



## Appeal Decision

Site visit made on 15 January 2018

by **S M Holden BSc MSc CEng MICE TPP FCIHT MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22<sup>nd</sup> January 2018

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**Appeal Ref: APP/C1435/W/17/3181735**

**Beach Tavern, Sea Road, Pevensey Bay BN24 6EH**

- 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 R Foss against the decision of Wealden District Council.
  - The application Ref WD/2017/0060/F, dated 10 January 2017, was refused by notice dated 21 July 2017.
  - The development proposed is 7No. 2 bedroom apartments, 1No.1 bedroom apartment and associated access and parking following demolition of existing pub.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are:
  - a) the effect of the proposal on the character and appearance of the area;
  - b) whether or not the proposal would result in the unacceptable loss of a site in commercial use.

### Reasons

#### *Character and appearance*

3. The appeal site is a square shaped block of land immediately opposite the junction of Eastbourne Road with Wallsend Road/Sea Road. It is surrounded on three sides by Sea Road, Bay Terrace and Marine Road. It is occupied by a former public house, the Beach Tavern, whose front elevation forms the visual end 'stop' to the north-eastly view along Eastbourne Road. The main part of the pub is a traditionally designed, two-storey building with a pitched roof. Three dormer windows in the front roofslope straddle the eaves line. To the side and rear there have been additions, which include a single-storey wing which occupies the full depth of the site to its boundary with Marine Road. The remainder of the site is a car park for the pub which is accessed from Bay terrace and enclosed by brick walls topped by a low close-boarded fence.
4. The commercial centre of the village of Pevensey Bay lies on either side of Eastbourne Road where there is a variety of shops, restaurants, cafes and a hotel interspersed with some residential uses. The appeal site is somewhat separated from these other commercial activities by Sea Road. To the east of Sea Road the area appears to be predominantly residential.

5. The pub, which apparently dates from the end of the 19<sup>th</sup> century, is clearly valued by the community as part of the eclectic mix of buildings within the village. Nevertheless, it is not listed or identified by the local planning authority as a heritage asset which should be protected. The buildings around the site show considerable variation in terms of their height, design, age and materials, as well as differences of use. Most of the two-storey buildings are conventional in style with a predominance of pitched roofs, although materials vary from render, to brick and weatherboarding. Three storey buildings include the ornate Victorian Bay Hotel with its mock Tudor gables, bay windows and highly visible turret feature, and the modern flats at Norman Court with its distinctive asymmetric roof.
6. It is in the context of this varied street scene that the proposal seeks to replace the pub and its car park with a three storey building of contemporary design. The footprint of the proposal would be roughly 'T' shaped with its widest part and front elevation facing Eastbourne Road. To the rear the narrower part of the building would be slightly to the north-west of the site allowing four parking spaces to be directly accessed from Bay Terrace and another four from Marine Road. The flat-roofed building would provide eight flats, three on each of the ground and first floors. The top floor, which would be set back from the principle elevations of the rest of the block, would accommodate another two.
7. The building would be taller than the house immediately to the south-east (Bay Haven) and the terrace to the north-west (Nos 1-4 Bay Terrace). Its square shape and flat roof would accentuate this additional height as these, and most of the nearby properties, have pitched roofs. The recessing of the upper floor and its lightweight appearance would reduce the impact of the additional storey. Nevertheless, its overall width, depth, mass and bulk would dominate the site and appear out of scale with other nearby buildings. Its angular shape would also be incongruous and incompatible with the surrounding street scene.
8. The rear of the pub and its car park do not currently make a positive contribution to the character or appearance of the area. However, the wall and fence provide screening and enclose the site on the corner of Bay Terrace with Marine Road. The rear projection of the proposal would occupy the full depth of the site and would introduce a three storey structure into an area where the existing buildings are only single storey and are subservient to the frontage building. The building would occupy much of the site leaving only minimal space around it, most of which would be used to provide parking spaces that would be visible from the street. There would be virtually nowhere at the rear of the site for landscaping. The rear ground floor flat would be surrounded by car parking due to the proximity of the spaces to the building. These parking arrangements, combined with the lack of landscaping, would give the site a cramped and cluttered appearance.
9. As both sides of Eastbourne Road include taller buildings, the additional height of the proposal could provide an appropriate end 'stop' to the view along this street. Its division into three distinctive panel clad elements would give visual interest. The glazed stairwell on the south-east elevation would provide a focal feature in views along Eastbourne Road. However, these positive aspects of the scheme do not overcome my concerns about the overall scale, mass and shape of the building. In my view, when seen in the context of the surrounding development, the building would appear alien and out of place on this prominent and important site in the village

10. Taking all these factors into account, I conclude that the proposal would harm the character and appearance of the area, contrary to Policy SP013 of the Core Strategy<sup>1</sup> and saved Policy EN27 of the Wealden Local Plan. These policies, amongst other things, require new development to respect the character of adjoining development and incorporate a high standard of landscaping.

