
Appeal Decisions

Site visit made on 4 June 2019

by J Ayres BA Hons, Solicitor

an Inspector appointed by the Secretary of State

Decision date: 15 July 2019

Appeal A

Appeal Ref: APP/T1410/W/18/3213358

Kempston, 3 Granville Road, Eastbourne BN20 7EB

- 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 Associated Property Owners Ltd against the decision of Eastbourne Borough Council.
 - The application Ref PC/180040, dated 15 January 2018, was refused by notice dated 26 April 2018.
 - The development proposed is demolition of existing building and redevelopment to provide x 16 residential apartments (Use Class C3) (x8 net additional), new vehicle access on Granville Road and car parking.
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Appeal B

Appeal Ref: APP/T1410/W/19/3224443

Kempston, 3 Granville Road, Eastbourne BN20 7EB

- 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 Associated Property Owners Ltd against the decision of Eastbourne Borough Council.
 - The application Ref PC/180985, dated 10 October 2018, was refused by notice dated 20 December 2018.
 - The development proposed is demolition of existing building and redevelopment to provide x 16 residential apartments (Use Class C3) (x8 net additional), new vehicle access on Granville Road and car parking.
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Decisions

Appeal A

1. The appeal is allowed and planning permission is granted for demolition of existing building and redevelopment to provide x 16 residential apartments (Use Class C3) (x8 net additional), new vehicle access on Granville Road and car parking at Kempston, 3 Granville Road, Eastbourne BN20 7EB in accordance with the terms of the application, Ref PC/180040, dated 15 January 2018, subject to the conditions in the attached schedule.

Appeal B

2. The appeal is allowed and planning permission is granted for demolition of existing building and redevelopment to provide x 16 residential apartments (Use Class C3) (x8 net additional), new vehicle access on Granville Road and car parking at Kempston, 3 Granville Road, Eastbourne BN20 7EB in accordance with the terms of the application, Ref PC/180985, dated 10 October 2018, subject to the conditions in the attached schedule.

Applications for costs

3. Applications for costs were made by Associated Property Owners Ltd against Eastbourne Borough Council. These applications are the subject of a separate Decision.

Main Issues

4. In respect of both appeals the main issue is the effect of the proposal on the character and appearance of the area.
5. In respect of Appeal A the effect of the proposal on the character and appearance of the area also refers in the decision notice to the effect of the demolition of the existing building. This was not cited as part of the reason for refusal in Appeal B and the Council has indicated in its statement of case that it does not object to the loss of the building in respect of either appeal. The Council has not put forward any specific evidence to address this matter, and my decision relating to the demolition of the building through the application of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) has been set out in a separate decision letter¹.
6. However, when considering the proposal before me in both appeals, the demolition of the existing building would form part of the development in its entirety. Accordingly, I consider it appropriate to address the demolition of Kempston as part of the effect on the character and appearance of the area for both Appeal A and Appeal B. Taking into account the fact that this previously formed part of the council's reason for refusal, and the evidence submitted, I do not consider that either party would be disadvantaged by my approach.
7. Due to the similarity of Appeal A and Appeal B I have dealt with both appeals within the same decision letter in order to avoid repetition.

Reasons

8. The appeal site is located within the boundary of an Area of High Townscape Value (AHTV), which is defined by the council as a non-designated heritage asset. The actual building on the appeal site has not been identified by the council as a non-designated heritage asset, it does not appear on the council's list of 'Buildings of Local Interest', nor does it have a statutory listing.
9. The Meads AHTV is one of five identified within the authority's area. The area of lower meads, within which the site is located, has been included as part of a proposed extension to the College Conservation Area. A public consultation has been held which explored the concept of extending the Conservation Area (CA). At this time the council has not yet taken any further action, and the CA boundaries remain the same, with the appeal site located within the AHTV.
10. To the south of the AHTV is Meads Village, which is one of four 19th century rural hamlets beyond the medieval core of the Eastbourne settlement. The later development of the AHTV is not old relative to these settlements, it forms part of a later expansion of the urban fabric of the town. Nevertheless, the AHTV provides a border to the CA, and exhibits a number of interesting Victorian and Edwardian villas which contribute collectively, and some individually, to the historical and rather regal character of the wider area. Integrated within the

¹ APP/T1410/W/19/3225628

historical built form are examples of more modern development. The newer developments tend to include some design elements of the traditional buildings within the AHTV, whilst forging their own unique architectural style.

