
Appeal Decision

Site visit made on 2 June 2020

by Rory MacLeod BA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 June 2020

Appeal Ref: APP/T1410/W/20/3244669

Land adjacent to 45 Desmond Road, Eastbourne BN22 7LE

- 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 & Mrs Clark against the decision of Eastbourne Borough Council.
 - The application Ref PC/190603, dated 24 July 2019, was refused by notice dated 20 September 2019.
 - The development proposed is partial demolition and change of use to create 1 bedroom unit.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appellants' details are taken from the planning application form and the description of development from the appeal form.
3. The proposal follows the refusal of application PC/180765 for a development with a similar description to the current proposal but which included a basement.

Main Issues

4. The main issues are (a) the effect of the proposal on the character and appearance of the area, (b) the adequacy of the living conditions for future occupiers including in respect of cycle storage, and (c) the impact on the living conditions of occupiers of adjacent dwellings.

Reasons

Character and appearance

5. The appeal site currently comprises a detached garage with a tiled gable end roof set back from the footway to align approximately with the building line to the terrace 39-45 Desmond Road to the north of the site. There are similar terraced houses to the north of the junction with Guestling Road and on the opposite western side of Desmond Road. The garage occupies the full width and depth of the plot apart from the front forecourt. Its northern flank wall abuts a pedestrian alleyway alongside 45 Desmond Road, and its southern side wall adjoins a garage that serves 131 Royal Parade. The rear wall backs on to the rear garden to 132 Royal Parade.

6. The proposal involves bringing the front wall forward to the back edge of the footway to totally cover the curtilage. The walls would be raised to enable provision of first floor of accommodation with a new gable end pitched roof to the front. The dwelling would be single aspect to the front with first floor roof lights providing supplementary daylight to ground and first floors.
7. The ridge to the pitched roof would be only a little lower than the ridge to the gable end over the two storey square bay to 45 Desmond Road. The height, mass and forward siting of the building would result in a prominent and dominant feature in the street scene. The building would be perceived mainly in the relation to the even building line to the terrace of houses including 45 Desmond Road some 2m to the north; in this context, it would appear as an incongruous and obtrusive form of development. Its height, mass and forward siting would also appear unduly conspicuous against the adjacent garage to 131 Royal Parade which respects the building line to Desmond Road. The corner properties to the south, 130a and 131 Royal Parade, have extensions that come forward of the building lines to both sides of Desmond Road, but these additions would be set further away than the terrace to the north and are read as much in the context of the street scene to Royal Parade.
8. The appellant has drawn my attention to a one bedroom detached dwelling allowed on appeal¹ on land to the rear of 315 Seaside, about 500m to the north-west of the site. There are similarities between the schemes in respect to windows at ground and first floor level in a front wall on the back edge to the footway and siting forward of strong building lines to nearby terraced houses. However, the proposal at Seaside did not increase the footprint of the building which already had a more spacious quality with a greater separation to the nearest terrace house in Seaford Road due to its junction with Seabeach Lane. Moreover, the converted outbuilding to the rear of 315 Seaside is perceived in the context of large domestic and commercial buildings along Seabeach Lane. I do not consider that the building at Seaside provides justification for the current appeal proposal.
9. My finding on the first main issue is that the proposal would have a harmful effect on the character and appearance of the area. It would thereby fail to comply with Policy D10a of the Eastbourne Core Strategy (2013) (ECS) and with Saved Policy UHT1 of the Eastbourne Borough Plan (2007) (EBP) which require new development to be appropriate and sympathetic to its setting in terms of scale, form, height, massing and relationship to adjoining buildings.

Future occupiers

10. The proposed dwelling would provide 57m² of internal floor area and would therefore fall 1m² under the requirement of the Nationally Described Space Standards (amended May 2016) for a one-bedroom dwelling situated over two-storeys. The rectangular shape to the building would enable a satisfactory internal layout otherwise. The minor shortfall would not significantly impact on living conditions for future occupiers.
11. The site is close to the beach at Eastbourne and to other public recreational spaces such as Princes Park. As such, the absence of any external amenity space would not unduly impact on living conditions for future occupiers.

