
Appeal Decision

Site visit made on 7 July 2020

by S J Papworth DipArch(Glos) RIBA

an Inspector appointed by the Secretary of State

Decision date: 23 July 2020

Appeal Ref: APP/T1410/D/20/3252609

7 Annington Road, Eastbourne BN22 8NG

- 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 Mrs Johnston against the decision of Eastbourne Borough Council.
 - The application Ref PC/200030, dated 6 January 2020, was refused by the Council by notice dated 24 February.
 - The development proposed is rear conservatory.
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Decision

1. I dismiss the appeal.

Reasons

2. The main issue is whether the proposal meets the standard of design sought in local and national policies, with particular regard to the appearance of the host building and amenity space. Policy UHT1 of the Eastbourne Borough Plan sets out criteria that all development is required to meet including harmonising with the appearance and character of the local environment, respecting local distinctiveness, and being appropriate in scale, form, materials (preferably locally sourced), setting, alignment and layout. Residential amenity is the subject of Policy HO20 where an extension to existing buildings should not cause unacceptable loss of outlook; loss of privacy by overlooking from habitable rooms; overshadowing and/or loss of light; or noise, general disturbance or odour. Core Strategy Policy D10A seeks a high-quality environment through good design.
3. Paragraph 124 of the 2019 National Planning Policy Framework states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
4. The appeal property is a mid-terrace 2-storey dwelling, each in the terrace having a part-width 2-storey rear addition, in the case of number 7 this is paired with that at number 5. The result is a pleasing rhythm along the rear of the terrace. In addition, number 7 has a flat-roofed single storey extension of the same width as the original addition and already extending beyond the more general building line along the terrace, other than isolated sheds and the like.
5. The appellant accepts that the amenity space left by the previous extension is already smaller than sought but that this must have been taken into consideration when issuing the Lawful Development Certificate (Ref 190314

dated 20 May 2019). However, such Certificates are issued on the fact of the extension being Permitted Development or the balance of it being in place longer than the prescribed time period. Neither of these considerations would be subject to section 38(6) of the Planning and Compulsory Purchase Act 2004 and the primacy of the Development Plan, and hence the Certificate could not be refused due to a reduction in amenity space.

6. It is the case that the previous extension has reduced the quantity and quality of the amenity space, and the proposed conservatory would reduce the quantity further, even allowing for its more open nature. The ability to enjoy daylight and sunlight akin to an open patio is acknowledged, as is the use of clothes drying, but the loss of open space for other activities in the family house would be contrary to the aims of Policy HO20 on the quality as well as amount of amenity space. This shortcoming of space immediately available on the property is not made-up-for by the proximity of the beach or recreation ground, which in any event are the far side of busy roads.
7. There are at least 2 other similar conservatoires to the rear of the terrace seen at the site inspection, at numbers 19 and 21, the latter using white opaque panels to the public side, and other dwellings have various additions and sheds close to the rear boundary. However, the proposed development would place a high glazed roof close to the rear boundary and filling almost the full depth of the remaining rear garden. Unlike those at numbers 19 and 21 it would be poorly related to the 2-storey part of the dwelling and would appear isolated and unattractive. The proposal would not reach the standard of design sought in Policies UHT1 and D10A, or the requirements of the Framework.
8. These latter finding should however be tempered by the limited views that would be available and those being from private properties; the rear access seen at the site inspection was clearly not used as a through route. In addition, the appellant refers to a possible alternative, lower design. It is not possible to consider alternatives at appeal and if wished to be pursued, should be the subject of a new application to the Council.
9. To conclude, the proposal does not reach the standard of design sought in national and local policy and would further diminish the quality and quantity of amenity space available on the property. For the reasons given above it is concluded that the appeal should be dismissed.

S J Papworth

INSPECTOR