



Appeal Decision

Site visit made on 30 July 2019

by Christopher Butler BA(Hons) PG Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 August 2019

Appeal Ref: APP/B1415/W/19/3228205

2 Wellington Mews, Hastings TN34 1QJ

- 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 ABPR Ltd against the decision of Hastings Borough Council.
 - The application Ref HS/FA/18/01060, dated 4 December 2018, was refused by notice dated 6 February 2019.
 - The development proposed is the demolition of existing garages and construction of 2No. new Mews cottages with parking.
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Decision

1. The appeal is dismissed.

Main Issue(s)

2. The main issues are as follows:
 - Whether the development would provide adequate living conditions for future occupants, with regard to living space;
 - The effect of the development on the living conditions of the occupants of neighbouring residential properties, with regard to outlook; and
 - The effect of the development on off-street parking provision.

Reasons

Background

3. Wellington Mews is located to the rear of the properties in Queens Road and Stonefield Road. It has a utilitarian character, with a mix of garages, workshops and areas of hard surface used for the parking of vehicles. The appeal site consists of a block of 5 garages that are located on the western side of the road.
4. These garages have flat roofs, are single storey in height and are access from Wellington Mews. They are slightly set back from the front, east facing, boundary of the site; whilst to the rear, western, boundary of the appeal site the garages are built tight to that boundary with numbers 79A – 82 Queens Road. Numbers 80-82 Queens Road are two storeys in height, whilst number 79/79A is a three-storey building that adjoins the western and southern boundaries of the appeal site. The ground floor of number 79 is in use as a café accessed from Queens Road; whilst the upper floors are in residential use with access being gained via both Queens Road and Wellington Mews. On the north

of the site, in Wellington Mews, is a two-storey residential building that has a third floor provided within the roof space. This building fronts directly on to Wellington Mews abutting a narrow pavement.

5. There is a change in ground levels between the appeal site and the adjoining properties in Queens Road. This change in levels is most notable due to the southern boundary wall, where the rear access and outdoor amenity space to number 79A Queens Road is positioned. This access and outdoor amenity area is some 1.5 metres in height above the road level in Wellington Mews and the appeal site.

Living conditions - Future occupiers of the proposed development

6. The Council's second ground of refusal and their Delegated Report, which sets out their justifications for refusing planning permission, refers to technical guidance on floor space standards issued by the then Department for Communities and Local Government. I shall refer to this technical guidance as the Nationally Described Space Standards (NDSS). However, the appellant points out that the NDSS are not formally adopted by the Council and state that only Policy DM3 of the Hastings Local Plan – The Planning Strategy 2011-2028 (Adopted 19 February 2014) (Local Plan) is relevant in regard to space standards.
7. The appellant also notes that floorspace sizes are set out in Policy DM3 f. of the Local Plan, but they are only guidelines, as the policy uses the words "...guidelines for minimum internal floor areas..." Whilst I note that the floorspace sizes are referred to as a guideline within Policy DM3 f., I consider that they are broadly consistent with the floorspace standards set out in the NDSS. I also consider it appropriate to set some floorspace standards, even if they are only referred to as guidelines, as they give a clear indication of the Council's expectations in this regard.
8. Drawing Number 18.1412.003 Rev a shows that each of the residential units proposed will be 2 bed / 4-person dwellings. The appellant confirms that each of the proposed dwellings "...can achieve an internal floor area of 55.3 sq.m..." and notes that Policy DM3 f. indicates that this would be above the floorspace requirements for a 1 bed / 2-person home. They also refers to the development being a worthwhile addition to this busy mixed-use area providing much required family homes. Policy DM3 f. states that a 2 bedroom / 4-person dwelling should have a minimum internal floor area of 77 sq.m.
9. I also note that the appellant's suggestion that they consider that it would be a disadvantage to provide a development of 2 numbered 1 bed / 2-person homes in this town centre location and that I should consider the proposal as a worthwhile compromise. Irrespective of this, I am required to determine the appeal as currently before me and shall consider the appeal as originally made.
10. I consider that the provision of 2 numbered 2 bed / 4-person dwellings with a floorspace of 55.3 sq.m would be unacceptable. A development of the nature proposed would be limited and awkward in terms of its layout and too small to accommodate a mix of functions required for family use, especially bearing in mind the cramped layout and the fact that the only outdoor amenity space provided would be a small area of roof terrace accessed via one of the proposed bedrooms.