¹ Appeal Ref: APP/T1410/W/17/3179907, Application Ref: PC/170275

12. The Council's third refusal reason relates to the absence of cycle storage. As there is no external space, a cycle could only be accommodated internally, which would be an added pressure on the marginally sub-standard floor area. However, the site is sustainably located not far from shops, services and public transport and an additional kerb side parking space would be provided through removal of the present dropped kerb. Given these factors, the absence of a dedicated cycle storage facility would not be a significant disadvantage; any future occupier would have discretion to park a cycle inside.
13. The shortfall in internal floor area and the absence of external amenity space and cycle storage facilities would result in only limited harm for occupiers of the proposed dwelling. There would not be conflict with Policy HO20 of the EBP which relates primarily to the residential amenity of adjoining occupiers and no significant conflict with Policies UHT1 and TR2 of the EBP or with Policy D10a of the ECS in relation to the design of new development and managing travel demands.

Adjacent occupiers

14. The proposal would be to the south of the end of terrace house 45 Desmond Road. The building's increased mass would result in a morning shadow cast towards the return element to the ground floor front bay and an afternoon shadow towards flank windows in the rear outrigger. However, given the main orientation of these windows and separation distances, I do not consider that there would be a significant loss of natural light to or outlook from affected windows. Nonetheless, the forward siting and mass of the proposal and its proximity to the front of 45 Desmond Road would result in an overbearing presence for the occupiers of this adjacent dwelling.
15. The present separation distance of about 8m from the rear windows at 131 and 132 Royal Parade to the building would be unchanged but the proposal would result in the raising of eaves and ridge lines by some 1.8m. The flat roofed garage to the rear of no.131 largely conceals the present building on the site in these rear views. But the increased mass of the proposed building would compromise outlook from affected windows given their orientation directly towards the proposal and its proximity. The increase height of the rear wall abutting the garden to 132 Royal Parade would also result in an increased sense of enclosure. The south facing rooflights would clearly be visible from the adjacent dwellings, but their height above floor level would preclude overlooking.
16. The siting and massing of the proposal would adversely impact on the amenities of occupiers of the nearest adjacent dwellings. The proposal would thereby be contrary to Policies B2 of the ECS and HO20 of the EBP which seek to protect the residential and environmental amenity of existing and future occupiers. There would also be conflict with Paragraph 127(f) of the Framework which requires the design of new development to provide a high standard of amenity for existing and future users.
17. The appellant has referred to the finding on the appeal at the rear of 315 Seaside that the proposal would "*not have an overbearing relationship with the main property, or the properties in the immediate vicinity*". But the site circumstances differ on the current proposal in relation to the separation to and impact on adjacent occupiers. I am also mindful of the representations made by occupiers of the affected dwellings.

Other matters

18. The Council cannot demonstrate a five year supply of deliverable housing sites. It also has a poor recent track record of delivering new housing. Its Housing Delivery Test (HDT) result published in early 2020 shows just 38% of housing required by targets being delivered in the previous three years. The paucity of the Council's current housing provision is such that the presumption in favour of sustainable development applies. Footnote 7 to Paragraph 11 of the Framework makes this clear. As such, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework when taken as a whole.
19. Having regard to the Government's objective to significantly boost the supply of homes set out at Paragraph 59 of the Framework, and the persistent recent under supply of housing in Eastbourne, housing need is a matter that attracts significant weight in favour of the proposal in the overall planning balance.
20. The site is in a sustainable, urban location reasonably close to services and to public transport options. The proposal would result in the benefit of an additional dwelling in such a location. This would make a small contribution to helping the Council meet the local need for additional housing. The limited harm arising from the shortfall in floor area against national standards and the absence of external amenity space and a dedicated cycle storage space would not outweigh the benefit arising from the proposal.
21. But the development would result in just one small dwelling in relation to overall housing need. The adverse impacts arising from the proposal would be long-term. In my judgement, the harm arising in relation to its impact on the character and appearance of the area and on the living conditions of the occupiers of adjacent dwellings would significantly and demonstrably outweigh the benefit arising from this single additional dwelling.

Conclusion

22. For the reasons given and having regard to all other matters raised, the appeal is dismissed.

Rory MacLeod

INSPECTOR