

Appeal Decision

Site visit made on 30 June 2020

by S M Holden BSc MSc CEng MICE CTPP FCIHT MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 July 2020

Appeal Ref: APP/B1415/W/20/3248453

Land at Ore Place & Centurion Rise, Hastings TN34 2LR

- 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 Ball against the decision of Hastings Borough Council.
 - The application Ref HS/OA/19/00680, dated 15 August 2019, was refused by notice dated 9 December 2019.
 - The development proposed is described as: 'outline planning permission (all matters reserved) for the development of the site to accommodate a single house'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application form gave the site address as 'Ore Place'. For clarity and precision, I have used the address on the Council's decision notice in the above header.
3. The application was in outline with all matters reserved for future consideration. However, a plan showing a possible layout and elevations of a two storey dwelling was submitted with the application. I have had regard to this indicative drawing in reaching my decision.

Main Issue

4. The main issue is whether or not the proposal would preserve or enhance the character or appearance of the Ore Place Conservation Area, having particular regard to its effect on trees.

Reasons

5. The appeal site is a plot of land at the junction of Ore Place with Centurion Rise. Part of the site is open grass but much of it is occupied by scrub and dense vegetation together with a significant number of trees. This woodland forms the backdrop to the modern development in Centurion Rise which is on land that falls away to the south.
6. The site lies within the Ore Place Conservation Area (OPCA), an enclave of woodland, greenery and the ruins of Old St Helens church, a scheduled ancient monument, its graveyard and the associated manor house. I therefore have a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of that Area which derives its significance from its long history, its verdant appearance and its sense of tranquillity within this otherwise developed part of Hastings.

7. The eastern end of Ore Place is unlike the surrounding roads and has a different ambience and appearance to that of Centurion Rise. The street is narrow, there are no footways and it is characterised by an absence of frontage development. It is largely enclosed by trees and other vegetation with small areas of open grass. The trees and woodlands are covered by Tree Preservation Orders and are also protected by virtue of the conservation area designation. Both individually and collectively the trees make a significant and positive contribution to the setting and significance of the church ruins. By contrast the estate of modern dwellings at the far end of Ore Place is both physically and visually separated from this quiet and almost semi-rural part of the street.
8. The appeal site is therefore a highly sensitive location which forms the entrance to the wider setting of these heritage assets. The introduction of a dwelling with an access on the southern side of the street would result in a significant loss of vegetation, even though only 2 of the protected trees would initially be lost. Given the restricted size of the plot and the proximity of the remaining trees to the building, there would almost certainly be pressure in the future for further pruning and possible removal of the trees to provide additional natural light to the house. The loss of trees and vegetation would harm the OPCA and the entrance to the carefully planned layout of the estate which lies beyond. It would also seriously erode the verdant setting of the church ruins, to the detriment of the OPCA as a whole.
9. The development would require the construction of a new access, provision of hard surfacing for parking a vehicle, the erection of boundary treatments and the introduction of domestic paraphernalia onto the plot. All these changes would further erode the distinctive and verdant character of this part of the OPCA. The use of materials such as stone and slate in the building's construction would not diminish this harm to any meaningful extent.
10. Paragraph 194 of the National Planning Policy Framework (the Framework) states that any harm to the significance of a heritage asset requires clear and convincing justification. It goes on to state that where such harm is less than substantial it should be weighed against the public benefits of the proposal. While in terms of the Framework the level of harm would be less than substantial it is, nevertheless, a matter to which I attach considerable importance and weight. It would not be outweighed by the limited benefits associated with the provision of a single dwelling.
11. I therefore conclude that the proposal would fail to preserve or enhance the character or appearance of the Ore Place Conservation Area. It would conflict with Policies DM1, HN1 and HN8 of the Hastings Development Management Plan (2015) and Policy EN3 of the Hastings Planning Strategy. These policies require development to respect local character, sustain and enhance the significance of heritage assets, and protect biodiversity. The proposal would also be contrary to the Framework's advice that heritage assets should be conserved in a manner appropriate to their significance.
12. For these reasons, the appeal is dismissed.

Sheila Holden

INSPECTOR