



Appeal Decision

Site visit made on 8 October 2019

by J E Jolly BA (Hons) MA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 November 2019

Appeal Ref: APP/T1410/W/19/3234286
131 Southern Road, Eastbourne BN22 9LP

- 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 BSJ Developments against the decision of Eastbourne Borough Council.
 - The application Ref PC/190132, dated 21 February 2019, was refused by notice dated 4 June 2019.
 - The development proposed is the erection of a 3-bed semi-detached dwelling on land within the curtilage of 131 Southern Road, Eastbourne, East Sussex, BN22 9LP.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a 3-bed semi-detached dwelling on land within the curtilage of 131 Southern Road, Eastbourne BN22 9LP in accordance with the terms of the application, Ref PC/190132, dated 21 February 2019, and the plans submitted with it, subject to the conditions set out in Annex A.

Main Issues

2. The effect of the proposed development on:
 - the character and appearance of the area; and,
 - the living conditions of occupants with particular regard to privacy and outlook.

Reasons

Character and Appearance

3. The appeal site is located in a residential area of two-storey, brick and tile dwellings. The area is characterised by terraced and semi-detached houses, some of which have generous gaps and green-spaces to the front and side which enhance a feeling of general openness.
4. The host dwelling, No 131 Southern Road, is a staggered end of terrace dwelling that is located on an unusually large plot, with side and rear gardens that are adjacent No 105 Southern Road and in front of 129 Southern Road. A tarmac pathway runs between No 131 and No 129 which leads to the flats and houses behind which enclose the path on all sides.

5. The large garden space to the side of No 131, which is currently uncultivated, would be used for the proposed development of a semi-detached, 3-bedroom property in matching materials to the host dwelling.
6. A sufficient gap between Nos 131, 129 and 105 would be maintained due to the relatively large plot size, the pathway between the buildings and the open mews-type courtyard to the rear of the host dwelling. The retained views to the street would reduce the bulk of the building and preserve a sense of separation common to the wider area. The sympathetic design style and visual appearance would uphold the existing balance and symmetry of the surrounding area and therefore, would negate the impact on the prevailing street scene. As such the distinctive character and appearance of the area would be retained.
7. Accordingly, the proposed development aligns with Policies HO6, UHT1 and UHT4 of the Eastbourne Borough Council Plan, 2007 (EBP) and Policy D10a of the Eastbourne Borough Council Core Strategy Local Plan, 2013 (ECSLP) which aim, amongst other things, to ensure that development causes no significant harm to residential or visual amenity, makes the most effective use of the site, and is appropriate and sympathetic to its setting. For similar reasons the proposal accords with Paragraph 127 of the National Planning Policy Framework, (the Framework) which seeks to be sympathetic to the local character of an area and to maintain a strong sense of place.

Living Conditions

8. The proposal would include rear elevation windows and doors as well as a modest garden space that would be overlooked by Nos 105 and 129. However, the separation of the proposal from these dwellings would be at a distance not uncommon in this residential location, and indeed would be similar to the existing host dwelling. Further, privacy would be provided by the use of boundary treatments that would accord with the No 131.
9. As such, the proposal aligns with Policies HO6 and HO20 of the EBC and Policy B2 of the ECSLP which aim to respect residential amenity and Paragraph 127 of the Framework which identifies that developments should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Other Matters

10. I acknowledge the concerns raised by interested parties in respect of parking provision. However, Southern Road is a residential area with no obvious parking restrictions. I noted some on-street parking opportunities at the time of my morning site visit. The availability of on-street parking may well rise and fall during the course of the day, but I have limited evidence before me to support this either way. Further the impact of one additional dwelling, in this respect, is likely to be limited.

