



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/20/3248365

25 Queens Road, Hastings, East Sussex TN34 1QY

- 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 Miss Sarah Beckwith of David Neal Dental against the decision of Hastings Borough Council.
 - The application Ref HS/FA/19/00627, dated 18 November 2019, was refused by notice dated 17 December 2019.
 - The development proposed is to construct a first floor front elevation for the expansion of existing dental practice, adding two additional surgeries with a decontamination unit. Change of use of 2nd and 3rd floor from residential to office space for staff use.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - a) whether or not the proposal would preserve or enhance the character or appearance of the Town Centre Conservation Area;
 - b) the effect of the proposed extension on the living conditions of occupants of Nos 29 and 33 Russell Street, with regard to outlook, daylight and sunlight.

Reasons

Character and appearance

3. No 25 is part of a parade of commercial premises in the heart of Hastings, some of which have residential uses on the upper floors. The site lies within the Town Centre Conservation Area (TCCA) and I therefore have a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of that Area. As heritage assets are irreplaceable, any harm or loss requires clear and convincing justification. The National Planning Policy Framework (the Framework) also advises that any harm that is less than substantial must be weighed against the public benefits of the proposal.
4. The TCCA extends over an area of mixed character including the principle shopping streets, some of which are pedestrianised, and other roads that have a mix of commercial and residential uses. Its significance appears to derive primarily from its historic role as the focal point of routes and a centre for the town's commercial activities, rather than the quality of its architecture.

5. The buildings fronting the south-eastern side of Queens Road, of which No 25 is a part, include Victorian 2 and 3 storey properties alongside single storey shops with modern frontages. The buildings nearest the junction with Albert Road have retained their original windows in the upper floors. The 3 storey property formerly occupied by Peacocks (Nos 30-36) is constructed in light coloured stone and exhibits a pleasing symmetry and fenestration pattern. However, with these exceptions, there are few distinguishing features to the remainder of the terrace. The modern shop fronts and box-shaped first floor extensions above some of them are at odds with features of the older properties and do not contribute positively to the appearance of the TCCA.
6. At present there are sizeable gaps between these existing first floor extensions. The appeal scheme would introduce a narrow, box-shaped extension into one of these spaces, leaving a narrow gap above No 24 and another above Nos 26 and 27. The isolated nature of the proposal would give the block as a whole a disjointed appearance, even though the extension would be subordinate to the host property. The proposal would differ from the extensions above Nos 22-23 and Nos 28-29, as these connect with taller buildings on one side enabling them to be more effectively integrated with their surroundings. The lack of set back from the front elevation, combined with the gaps on both sides of the extension, would increase the prominence of the extension when seen from the street and from the rear of the Russell Street properties.
7. The rear elevations of the properties that front Russell Street can be clearly seen from Queens Road. These elevations include an eclectic mix of Victorian windows. By contrast, the size and position of the windows within the extension would fail to take the opportunity to either introduce a more contemporary approach or to integrate the extension effectively with the more traditional windows of the host property and those of its neighbours to the rear.
8. For all these reasons I conclude that the extension would fail to preserve or enhance the character or appearance of the Town Centre Conservation Area. However, as this harm would be less than substantial in terms of the Framework, this must be weighed against the public benefits of the scheme and is a matter I will return to later.
9. The proposal conflicts with Policies DM1 and HN1 of the Hasting Development Management Plan, 2015, (HDMP) and Policy SC1 of the Hastings Planning Strategy. These policies, among other things, require development to protect and enhance local character, having regard to the historic context and the details of heritage assets. It would fail to accord with the requirements of the Framework in respect of design quality and the aim of conserving heritage assets in a manner appropriate to their significance. It would also be contrary to advice set out in the National Design Guide.

Living conditions

10. There are flats in the upper floors of No 29 and No 33 Russell Street which look out on the flat roofs of Nos 24-27 Queens Road. The outlook of No 29 is already restricted by the flank wall of the existing extension above No 23. The proposal, which would be the full depth of the flat roof would introduce a blank flank wall on the other side of this flat. This would result in the outlook effectively being through a tunnel created by these two flank walls. Consequently, it would introduce a strong sense of enclosure within the flat.

11. I understand that this flat also has a small roof terrace above No 24. This would also be adversely affected by the flank wall, significantly reducing the sense of openness within this private amenity space. However, given the orientation of the flat and its roof terrace, I am not persuaded that there would be any loss of sunlight or overshadowing arising from the proposal.
12. No 33 has a bay window which looks out in both directions above the flat roofs of Nos 24-27. The proposed extension would remove the outlook towards No 24 and restrict it to the area above Nos 26 and 27. This loss of outlook would introduce a significant sense of enclosure, adversely affecting the occupants of No 33. It would also result in a loss of daylight and sunshine to the bay window in the afternoons when the sun is in the west, most particularly during the summer months. This would make the flat darker and consequently a less pleasant place to be.
13. I conclude that the proposal would harm the living conditions of the occupiers of Nos 29 and 33 Russell Street, arising from unacceptable loss of outlook, daylight and sunlight. This would be contrary to Policy DM3 of the HDMP and the advice of the Framework, both of which seek to ensure a good standard of amenity for existing users of buildings. It would also be at odds with the advice of the National Design Guide.

Planning Balance and Conclusion

14. The proposal would deliver significant improvements to the ability of the dental practice to provide quality care for its patients. This is a public benefit which carries moderate weight in the scheme's favour. There is no objection in principle to the loss of a residential unit in order to provide additional space for the surgery's staff. As a modern structure the extension would be constructed to high environmental performance standards. In these respects, the proposal would comply with the development plan. These are therefore neutral factors in the planning balance.
15. However, the public benefits of the scheme are insufficient to outweigh the harm to the TCCA, to which I am required to attach considerable importance and weight, and the adverse effects it would have on the living conditions of the occupiers of Nos 29 and 33 Russell Street. I therefore find that the proposal is unacceptable.
16. I conclude that the proposal is contrary to the development plan when read as a whole. There are no other considerations that outweigh that conflict and for this reason, the appeal fails.

Sheila Holden

INSPECTOR