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## Appeal Decision

Site visit made on 14 November 2017

**by Richard Aston BSc (Hons) DipTP MRTPI**

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

**Decision date: 24<sup>th</sup> November 2017**

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**Appeal Ref: APP/B1415/W/17/3180328**

**1 Collinswood Drive, St. Leonards-on-Sea, East Sussex TN38 0NU**

- 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 and Mrs Rob and Carla Manning against the decision of Hastings Borough Council.
  - The application Ref HS/FA/17/00216, dated 13 March 2017, was refused by notice dated 27 April 2017.
  - The development proposed is described as 'single storey detached appurtenance for the elderly parents of the applicant residing at the adjacent property'.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.

### Main Issues

3. The main issues are:
  - The effect of the proposal on the character and appearance of the area.
  - Whether acceptable living conditions would be created for future occupiers, with particular regard to the provision of private external space.

### Reasons

#### *Character and appearance*

4. The appeal site is an irregular shape, formed by part of the side and rear garden of No. 1 Collinswood Drive, a 2 storey detached dwelling. It lies to the side of that dwelling in a prominent and exposed position on the inside curve of the road, close to the junction with Filsham Road.
5. The area is predominantly residential in character, containing a variety of two storey and single storey dwellings of different forms and appearances.

Properties are broadly set back from the highway by the same distance, behind soft landscaping and hard surfacing for parking. The relevant part of the appeal site is free from significant development and provides a sense of spaciousness and openness that in combination with trees and soft landscaping positively contributes to the character and appearance of the area.

6. The dwelling would occupy a substantial footprint and be sited close to the boundaries of the site. In combination with the curve in the road and shape of the appeal site, it would appear to be set significantly to the side and forward of the main dwelling. In combination with the scale, depth and width of the proposal, in particular its overly bulky roof form, it would represent an over intensive form of development on this constrained site that would appear unduly dominant and overly prominent within the streetscene. Furthermore, it would substantially diminish the perception of space on this side of the street and the contribution that the appeal site makes to the character and appearance of the area.
7. Whilst its form, materials and fenestration would replicate the appearance of properties opposite, in such a prominent location its form and appearance would sit in stark contrast to No. 1. The eye would be unacceptably drawn to this, exacerbated by the prominence of the appeal site within this part of Collinswood Drive. Notwithstanding that there is some architectural variety in dwellings opposite, on this side of the street and in such a context, the proposal would not represent a good standard of design.
8. For these reasons, the proposal would cause significant harm to the character and appearance of the area. It would therefore conflict with Policy DM1 of the Hastings Development Management Plan 2015 ('DMP') which requires a good standard of design that protects and enhances local character.

#### *Living conditions*

9. Policy DM3 of the DMP requires 'appropriate' levels of private external space. It does not stipulate exact areas, other than to say there is an expectation of at least 10m of such space to the rear of family sized dwellings<sup>1</sup>.
10. The siting and size of the dwelling would leave a small triangular shaped rear garden and a narrow side garden, the majority of which would be taken up by 2 tandem parking spaces. Whilst the appellant contends the figure would be achieved, the shape and configuration would result in very limited space for the day to day recreational activities normally associated with such a unit. Furthermore, the space to the side and front would be overlooked from the public highway and contain parked vehicles. As such it would not be private or useable.
11. I have had regard to the intended future occupation of the dwelling by the appellant's elderly parents and that the parties agree that a condition restricting the use in association with the main dwelling is required. However, there is nothing substantive before me to suggest that such a configuration and extent of external space should be considered suitable, even if it were to be occupied by the elderly. There is also nothing to demonstrate that in this particular case there are any overriding personal or other circumstances to persuade me otherwise.

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<sup>1</sup> Larger homes designed for family use (dwellings with two or more bedrooms).

12. For these reasons, the proposal would not provide acceptable living conditions for future occupiers in terms of private external space. It would therefore conflict with Policy DM3 of the DMP which requires a good standard of amenity for future occupiers, including appropriate levels of private external space.

### **Other Matters**

13. The appellant contends that the proposal should be considered in the context of the presumption in favour of sustainable development set out in the National Planning Policy Framework ('the Framework'). However, the conflict with the policies is such that it should be considered to be in conflict with an up to date development plan, when read as a whole. As such, the presumption in favour of sustainable development as set out in Paragraph 14 does not apply and there is a presumption against granting permission unless other material considerations indicate otherwise<sup>2</sup>.
14. The minimal economic and social benefits from the provision of one additional dwelling in an accessible location would not outweigh the significant harm to the character and appearance of the area and living conditions of future occupiers that I have identified and the subsequent conflict with the policies. The proposal would also fail to fulfil the social and environmental dimensions of sustainable development as set out in the Framework.
15. The appellant has referred me to a recent approval by the Council for 4 new dwellings at 55 Collinswood Drive. However, that appears to be a back land development and would therefore have different effects in terms of the main issue. I do not find it is directly comparable to the appeal proposal before me and in any event, each case must be determined on its own merits.

### **Conclusion**

16. For the reasons set out above, the proposal would conflict with the development plan, when read as a whole. Material considerations do not indicate that a decision should be made other than in accordance with it.
17. Having considered all other matters raised, I therefore conclude that the appeal should be dismissed.

*Richard Aston*

INSPECTOR

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<sup>2</sup> Paragraph 12 of the Framework.