



Appeal Decision

Site visit made on 29 October 2019

by Martin Small, BA (Hons), BPI, DipCM, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd November 2019

Appeal Ref: APP/B1415/W/19/3232797

The Fish House, 130 Bohemia Road, Hastings, East Sussex, TN37 6RP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Ken Davis against Hastings Borough Council.
 - The application Ref: HS/FA/18/01031 is dated 23 November 2018.
 - The development proposed is described as extensions and alterations to create a sustainable one bedroomed house and shop.
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Decision

1. The appeal is dismissed, and planning permission is refused for extensions and alterations to create a sustainable one bedroomed house and shop at The Fish House, 130 Bohemia Road, Hastings, East Sussex, TN37 6RP in accordance with the terms of the application, Ref: HS/FA/18/01031 dated 23 November 2018 and the plans submitted with it.

Application for costs

2. An application for costs was made by Mr Ken Davis against Hastings Borough Council. This application will be the subject of a separate Decision.

Procedural Matters

3. I noted during my site visit that the proposed development is partially completed. The development is therefore part retrospective and I have assessed it accordingly and on the basis of the drawings and evidence before me.
4. The Council has not specifically advised what, had it been in a position to determine the application prior to the lodging of the appeal, its decision would have been. However, it is clear from the evidence that the Council is concerned about the effect of the proposed development on the character and appearance of the area.

Main Issue

5. The main issue is therefore the effect of the proposed development on the character and appearance of the area.

Reasons

6. In the vicinity of the appeal site, Bohemia Road is characterised by a mixture of residential and commercial properties, the majority of which front directly on to the footway. The appeal property is on the south-western side of Bohemia Road, where the properties are predominantly 2-storey and terraced with pitched roofs facing the road. The properties opposite the appeal property comprise a 3-storey terrace with stepped gables facing the road.
7. The appeal property forms the end of a terrace and, due to the gentle curve of Bohemia Road, it is seen in the context of the terrace when approaching from the south-east. The proposed combination of 3-storey form and flat roof is at odds with the rest of the 2-storey terrace with its pitched roof.
8. There are other 3-storey buildings and flat-roofed buildings elsewhere on Bohemia Road, including a 3-storey dwelling a little way to the south-east of the appeal property and another 3-storey property further to the north-west. However, these 3-storey buildings have traditional pitched roofs. The other flat-roofed buildings identified by the appellant differ from the proposal in their size, context and use and so do not provide comparable models for the proposed development.
9. The development is incongruous with the predominant height and form of development on the south-western side of Bohemia Road in the immediate vicinity of the appeal property. The form and bulk of the front projection of the top storey of the appeal property is clearly noticeable when approaching from either side and contrasts uncomfortably with the traditional pitched roofs of the neighbouring properties on either side.
10. The proposed copper shingle cladding has yet to be added to the front elevation. It would add interest to the building but as a material not prevalent on other properties in the immediate area, it would also increase the incongruity of the building in the street scene. I have not been presented with any evidence that it would not be possible to use high quality materials that would be more sympathetic to those used on other buildings in the area.
11. The proposed fish sculpture is not yet fully installed. It would be a quirky, distinctive feature that would reflect the former use of the building as a wet fish shop and add interest to the street scene. The roof light and the 'beach hut' feature on the roof provide visual interest to the flat roof. However, the 'hut' is an incongruous feature in the street scene and is prominent in views in both directions along Bohemia Road. Its prominence is increased by the rise in level of Bohemia Road to the south-east when viewed from the north-west.
12. The one example of a building with a tower / turret near the appeal property identified by the appellant does not demonstrate to me that there are many 'prominent roof extensions' in Hastings such that they are locally distinctive. Such extensions were not evident to me on the mainly more modest properties on Bohemia Road in the vicinity of the appeal site when I undertook my site visit. Furthermore, the turret in the example appears to be an integrated feature of the architectural composition of the

property, whereas the 'beach hut' does not integrate with the appeal property in the same coherent way.

13. Policy DM1 of the Hastings Local Plan – Development Management Plan (2015) (the DMP) requires all proposals to reach a good standard of design. Whilst I acknowledge that good design is more than visual impact, the policy specifically requires proposals, amongst other things, to take into account protecting and enhancing local character, appreciate the surrounding neighbourhood's scale, height, massing and materials and be of a height, scale and form of development appropriate to the location.
14. The Council's Householder Development: Sustainable Design Supplementary Planning Document (2007) (HSDS SPD) advises that a proposed extension or alteration should fit in with the surrounding area and not detract from surrounding buildings.
15. Paragraph 127 of the National Planning Policy Framework (the Framework) requires that decisions should ensure that development, amongst other things, add to the overall quality of the area, be visually attractive in terms of architecture, and maintain a strong sense of place having regard to materials. The paragraph also requires development to be sympathetic to local character whilst not preventing appropriate change and innovation. Whilst the proposed development would represent change and a degree of innovation, the development is not currently, and would not be when completed, appropriate in its context.
16. Paragraph 130 of the Framework states that "Permission should be refused for development of poor design that fails to take the opportunities for improving the character and quality of an area". I do not consider that the development improves, nor would improve when completed, the character and quality of the area. I have not been provided with any reason to believe that the appeal property could not be extended in a way that would do so.
17. I therefore conclude that, for the reasons above, the proposed development would be harmful to the character and appearance of the area and therefore conflict with Policy DM1 of the DMP, the HSDS SPD and paragraphs 127 and 130 of the Framework in this respect.

Other Matters

18. The Council acknowledges that it granted planning permission in 2014 for a very similar scheme to that which is the subject of this appeal. The Council indicates that the 2014 proposal was considered against the previous Local Plan and its relevant policies as well as Policy DM1 of the DMP which was at that time an emerging policy to which little weight was attributed. I have not been provided with a copy of the 2004 Local Plan policy to which the Council refers in relation to the 2014 scheme so am unable to confirm whether or not there has been a change in local planning policy.
19. The principle of paragraph 130 of the current Framework was set out in paragraph 64 of the 2012 version of the Framework. Nevertheless, I have undertaken my assessment of the appeal proposal against both the

current local plan policy and national planning policy and have found it to be unacceptable for the reasons given above.

20. The proposed development is described as a 'sustainable' dwelling and I note the proposed energy-saving measures, including an air source heat-pump mounted on the roof. I also note the appellant's stated intention to hold open days for the public to look around. These weigh in favour of the proposals.
21. However, whilst paragraph 9 of the Framework requires planning decisions to play an active role in guiding development towards sustainable solutions, it also requires local circumstances to be taken into account in doing so to reflect the character of the area. I have concluded above that the development would be harmful to the character and appearance of the area. I am not persuaded, from the evidence before me, that the dwelling could not incorporate energy-saving measures in a way that complemented and / or enhanced the character and appearance of the area.
22. I accept that the proposed development would not adversely affect the living conditions of the occupiers of neighbouring dwellings. However, as this matter would have only a neutral effect, I accord it limited weight in my decision.

Conclusion

23. The proposed energy-saving measures, in principle, weigh in favour of the development. However, this benefit is outweighed by the harm to the character and appearance of the area I have identified and the consequent conflict with the development plan and the Framework in this respect.
24. Accordingly, for the reasons given above, and having had regard to the other matters raised, the appeal is dismissed and planning permission is refused.

Martin Small

INSPECTOR