Conditions

11. I have considered the suggested conditions against Paragraph 55 of the National Planning Policy Framework and the national Planning Practice Guidance and imposed the following conditions; in addition to the standard time condition and for certainty, a condition requiring that the development is carried out in accordance with the approved plans
12. In order to protect the appearance of the area I have also imposed a condition requiring the external materials used in the construction to match those of the existing building, and a condition that restricts future extensions or alterations to prevent over development of the area. To reduce the risk of flood I have set a condition related to surface water disposal and a related assessment. Finally, conditions for landscaping associated with the dwelling as well as cycle, refuse and recycling storage facilities to ensure adequate provision in accordance with standards.
13. The Council's suggested condition 7 related to the provision of a Construction Management Plan has been removed as it would be onerous and unreasonable in respect of a single dwelling of this scale.

Conclusion

14. For the reasons given above and having regard to the development plan when read as a whole, the appeal is allowed.

J E JOLLY

INSPECTOR

Annexe A - Conditions

- a) The development hereby permitted shall begin not later than three years from the date of this decision.
- b) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No 2018-81-20 (Location Plan), Drawing No 2018-81-17 (Proposed Side Elevation), Drawing No 2018-81-16 (Proposed Front and Rear Elevations), Drawing No 2018-81-15 (Proposed Roof Plan), Drawing No 2018-81-14 (Proposed ground and first floor Plans), Drawing No 2018-81-18 (proposed refuse and cycle store plans), Drawing No 2018-81-10 (Existing site layout plan), Drawing No 2018-81-13 (Existing side elevations) and Drawing No 2018-81-19 (Existing and proposed block plans).
- c) The external finishes of the dwelling, hereby permitted, shall match in material, colour, style, bonding and texture to those used in the external surfaces of number 131 Southern Road.
- d) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions, alterations or other operations shall be carried out on the site otherwise than in accordance with a planning permission granted by the Local Planning Authority.
- e) No above ground build shall take place until details of a surface water drainage scheme have been submitted to and agreed in writing by the Local Planning Authority. The surface water drainage scheme should be supported by an assessment of the site's potential for disposing of surface water by means of a sustainable drainage system and be carried out or supervised by an accredited person. An accredited person shall be someone who is an Incorporated (IEng) or Chartered (CEng) Civil Engineer with the Institute of Civil Engineers (ICE) or Chartered Institute of Water and Environmental Management (CIWEM). The implementation of the surface water drainage scheme shall thereafter be carried out in accordance with the approved details prior to the occupation of the dwelling hereby approved.
- f) Following completion of the works a statement by an accredited person, who is an Incorporated (IEng) or Chartered (CEng) Civil Engineer with the Institute of Civil Engineers (ICE) or Chartered Institute of Water and Environmental Management (CIWEM), confirming that the SUDS scheme approved under condition e) has been fully implemented shall be submitted to the Local Planning Authority.
- g) Prior to the completion or first occupation of the development hereby approved, whichever is the sooner; details of treatment of all parts of the site not covered by buildings shall be submitted to and approved in writing by the Local Planning Authority. The site shall be landscaped strictly in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. Details shall include: a) a scaled plan showing all hard and soft landscaping; b) details of all hard surfaces; c) all boundary treatments; d) a schedule detailing sizes, species and numbers of all proposed trees/plants e) sufficient

specification to ensure successful establishment and survival of new planting. Any new tree that is removed, becomes severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within five years of planting shall be replaced. Replacement planting shall be in accordance with the approved details unless agreed otherwise with the Local Planning Authority

- h) Prior to first occupation of the development, hereby approved, the secure and covered cycle parking shall be provided within the site in accordance with the approved plans. Thereafter the facilities shall be retained solely for the parking of cycles, in accordance with the approved plans for the lifetime of the development, unless otherwise agreed in writing by the Local Planning Authority.
- i) Prior to first occupation of the development, hereby approved, refuse and recycling storage facilities shall be provided in accordance with the approved plans. Thereafter, the facilities shall be retained solely for the storage of refuse and recycling in accordance with the approved plans for the lifetime of the development, unless otherwise agreed in writing by the Local Planning Authority.

***** End of Conditions *****