11. Whilst the general street plan of the area remains largely intact, the form and character of the more historical buildings are now experienced within a mixed townscape. I spent some time walking around the local area on the day of my site visit, and the historical architectural dominance of the area has been eroded by the modern developments which has created a mixed canvass of significant modern built fabric within the historical pattern of development.
12. When considered holistically, this mixed character is not to the detriment of the AHTV. It demonstrates a flexibility and coherence of a range of styles that has evolved, and the various styles and designs sit comfortably alongside each other. Whilst it creates a worthwhile and pleasing supporting framework of development to the adjacent CA, it is clear that the area does not exhibit the same level of consistently high, intact architectural examples, and well preserved character as the CAs.
13. Kempston physically represents, and is associated with, the impact of the first phase of the residential development of this area and remains legible as a former villa. The building demonstrates the use of traditional materials, with some decorative detailing as well as features such as the expressed canted bays to the street elevations and gabled roof form, which are typical of this type of building rather than exceptional. When considered alongside some of the other Victorian villas in the area which retain a greater degree of integrity and form part of a more cohesive group of related properties, the aesthetic contribution of Kempston is limited. Furthermore, whilst forming part of a group of buildings, the extent of the alterations to Kempston, and also Wargrave House, has resulted in a group that has limited cohesion and fails to really exhibit the pattern of Victorian town planning to the extent that is displayed elsewhere within the AHTV and the CAs.
14. The building was used as an auxiliary hospital during World War One, and an obituary in the Birmingham Gazette, published on 21 June 1916, confirms the death of Private Harold Hackett at this specific hospital. This past use of the building is notable, and it clearly played an important role in the treatment and rehabilitation of troops during World War One. Whilst the history of the building is recorded through documentary evidence, there is sadly very limited legibility of this use still existing on the site today. The radical re-planning of the building to accommodate self-contained apartments has removed further evidence of that history. Such changes included the relocation of the primary stairwell, with associated negative impacts of the glazing of the main Granville Road elevation. Therefore, the historical records of the use of the building are the best representation of that interesting past, the history is no longer legible in the fabric of the building.
15. There are a number of statutory listed buildings and locally listed buildings within the AHTV, however Kempston does not appear on any such list independently of its inclusion within the wider AHTV. There is some dispute as to whether Kempston should be considered as a non-designated asset, however it is not my role within the remit of these appeals to conclude whether the building is worthy of listing. Based on the evidence before me the

contribution of Kempston should be assessed in terms of its presence within the wider AHTV.

16. The building is an example of Victorian architecture, and has some historical significance. Accordingly, it makes a positive, albeit limited, contribution to the significance of the AHTV. Whilst I am minded to agree that the demolition of Kempston would result in some harm to the significance of the AHTV, I do not find that it would undermine the overall integrity of the AHTV due to the widely found buildings of interest and historical appreciation.
17. Due to the, albeit limited, contribution that the existing building makes to the AHTV, I find that the physical demolition of the building currently on the site would result in some harm to the AHTV. It would therefore conflict with the aim of saved Policy UHT16 of the Borough Plan 2007 and Policy D10 of the Core Strategy Local Plan 2013 which seek to preserve the AHTV.
18. However, whilst the proposal would have an impact on the AHTV, it would be only moderate with regards to the wider purpose of the AHTV and the significant level of historical and positive architecture elsewhere within the AHTV. The cost of adapting the existing building to provide accommodation that would suit a range of needs across a varied demographic would not be viable. The proposal would result in an additional 8 units located within a sustainable area, the development would include sustainable energy resources and these factors would be public benefits of the scheme.
19. Taken collectively, I find that there are material considerations and public benefits that in this particular case outweigh the limited harm to the AHTV. Furthermore, it would be possible for the appellant to demolish the building in accordance with the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). This factor is a material consideration which carries significant weight.
20. Turning then to the second element of the proposal; the erection of a building to contain 16 units. The appeal site is broadly rectangular and demarcated by boundary walls and a range of trees and shrubs with accesses from both Granville Road and Blackwater Road. The area already provides a mixed character through the retention of traditional villas, some of which have been converted, and the erection of further blocks of flats.
21. The proposal in both Appeal A and Appeal B is the same, with Appeal B being a resubmission of the Appeal A scheme. The proposed development would have a similar ridge height and orientation to the existing building. It would be slightly larger in terms of its overall footprint, however this would be minimal, building lines would follow references of the neighbouring properties, and a large area of the site would be retained for parking and landscaping which would continue the open and thoughtfully spaced character of the site. The retention of existing trees would ensure that the mature nature of the site would be retained and enhanced by the addition of further soft landscaping on the south, east and west boundaries. Accordingly, the boundaries would be softened, and create a visually interesting and natural setting for the proposal.
22. The proposed building would be smaller in its overall scale than that of the adjoining Eastbourne College building and other nearby apartment blocks. Its location on the existing footprint would retain a suitable degree of separation from neighbouring properties, including No 1 Granville Road, such as to ensure