11. Once furniture, such as a dining table, sofa, chairs, beds and wardrobes, Etc., are accommodated within the rooms, I consider the proposed dwellings will lack sufficient space within them for circulation, ordinary everyday use or even socialising. As such, I consider that the proposed dwellings would provide an unsatisfactory standard of living space for its intended occupiers and would be wholly inappropriate for occupancy by a family contrary to Paragraph 127 f) of the Framework and Policy DM3 f. of the Local Plan.

Living conditions - Adjoining occupiers

12. The Council and the appellant disagree as to the number of properties adjoining the appeal site that are in wholly commercial use. However, it was apparent during my site visit that numbers 80-82 Queens Road were wholly commercial in use, although it was also clear that there was a high level of residential units above the retail premises in Queens Road generally, including numbers 79 and 83, which adjoin the appeal site.
13. Due to the orientation of the site and the way the sun rises and falls I do not consider that the development would result in an unacceptable level of overshadowing or loss of natural light. However, the development site is extremely confined in its nature and the design of the development is such that the west facing boundary wall would consist of a large two-storey blank elevation.
14. The blank elevation, together with the relatively small change in ground levels and the close proximity of the development to the rear of the properties located to the west, some of which have residential occupancy on the upper floor, means that the development would be dominant in terms of its mass and appearance and overwhelming when viewed from those properties. As such I consider that the development would adversely impact the outlook from those properties, contrary to policy DM3 of the Local Plan, which amongst other criteria seeks to avoid the adverse impact of development on neighbouring properties, whilst ensuring development is of an appropriate scale, form, mass and density.

The effect of the development on off-street parking provision.

15. The applicant states that they consider the parking provision to be functional and that only the quantity of the parking provision is in contention. They also note that in accordance with the Council's parking provision standards 2.74 off street parking spaces would be required as a result of the proposed development. The Council's Delegated Report concurs with this position, but also states: "Two spaces are to be provided. While there is a shortfall of parking spaces, it is considered that, due to the sustainable location of the site, the number of spaces provided is acceptable in this instance." However, the Council's delegated report and decision notice is clear that their objection to the development relates to the functionality and usability of the proposed parking spaces.
16. Policy DM4 of the Local Plan relates to general access, advising that attention must be paid, not only to access to the site, but also to access within all parts of any resultant development. Criterion d. of this policy states that parking standards set out in the adopted Parking Provision in New Developments Supplementary Planning Document (or any future replacements) should be complied with.

17. The Council's Delegated Report refers to the East Sussex County Council's 'Guidance for Parking at New Residential Development' stating that "...the minimum dimensions for a useable car port space is 5m x 2.8m, with an additional 0.5m added to either or both dimensions, where the space is adjacent to a wall or fence, to allow doors to be opened." The dimensions of the off-street parking provision are shown to be about 4.7m x 2.5 metres and as such fail to provide the minimum internal space for the parking of a vehicle, making it difficult to open both driver and passenger doors when parked in the off-street space.
18. Additionally, at only 4.7m in depth I do not consider that the off-street spaces would be large enough to enable an average sized car to be able to park in them without them overhanging the public highway. Furthermore, bearing in mind the footprint of the development takes up almost the entire plot; the appellants preference is to provide family accommodation; and the layout of the development provides for limited circulation and storage space, I do not consider that there would be adequate space remaining for bicycle storage.
19. All of these factors lead me to the conclusion that the usability of these off-street parking spaces would be limited and I do not consider that they would be functional. As such the development would be contrary to policy DM4 d. of the Local Plan, which seeks to ensure development complies with the parking standards applied by the Council.

Conclusion

20. For the reasons given above, the appeal is dismissed.

Christopher Butler

INSPECTOR