
Appeal Decision

Site visit made on 10 October 2017

by Grahame Gould BA MPhil MRTPI

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

Decision date: 7th November 2017

Appeal Ref: APP/T1410/W/17/3180395

19 Burwash Close, Langney, Eastbourne BN23 8EN

- 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 Ian Braddick against the decision of Eastbourne Borough Council.
 - The application Ref PC/170252, dated 24 February 2017, was refused by notice dated 5 June 2017.
 - The development proposed is erection of a three bedroom end of terrace dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on: the character and appearance of the area; the accessibility to the off-street parking serving 17 Burwash Close (No 17); and the living conditions for the development's occupiers, with particular regard to internal floor space.

Reasons

Character and Appearance

3. The development would involve the demolition of an attached garage and the construction of a two storey house attached to the side of 19 Burwash Close (No 19). The development would therefore result in a pair of semi-detached houses becoming a terrace of three houses. No 19 is located at the end of a short cul-de-sac (Nos 15 to 29A) within Burwash Close, which for the most part is characterised by semi-detached houses, albeit that Nos 27 and 29 have become a terrace of three properties with the addition of No 29A¹.
4. Burwash Close is a road in a residential estate of fairly recent construction and this estate has been developed quite intensively. The space between individual dwellings is therefore quite limited. No 19 bounds houses in Hodcombe Close and the new house would infill much of the gap between No 19's flank wall and the ends of the rear gardens of the houses in Hodcombe Close. The development would therefore result in a significant tightening in No 19's layout and as the new house would be sited in close proximity to its side boundary I consider it would not sit comfortably within its modest plot.

¹ Following the granting of planning permission under file reference BE/2009/0613(FP)

5. While a terrace of three houses has been formed at Nos 27 to 29A, No 29A occupies a corner position at the cul-de-sac's entrance. I therefore consider that No 29A's siting is not directly comparable with the appeal development. I am therefore of the opinion that No 29A's construction does not provide a justification for the appeal development.
6. As the new house would occupy much of No 19's existing parking area it is proposed that replacement parking would be provided in No 19's grassed front garden. The provision of that parking would result in a significant hardening in the appearance of No 19's frontage and I consider that would be uncharacteristic of the cul-de-sac, given that the other properties, including No 29A, have lawned front gardens.
7. I therefore conclude that the development would be harmful to the character and appearance of the area. The development would therefore be contrary to saved Policies UT1, UT4 and HO6 of the Eastbourne Borough Plan of 2003 (the Borough Plan) and Policy 10A of the Eastbourne Core Strategy Local Plan of 2013 (the Core Strategy). That is because this residential infilling scheme's layout and density would not be in harmony with its local townscape context and its parking area would be visually dominant.

Accessibility to No 17's parking

8. Nos 17 and 19 have a shared drive and it is contended that the use of the parking space for the new house would impede the use of the parking facilities serving No 17. The parking space for the new house would be sited in advance of its front elevation. Consequently that space's siting relative to No 17's dedicated drive would mean that there would be potential for a vehicle parked by the occupiers of or visitors to the new house to impede the free passage of vehicles to and from No 17's section of private drive, given the compactness of the driveway layout. I therefore consider that the parking for the new house shown on the originally submitted application plans would have the potential to unacceptably impede access to No 17's dedicated drive, causing inconvenience to the occupiers of this neighbouring dwelling.
9. A consequence of the development might be some on-street parking. However, given the number of properties in this cul-de-sac and the availability of on-street parking, I consider that any additional on-street parking arising from this development would not be of such significance as to adversely affect the operation of the public highway.
10. As part of the appeal a drawing showing an alternative parking arrangement for the new house has been submitted. While this alternative parking arrangement would avoid access to and from No 17's dedicated drive being impeded, it would appear that further encroachment into No 19's front lawn would arise. I therefore consider that if the alternative parking arrangement was adopted that would compound the harm to the area's character and appearance that I have identified above.
11. I therefore conclude that the development would unacceptably affect accessibility to the off-street parking serving No 17. The development would therefore be contrary to saved Policy TR11 of the Borough Plan because it would be unable to ensure that an existing neighbouring property and the new house would have readily usable off-street parking facilities available to them to achieve compliance with the adopted parking standards. While conflict with

saved Policies UHT1 and TR2 has been cited, I consider that not to be the case. That is because those policies do not address new development affecting the access to another property's off-street parking.

Living conditions for the occupiers of the development

12. The Council contends that a house with a gross internal area (GIA) of 78 square metres would be insufficient to meet the needs for the occupiers of a three bedroom dwelling. In this regard the second part of the Council's reason for refusal contends that there would be conflict with saved Policy HO20 of the Borough Plan. In support of its case the Council has relied on the provisions of the national 'Technical housing standards – nationally described space standard' of 2015 (the THS). The THS state a three bedroom house should have a minimum GIA of 84 square metres.
13. However, while Policy HO20 addresses the protection of living conditions (residential amenity) it does so from the perspective of providing protection for the occupiers of dwellings that would adjoin new development. As Policy HO20 does not address the safeguarding of the living conditions for the occupiers of new dwellings I am of the opinion it is not relevant to the issue as to whether this development's occupiers would be provided with adequate internal space. No other development plan policies relevant to internal space provision have been drawn to my attention. The Written Ministerial Statement that introduced the THS² states that its floorspace standards should not be applied when there is no relevant development plan policy. I therefore consider that the THS' floorspace standards do not carry any significant weight in this instance.
14. The fourth core planning principle listed in paragraph 17 of the National Planning Policy Framework (the Framework) states that planning should '... always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings ...'. The internal space available within the new house would be similar to that of No 19³ and the other houses in this part of Burwash Close. While most of the house's rooms would be of a reasonable size, based on the details shown on the submitted floorplans, the third bedroom would be very small. However, notwithstanding the fact that the development has been described as being for a three bedroom house there would be no way of requiring this house to only be occupied as a three bedroom property. It is therefore far from certain that the third bedroom would be so used. I am therefore not persuaded that the new house's floor area would be insufficient.
15. I therefore conclude that the development would not be harmful to the living conditions for its occupiers and that there would be no conflict with the Framework's fourth core planning principle.

Conclusions

16. While I have found that the development would provide acceptable living conditions for its occupiers, it would be harmful to the character and appearance of the area and it would have the potential to unacceptably affect the accessibility to the off-street parking serving No 17.

² 'Steps the government are taking to streamline the planning system, protect the environment, support economic growth and assist locally-led decision-making' of 25 March 2015

³ Based on the floorplans for No 19 and the new house shown on drawing 599/01 Revision A

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

Grahame Gould

INSPECTOR