



Appeal Decision

Site visit made on 26 November 2019

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

an Inspector appointed by the Secretary of State

Decision date: 19th December 2019

Appeal Ref: APP/T1410/W/19/3234679

5-6 Southfields Road, Eastbourne, BN21 1BU

- 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 Chase Care Home Ltd. against the decision of Eastbourne Borough Council.
 - The application Ref: PC/190227 dated 20 March 2019, was refused by notice dated 15 May 2019.
 - The development proposed is a single storey extension to the rear of the property forming additional 4 no. en-suite bedrooms and internal alterations.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appeal was originally made in the name of Mr Tariq Ali. However, the appellant's agent subsequently advised that the appeal should be in the name of Chase Care Home Ltd¹. I have therefore used this name in the banner heading above.

Main Issues

3. The main issues are the effect of the proposed development on i) the character and appearance of the host property and surrounding area and ii) the living conditions of the occupiers of neighbouring properties, with particular regard to privacy.

Reasons

Character and appearance

4. Southfields Road is a mature, predominantly residential area close to the town centre. The appeal property is formed from a pair of substantial, previously semi-detached, Edwardian dwellings, of which there are several pairs on the same side of the road as the appeal property with long rear gardens and characteristic steep pitched roofs and gables.
5. To the rear of the property is a small patio area and a large rear garden laid mainly to lawn, which is at a slightly higher level than the patio and ground floor level of the Care Home. The rear elevation of the Home has existing non-original single-storey extensions and a metal fire escape. The garden backs

¹ By email dated 6 August 2019

onto the rear gardens of 12 and 14 Arlington Road, which are at a slightly higher level than the appeal property. At my site visit I noted a number of tall conifers on the rear boundary that provide partial screening of views between Nos. 12 and 14 and the appeal property.

6. The proposed extension has been designed following the refusal of permission for two previous proposed rear extensions of different configurations and discussion with the Council. It would extend into the garden to a lesser extent than the previous proposals and would be set at a lower level than the garden to provide level access from the main property. It would replace the existing extensions and rationalise the appearance of the rear elevation.
7. The distinctive gables and bay windows on the rear elevation of the property would be largely unaffected by the proposed extension. However, the bland utilitarian appearance of the rear elevation of the extension and the large extent of flat roof would be incongruous in the context of the characteristic form and visually interesting elevations of the appeal property and the neighbouring Edwardian properties. The proposed extension would not impinge on the street scene, being to the rear of the property, but it would be visible from neighbouring and nearby properties.
8. The proposed development would also result in a significant reduction in the length of the garden across virtually its full width. As a consequence, the remaining garden would be at odds with the length of the gardens of the neighbouring properties to the appeal property on Southfields Road.
9. I therefore conclude that the proposed extension would be harmful to the character and appearance of the host property and of the surrounding area. In this respect the proposed extension would be contrary to Policy D10A of the Eastbourne Core Strategy Local Plan (2013) (ECSLP) and saved Policy UHT1 of the Eastbourne Borough Local Plan which, amongst other things, require new development to respect, preserve or enhance local character and respect local distinctiveness. It would also conflict with paragraph 127 c) of the National Planning Policy Framework (the Framework) in this respect.

Living conditions

10. The proposed extension would reduce the distance between the existing rear elevation of the appeal property and the rear elevations of 12 and 14 Arlington Road. However, a substantial gap would still remain and with the extension being single-storey, there would be no harmful overlooking or consequent loss of privacy of the occupiers of Nos. 12 and 14 from the windows in the rear elevation of the extension.
11. Whilst the proposed replacement fire escape would extend closer to Nos. 12 and 14, I see no reason why this would be used other than in an emergency. Access to the flat roof from the fire escape would be restricted by railings on either side of the route across the roof and the use of the roof for recreational purposes could be prevented by a planning condition that would meet the tests for conditions set out in the Framework were planning permission to be granted.
12. I therefore conclude that in this respect the proposed development would not conflict with Policy B2 of the ECSLP, which, amongst other things, protects the

living conditions of existing residents, nor with paragraph 127 f) of the Framework.

Other Matters

13. The appellant refers to a requirement for additional bedrooms to maintain a sustainable, viable business and contends that there is a strong commercial case for the proposed development. However, although the existing business contributes to the economy of the town, which accords with the Framework's policies on building a strong, competitive economy, no evidence has been provided to demonstrate that the existing level of provision is not viable or to otherwise support the commercial case.
14. Although it is contended that the development would provide 'substantial' improvements to the existing facilities, there is no evidence that the existing facilities at the appeal property are substandard. As a result, these factors do not justify allowing the appeal given the harm that I have identified to the character and appearance of the host property and area and the conflict with development plan policy.
15. I note that permission was granted in 2008 for various works including the erection of a single-storey rear extension. Although the extension was not constructed, from the evidence before me the other works were implemented and the permission therefore remains extant. This could, in principle, represent a fallback position.
16. However, I have no substantive evidence to indicate that there is a significant probability that the permitted extension would be constructed should this appeal be dismissed. Furthermore, from the limited information before me, the permitted extension is substantially smaller than that before me. For these reasons, I do not consider that the permitted extension justifies the proposal before me.
17. The appellant draws my attention to the granting of permission for a 'similar' scheme at 26 Denton Road, Eastbourne. However, I do not have the full details of this scheme. Furthermore, I have considered the proposal before me on its own merits, and the presence of another extension nearby does not justify granting planning permission for the appeal proposal before me.

Conclusion

18. The proposal would not give rise to any harmful loss of privacy. However, it would be harmful to the character and appearance of the host property and surrounding area. For this reason, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Martin Small

INSPECTOR