of a Premier Inn with no parking spaces, recently granted approval. However, every case should be determined on its own merits.
30. As it appears likely that a large hotel would generate significant additional parking and traffic movements, and as the evidence before me does not demonstrate convincingly that this would not be the case, I conclude that some harm in terms of parking and traffic congestion, and a concomitant increased risk to pedestrian safety, are likely to occur.
31. The proposed development would therefore fail to comply with policy CO6 of the LP, which seeks to ensure that all development avoids prejudice to road and/or pedestrian safety; with policy TR3, which seeks development which provides mitigation against transport impacts which might arise from it; and with policy TR4, which seeks development which makes provision for parking which meets its residual needs, taking into consideration localised circumstance, having full regard to the potential for access by means other than the car, and to any safety, congestion or amenity impacts of a reliance of on parking off-site whether on-street or off-street.

Conclusion

32. For the reasons given above therefore, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

S J Buckingham

INSPECTOR