that it would not appear overbearing or conflicting in its overall form. The use of a pitched roof and gables, with red brick facings and dressings would reflect the traditional character of the AHTV. The use of balconies would be a modern addition, however the window proportions would generally reference the existing building and neither balconies or glazing would appear out of place or contrived in respect of their relationship within the overall building. There are some interesting elements of the existing building which could be incorporated within the design detailing of the proposal. Such inclusion would create a physical and visible link between the old and new, and would provide an arena for the proposed building to respect and refer to the history of the site and broader AHTV.

23. Amenity space would be provided privately for the units through the use of terraces and balconies, with obscure glazing used within the balconies. These elements would be in keeping with the modern developments within the area and the provision of soft landscaping would ensure that these spaces sit comfortably within the wider street scene and protect the amenity of neighbouring and future occupiers.
24. The proposal when considered in its entirety would create a well designed block of apartments, it would utilise traditional design features alongside a modern and adaptable layout. The proposal would be enhanced through the retention of existing landscaping and introduction of additional planting. It would contribute to the varied character of the area and would sit comfortably within this large corner plot.
25. I find that the proposal in both Appeal A and Appeal B would harmonise with the appearance of the local environment, provide suitable boundaries through the retention of existing features and preserve the general character of the AHTV. Both proposals would therefore comply with saved policies UHT1, UHT4, UHT5 and UHT16 of the Borough Plan 2007, which collectively seek to ensure development is of a high-quality design that retains local distinctiveness, and generally preserves the character and appearance of the area (particularly with regard to AHTVs).
26. I find that the proposed building would be sympathetically designed and well located, with the appropriate levels of landscaping and retention of space, such that the proposed building itself in both Appeal A and Appeal B would not result in harm to the AHTV and would therefore comply with Policy D10 of the Core Strategy 2013. It would respect the local character and take account of the surrounding context, the materials would include the use of good quality materials and the overall design would be sympathetic to the local distinctiveness of the area. As such it would comply with Policy D10a of the Core Strategy 2013 which requires development to be of a high-quality design that respects Eastbourne's unique characteristics.
27. Through securing a high-quality design that would respond to local character and reflect the identity of the local surroundings both of the proposals would comply with the National Planning Policy Framework 2019 which seeks to ensure development is of a high quality and inclusive design.

Other matters

28. Concerns have been raised regarding the additional traffic generation, however on the basis of the evidence I am satisfied that the appeal site is well

connected to Eastbourne town centre and Eastbourne train station. There are a range of options for residents to use to access local services and facilities, including on foot, bicycle or public transport. The site is identified by the council as being within an area recognised as capable of accommodating additional growth, and the redevelopment of the site would be a windfall contribution to the council's housing supply. Neither of the roads is subject to allocated parking restrictions, and on-site parking provision would be in line with Council requirements. I have no evidence to suggest that parking within the site would result in any additional disturbance or have an impact on highway safety above the existing on street parking provision within the area.

