



Appeal Decision

Site visit made on 18 May 2020

by J E Jolly BA (Hons) MA MSc CIH MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 May 2020

Appeal Ref: APP/B1415/W/20/3244148

11 Linton Road, Hastings, East Sussex TN34 1TN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Mark Bartlett against the decision of Hastings Borough Council.
 - The application Ref HS/OA/18/00335, dated 11 May 2018, was refused by notice dated 15 October 2019.
 - The development proposed is the erection of a detached house on land to the rear of 11 Linton Road, Hastings, TN34 1TN with a new vehicle access proposed from Winterbourne Gardens.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The proposal is an outline proposal with all matters, but access, layout and scale of the development, reserved. The plans before me are indicative and show what may, not necessarily what will, be constructed.

Main Issues

3. The main issues are the effect of the proposal on:
 - the character and appearance of the area, and;
 - highway safety.

Reasons

Character and appearance

4. The appeal site is situated in a dense residential area of Hastings, on the rear section of the back garden of 11 Linton Road, and near to the junction with Winterbourne Close. The immediate area is typified by brick and tile dwellings facing the road. Many of the properties, including the host dwelling, have off-street parking or setbacks to the front and relatively long back gardens to the rear. The vicinity is punctuated by shared grassed areas, verges and mature trees, including the side boundary of No 11 which runs along Winterbourne Close. Some on-street parking is available along Linton Road and in Winterbourne Close, although this is restricted in part by double yellow lines and permit parking zones.

5. The proposal is for the construction of a residential dwelling in the open garden space to the rear of the host property. The development would be accessed via a pedestrian pathway across the verge that runs along Winterbourne Close. Adjacent to the pathway there would be a new parking area for two cars. Two trees (T4 and T6 as shown on drawing BA1853.02 – Existing Ordnance Data Extract with Trees Indicated) would need to be removed from the verge to facilitate the construction of the proposal.
6. The development would be located in an established residential area. As such, the general principle of a residential dwelling on the appeal site is not at odds with the surrounding area. However, whilst the drawings provided show that the proposed layout would be possible on the severed plot available, the scale and mass of the development, despite the sloping nature of the site, would appear incongruous with the surrounding built environment; which in the immediate vicinity is typified by road facing dwellings with generous gardens that are separated by planting, trees or lawns. Indeed, whether some of the development would be below ground level or not, the scale of the proposal on this severed and elevated back-garden plot would be overly prominent and appear out of place in its immediate setting. Moreover, the mass of the proposal that extends across a large part of the site would result in a visually cramped development due to its limited external space on this divided garden area.
7. In respect of the trees on the appeal site, I have little evidence before me to demonstrate that they are subject to a Tree Protection Order or are located within a Conservation Area. However, irrespective of the arboricultural value of the two trees (T4 & T6) as set out in the Arboricultural Report provided by the Mayhew Consultancy Ltd, the proposal would necessitate their permanent removal. Moreover, their status does not negate the general duty in respect of trees under Section 197 of the Town and Country Planning Act 1990, which includes appropriate provision for the preservation or/and planting of trees. Indeed, the size and location of these two relatively mature trees in combination with the other trees along this section of Winterbourne Close make an important contribution to the character and appearance of the area that could not easily or quickly be replenished elsewhere on the verge. Furthermore, the juxtaposition of their green and verdant qualities during some months of the year, in contrast to the appearance of the built environment contributes to the overall appearance of the area. As such, the trees provide a visual benefit and softening to the immediate urban location. I conclude therefore, notwithstanding the potential soft landscaping and sedum roof, the removal of the trees on site, in combination with the dominant and cramped appearance of the proposal, would erode the green and verdant nature of the appeal site and hence be incongruous with the character and appearance of the area.
8. Accordingly, the proposal would conflict with Policies EN3 and SC1 of the Hastings Local Plan - Planning Strategy 2014 (HLPPS), and Policies DM1, DM3 (in so far as it relates to the character and appearance of the area) and HN8 of the Hastings Local Plan - Development Management Plan 2015 (HLPDMP), which say, amongst other things, that development must protect and enhance the local character and improve the integrity and biodiversity of the green infrastructure network as supported by the National Design Guidance 2019.

9. For similar reasons, the proposal is contrary to Paragraphs 13, 124 and 127 of the National Planning Policy Framework (the Framework) which includes the aim that development is sympathetic to local character and history, including the surrounding built environment and landscape setting.

Highway safety

10. No objections are raised by the Local Highways Authority, East Sussex County Council, in respect of the visibility splays associated with the proposed access on Winterbourne Close, and I see no reason to disagree. However, I note the Council's concerns that parking restrictions along Winterbourne Close are limited to the hours of 8am-6pm, and that on-street parking is available throughout the day on the other side of the road. As such, at certain times of the day and night unrestricted on-street parking might impede access to the site and the proposed parking bays.
11. Nonetheless, I observed at my site visit that there appears to be on-street parking widely available to permit holders in the nearby streets and roads, as well as some time limited visitor parking, that is likely to alleviate parking stress in this very specific location. Moreover, the proposal is for one residential dwelling, as such the vehicular movements associated with the development are likely to be modest and would not harm the highway safety or the free flow of traffic along this section of Winterbourne Close.
12. I therefore conclude that, the proposal accords with Policies DM3 (in so far as it relates to highway safety) and DM4 of the HLPDMP as supported by the East Sussex County Council parking guidance, which requires that it can be adequately demonstrated that there is no safety risk to the public. It would also not conflict with Paragraph 109 of the Framework which says that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.

Other matters

13. I acknowledge that there were a number of representations from interested parties in respect of the proposal, including a signed petition, which raised concerns related to, amongst other things, overlooking, wildlife, land instability and drainage. However, given that the appeal is to be dismissed on the main issue I have identified, I have not considered these specific matters further.

Conclusions

14. Whilst I have found in favour of the Appellant on the second main issue, this does not justify the harm identified on the first main issue. The proposed development would conflict with the adopted development plan in respect of the first main issue, and there are no material considerations indicating a decision otherwise than in accordance with it.
15. For the reasons given above I conclude that the appeal should be dismissed.

J E JOLLY

INSPECTOR