*Loss of a site in commercial use*

11. The development plan does not include any specific policies which seek to retain public houses. Although saved Policy BS7 seeks to retain business premises for local employment, this would usually be applied to traditional employment sites (B1 and B2 use) rather than a public house. The policy is therefore not directly relevant to the appeal proposal and in any event pre-dates the National Planning Policy Framework (the Framework). Any conflict with it therefore carries little weight in my assessment of the proposal.
12. Paragraph 28 of the Framework seeks to promote the retention of local services and community facilities in villages, such as public houses. However, the loss of the Beach Tavern would not adversely affect the provision of such facilities in Pevensey Bay as there are a cluster of alternative drinking and eating establishments elsewhere in the village.
13. I note that emerging policy VTGA6 of the Wealden Local Plan Draft Proposed Submission includes the site within the primary shopping area of Pevensey Bay. However, the Beach Tavern is not within either the primary or secondary frontages. Furthermore, the policy is primarily aimed at protecting A1 uses. There is no suggestion that the change of use of a public house will not be permitted in the absence of a marketing exercise. As neither the policy nor the associated map showing the boundary of the shopping area have been tested through Examination, only limited weight can be attached to them.
14. From the limited evidence provided by the appellant about the various attempts to operate a business over recent years, it seems highly unlikely that that site will be used as a public house in the future. In these circumstances, I consider its loss is acceptable, particularly as the Framework encourages the effective use of land that is not of high environmental value.
15. I conclude that the proposal would not result in the unacceptable loss of a commercial site. The proposal would not conflict with the development plan or the advice of the Framework.

**Other Matters**

*Parking*

16. The local community has raised significant concerns about the effect of additional demand for parking on the surrounding area. On my site visit, which took place on a weekday morning on a wet day in the winter, I saw that on-street parking in the vicinity was limited and well-used. It is reasonable to assume that demand for parking will be higher during the summer. The highway authority originally recommended refusal of the application as three of the ten proposed parking spaces would result in vehicles reversing in or out of the site very close to the junction with Eastbourne Road (the A259).

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<sup>1</sup> Wealden District (Incorporating Part of the South Downs National Park) Core Strategy Local Plan

17. To meet its standards the highway authority required the development to provide eight parking spaces, if they were unallocated, or twelve spaces if they were assigned to individual flats. On this basis it stated that ten spaces would be sufficient, providing they were accessed via Bay Terrace or Marine Road. However, on receipt of an amended plan showing eight spaces, it withdrew its objection, subject to conditions relating to the provision of adequate visibility at the access and that the spaces would remain unallocated.
18. The highway authority's acceptance of only eight spaces to serve the development did not appear to take account of the availability of on-street parking in the vicinity of the site. However, it seems to me that any excess demand from the development, either from visitors or occupants owning more than one vehicle, would spill onto the surrounding streets where there is little capacity to accommodate it. This would be likely to increase the potential for conflict and cause inconvenience for other road users. Furthermore, each of the eight spaces would be directly accessible from the street. If they remain unallocated, it would be difficult to restrict their use to residents in an area where there already appears to be a significant demand for on-street parking.
19. I am therefore not satisfied that the provision of eight parking spaces would be sufficient for a development of eight flats on this particular site. This is a further indication of the unsatisfactory layout and cramped nature of the development.

#### *Residential amenity*

20. Neighbours raised concerns about loss of privacy, loss of light and overshadowing. The Council was satisfied that, subject to provision of obscure glazing to protect the privacy of the occupants of Bay Haven, the development would not result in unacceptable loss of amenity for adjoining occupants. I see no reasons to reach a different conclusion.

#### **Planning balance**

21. The Council accepts that it is unable to demonstrate a five year supply of deliverable housing sites in the District, as required by Paragraph 49 of the Framework. Paragraph 14 of the Framework is therefore engaged.
22. The proposal would provide an additional eight units of accommodation which would make a small, but valuable, contribution to meeting local housing need. It would do so in a location where future occupants would have access to a range of facilities and services within walking distance. The accommodation would be of an adequate standard and, subject to conditions to protect the privacy of neighbours, could be achieved without harm to the residential amenity of surrounding occupiers. These social benefits carry considerable weight in the scheme's favour.
23. The proposal would result in the loss of a commercial use on the site. However, as the pub has been closed for some time and there is no realistic possibility that it would re-open in the future, there would be no loss of employment arising from the redevelopment of the site for housing. These economic factors are therefore neutral in the overall planning balance.
24. The proposal would make efficient use of a brown field site. However, I have significant concerns about its effects on the character and appearance of the area arising from the bulk, mass and height of the building, the lack of

landscaping and the shortcomings of the parking arrangements. The proposal would therefore fail to meet the environmental dimension of sustainable development. Furthermore, there was no evidence to suggest that a significant proportion of the social benefits could not be delivered with an alternative scheme.

### **Conclusions**

25. The Framework is seeking to significantly boost the supply of housing and requires planning applications for housing development to be considered in the context of the presumption in favour of sustainable development. I appreciate that the appellant had worked with Council officers and amended the scheme in order to address concerns raised in respect of parking, bin storage and the amenity of neighbours. He was therefore disappointed that Members gave greater weight to the various concerns of the community than the officer's recommendation to approve the scheme.
26. However, the Framework also advises that planning decisions should ensure that developments establish a strong sense of place, which will function well and add to the overall quality of an area over the long term. I was not satisfied that the proposal would achieve these objectives, even though I concluded that the loss of the Beach Tavern would be acceptable. This leads me to conclude that the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole. It would therefore not be a sustainable development.
27. The use of this previously developed site to provide eight flats does not amount to a material consideration that outweighs the conflict with the development plan. For this reason, and having regard to all other relevant matters raised, I conclude that the appeal should be dismissed.

*Sheila Holden*

INSPECTOR