29. In relation to concerns raised in anticipation of disturbance during a construction period, these would be temporary in nature, and the amenities of neighbouring residents could be adequately addressed through a suitable condition.
30. The proposal would be a similar distance from existing properties as the existing relationship. The inclusion of additional windows would not result in harm to neighbouring occupiers provided those windows on the eastern side elevation are obscurely glazed, which in addition to the separation distance would negate any harm through overlooking. The use of soft landscaping and retention of trees would also contribute to the privacy of future and neighbouring occupiers. In addition to securing amenity the landscaping would provide habitat for local wildlife, and these matters could be secured through conditions.

Conditions and Conclusions

31. In the event that either Appeal A or Appeal B is successful the Council has suggested a list of conditions which I have considered in accordance with the Planning Practice Guidance and the National Planning Policy Framework.
32. It would be necessary to state the plans for certainty. Conditions relating to materials, the provision of construction information, landscaping, car and cycle parking, obscure glazing, and compliance with the Arboricultural Method Statement are necessary to protect the amenity of future and neighbouring occupants, to protect the character and appearance of the area, in the interest of highway safety and to preserve local habitats. A condition relating to archaeological investigations is necessary due to the location of the existing building within the AHTV. Conditions 3, 7 and 10 are pre-commencement conditions which are necessary in this case as they deal with matters that may affect the way in which the proposal is delivered.
33. On the basis of the evidence provided I am not convinced that conditions relating to flood water run-off, drainage and the use of a local employment plan, would be necessary and therefore would fail the tests as set out in the PPG and Framework.
34. Whilst I appreciate that some residents will be disappointed by my decisions, I have found that the proposal would accord with the development plan when taken as a whole. The limited conflict in relation to the demolition would be outweighed by other material considerations and public benefits. There are no other matters that would either individually or cumulatively lead me to conclude that the appeals should fail.

35. Accordingly, for the reasons set out above I conclude that Appeal A should succeed. For the reasons set out above I conclude that Appeal B should succeed.

J Ayres

INSPECTOR

SCHEDULE OF CONDITIONS - APP/T1410/W/18/3213358 – APPEAL A

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved drawings:-
 - FAE861:PA 01 B – Block Plan
 - FAE861:PA 08 A – Proposed Street Elevations
 - FAE861:PA 09 A – Proposed Lower Ground Floor
 - FAE861:PA 10 C – Proposed Ground Floor
 - FAE861:PA 11 C – Proposed First and Second Floor
 - FAE861:PA 12 A – Proposed Third Floor
 - FAE861:PA 13 C – Proposed Roof Plan
 - FAE861:PA 14 A – Proposed North and East Elevations
 - FAE861:PA 15 A – Proposed South and West Elevations
- 3) No development shall take place until details and, where appropriate, samples of the materials (including colour of render, paintwork and colourwash) to be used in the construction of the external surfaces of the development, along with details of any retained features that will be incorporated from the building to be demolished, hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 4) Prior to the occupation of the development, details of hard and soft landscaping, to include details of all boundary treatments, balcony screening, and bin storage shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with these approved details and maintained as such thereafter.
- 5) No part of the development shall be occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. The areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles.
- 6) The development hereby permitted shall not be occupied until the car parking spaces, turning areas, footways and site access shown on the approved plans have been surfaced and marked out. These areas shall thereafter be maintained throughout the lifetime of the development and the land on which they are positioned be used for no purpose other than for the parking of vehicles.
- 7) No development shall take place, including any ground works or works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to in full throughout the entire construction period. The Plan shall provide details as appropriate but not be restricted to the following matters:-

The anticipated number, frequency and types of vehicles used during construction.

The method of access and egress and routing of vehicles during construction,

The parking of vehicles by site operatives and visitors,

The loading and unloading of plant, materials and waste,

The storage of plant and materials used in construction of the development,

The erection and maintenance of security hoarding,

The provision and utilisation of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),

Measures to manage flood risk, both on and off the site, during the construction phase.

Details of public engagement both prior to and during construction works.

