

Appeal Decision

Site visit made on 9 March 2020

by S M Holden BSc MSc CEng MICE CTPP FCIHT MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 March 2020

Appeal Ref: APP/T1410/W/19/3242926

4 North Street, Eastbourne BN21 3HG

- 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 Mr Nissim Torabi-Pour of SISAF against the decision of Eastbourne Borough Council.
 - The application Ref PC/190744, dated 18 September 2019, was refused by notice dated 13 November 2019.
 - The development proposed is a second floor.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effects of the proposal on (i) the character and appearance of the area and (ii) the living condition of neighbours with particular regard to light, privacy and outlook.

Reasons

Character and appearance

3. North Street is a narrow street close to the town centre of Eastbourne. It comprises a mix of commercial and residential uses within an eclectic mix of buildings. Commercial buildings, which immediately abut the footway and appear to be 3 and 4 storeys in height, almost completely enclose its western side.
4. By contrast the eastern side exhibits greater variety with the taller buildings on the corners with Seaside Road and Pevensey Road and predominantly 2 storey buildings in between. The properties appear to date from different periods. This is reflected in a variety of roof forms, including hips, pitches and flat roof elements. There no consistent building line on this side of the street. Some properties abut the footway; others are set back and enclosed by railings, while others have more open frontages. Materials include brick, render and tiles. Consequently, there is no sense of rhythm or uniformity and little sense of coherence to the street scene.
5. No 4 was originally a single storey property on the eastern side of the street. It was converted and extended with the addition of a first floor and is occupied by a company undertaking bioanalytical research. The first floor flat roof extension has increased the height of the building. It is therefore similar to the adjacent

- property, No 5, which also has a flat roof. However, as the addition has been set back from the front elevation of the building and set in from the shared boundary, it is not prominent in the street scene. On the contrary, from a short distance away from the site in either direction up or down the street the first floor element cannot be seen.
6. In this context the addition of a second storey, which would be similarly set back, would have a minimal effect on the appearance of the street. The additional height would be seen when standing immediately opposite the appeal site, but from elsewhere views of it would be largely obstructed by other buildings. Whilst it would be taller than No 5, it would be comparable in height to other 3 storey buildings at either end of the street and smaller than those immediately opposite.
 7. The only new feature that would attract any significant attention would be its large floor to ceiling windows. In my view these windows would be out of proportion with the size of the enlarged front elevation. Being immediately above the existing extension with its much smaller windows, they would give the building a top-heavy appearance. As there are no windows of this scale above ground level elsewhere in the street, they would be incongruous and alien features that would be out of keeping with their surroundings. Consequently, the extension as a whole would fail to integrate satisfactorily with the existing building, adversely affecting its appearance.
 8. I therefore conclude that the proposal would be harmful to the character and appearance of the host property contrary to Saved Policies UHT1 and UHT4 of the Eastbourne Borough Plan 2007 (EBP) and Policy D10 of the Eastbourne Core Strategy 2013. These policies seek high quality design in all new development. The proposal would also fail to accord with the objectives of the National Planning Policy Framework (2019) which promotes high quality design.

Living conditions

9. The Council has suggested that the additional floor would result in a loss of natural light to the adjoining property at 6 North Street. However, the location plan shows that the adjacent property is No 5 and there is a reasonable gap between its flank elevation and the existing flank elevation of the first floor of No 4. There are three windows in the side elevation of No 5 and when assessing the effect of the first floor addition, it was accepted that there would be some loss of light to the two windows furthest from the street. However, as the Council suggested that element of the property is in commercial rather than residential use, this was considered acceptable.
10. There is no evidence to suggest that the use of the first floor of No 5 has changed since that decision. In my view the addition of the second storey to No 4 would make only a marginal difference to the amount of light reaching the affected windows. The additional height would be likely to result in some loss of outlook from the first floor. However, as there are no permanent residents, it follows that there would be no harm to the living conditions of the occupants.
11. The properties on Susans Road which back onto the appeal site do not include areas used as outdoor amenity spaces. Nevertheless, the rear facing windows on the first floor of No 4 are fitted with obscure glazing which prevents any potential overlooking. A condition requiring obscure glazing in the rear facing

windows of the proposed extension would ensure that there would be no harmful loss of privacy for any nearby residents.

12. I therefore conclude that the proposal would not result in any harmful loss of light, outlook or privacy for adjoining occupiers. Neither of the policies cited in the Council's decision notice specifically address living conditions, so are not relevant to my assessment of the scheme in respect of this issue. However, I am satisfied that the scheme accords with the Framework's objective of ensuring a good standard of amenity for existing and future users.

Conclusion

13. The proposal would provide additional floorspace for the business thereby providing economic benefits through the ongoing commercial use of the building. I have also found that there would be no harm to the living conditions of neighbours. These factors weigh in favour of the scheme.
14. However, I have found that the design of the extension would be harmful to the appearance of the building, arising from the size of the windows proposed on the front elevation.
15. In my view the economic benefits arising from the scheme would be outweighed by the permanent harm to the appearance of the building. For this reason, I conclude that the appeal should be dismissed.

Sheila Holden

INSPECTOR