- 8) The approved method statement (Arboricultural Method Statement CE-GR1293- RP02 Final) submitted in support of the application shall be adhered to in full accordance with the approved plans and may only be modified subject to written agreement from the LPA – this includes demolition operations. This condition may only be fully discharged on completion of the development subject to satisfactory written evidence of contemporaneous monitoring and compliance by the pre-appointed tree specialist during construction.
- 9) No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the development phase and thereafter within 5 years from the date of occupation of the building for its permitted use, other than in accordance with the approved plans and particulars or as may be permitted by prior approval in writing from the Local Planning Authority.
- 10) No development shall take place until the developer has secured the implementation of a programme of archaeological work, in accordance with a Written Scheme of Archaeological Investigation which has been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall not be brought into use until the archaeological site investigation and post investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition) has been completed in accordance with the programme set out in the Written Scheme of Investigation to the satisfaction of the Local Planning Authority, in consultation with the County Planning Authority.
- 11) The first and second floor level windows in the eastern (side) elevation of the development hereby permitted shall be obscure glazed and non-opening, unless the parts of the window/s which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and thereafter permanently retained as such.

END OF SCHEDULE – APPEAL A

SCHEDULE OF CONDITIONS - APP/T1410/W/19/3224443 – APPEAL B

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved drawings:-
 - FAE861:PA 01 B – Block Plan
 - FAE861:PA 08 A – Proposed Street Elevations
 - FAE861:PA 09 A – Proposed Lower Ground Floor
 - FAE861:PA 10 C – Proposed Ground Floor
 - FAE861:PA 11 C – Proposed First and Second Floor
 - FAE861:PA 12 A – Proposed Third Floor
 - FAE861:PA 13 C – Proposed Roof Plan
 - FAE861:PA 14 A – Proposed North and East Elevations
 - FAE861:PA 15 A – Proposed South and West Elevations
- 3) No development shall take place until details and, where appropriate, samples of the materials (including colour of render, paintwork and colourwash) to be used in the construction of the external surfaces of the development, along with details of any retained features that will be incorporated from the building to be demolished, hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 4) Prior to the occupation of the development, details of hard and soft landscaping, to include details of all boundary treatments, balcony screening, and bin storage shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with these approved details and maintained as such thereafter.
- 5) No part of the development shall be occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. The areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles.
- 6) The development hereby permitted shall not be occupied until the car parking spaces, turning areas, footways and site access shown on the approved plans have been surfaced and marked out. These areas shall thereafter be maintained throughout the lifetime of the development and the land on which they are positioned be used for no purpose other than for the parking of vehicles.
- 7) No development shall take place, including any ground works or works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to in full throughout the entire construction period. The Plan shall provide details as appropriate but not be restricted to the following matters:-

The anticipated number, frequency and types of vehicles used during construction.

The method of access and egress and routing of vehicles during construction,

The parking of vehicles by site operatives and visitors,

The loading and unloading of plant, materials and waste,

The storage of plant and materials used in construction of the development,

The erection and maintenance of security hoarding,

The provision and utilisation of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),

Measures to manage flood risk, both on and off the site, during the construction phase.

Details of public engagement both prior to and during construction works.

- 8) The approved method statement (Arboricultural Method Statement CE-GR1293- RP02 Final) submitted in support of the application shall be adhered to in full accordance with the approved plans and may only be modified subject to written agreement from the LPA – this includes demolition operations. This condition may only be fully discharged on completion of the development subject to satisfactory written evidence of contemporaneous monitoring and compliance by the pre-appointed tree specialist during construction.
- 9) No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the development phase and thereafter within 5 years from the date of occupation of the building for its permitted use, other than in accordance with the approved plans and particulars or as may be permitted by prior approval in writing from the Local Planning Authority.
- 10) No development shall take place until the developer has secured the implementation of a programme of archaeological work, in accordance with a Written Scheme of Archaeological Investigation which has been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall not be brought into use until the archaeological site investigation and post investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition) has been completed in accordance with the programme set out in the Written Scheme of Investigation to the satisfaction of the Local Planning Authority, in consultation with the County Planning Authority.
- 11) The first and second floor level windows in the eastern (side) elevation of the development hereby permitted shall be obscure glazed and non-opening, unless the parts of the window/s which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and thereafter permanently retained as such.

END OF SCHEDULE – APPEAL B