
Appeal Decisions

Site visit made on 7 July 2020

by S M Holden BSc MSc CEng MICE CTPP FCIHT MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 July 2020

Appeal A Ref: APP/T1410/W/20/3248607

Land at Shortdean Place, Eastbourne, BN21 1SA

- 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 K Wilson against the decision of Eastbourne Borough Council.
 - The application Ref PC/190624, dated 31 July 2019, was refused by notice dated 9 October 2019.
 - The development proposed is redevelopment of site to form 3 no. residential dwellings.
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Appeal B Ref: APP/T1410/W/20/3253438

Land at Shortdean Place, Eastbourne, BN21 1SA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed time period of a decision on an application for outline planning permission.
 - The appeal is made by Mr K Wilson of Woodhill Building against Eastbourne Borough Council.
 - The application Ref PC/200177, dated 2 March 2020.
 - The development proposed is described as: 'revised application for two in number two bed detached houses in Shortdean Place, Eastbourne.'
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Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed and planning permission for two in number two bed detached houses in Shortdean Place, Eastbourne is refused.

Procedural Matters

3. The application form in respect of Appeal B gave the address as Shortdean Place. I have included the phrase 'Land at' for the sake of consistency as both appeals relate to the same site.
4. Appeal A sought outline permission for 3 detached dwellings with access and layout to be determined at this stage and other matters reserved for future determination. Appeal B sought outline permission for 2 dwellings with all matters reserved. I have determined it accordingly, even though an indicative layout was submitted and the statement accompanying the application suggested that access and siting was to be considered at this stage. In addition, elevation drawings and floor plans were provided with both applications which showed the dwellings would be 2 storeys. Although only illustrative, I have had regard to these in reaching my decisions.

5. The Council failed to determine the second application for 2 dwellings (Appeal B) within the prescribed time period. However, its officer report has indicated that it would have refused the scheme for the same reason that it refused the earlier proposal for 3 dwellings (Appeal A).

Main Issues

6. Having reviewed the evidence, including representations from neighbours, I consider the main issues in respect of both schemes are their effects on:
 - a) the character and appearance of the area;
 - b) the living conditions of occupants of 71 and 73 Milton Road, in relation to overbearing appearance and privacy.

Reasons

Character and appearance

7. Milton Road is characterised by good sized detached and semi-detached houses set in generously proportioned plots. Shortdean Place is an L-shaped cul-de-sac off Milton Road which serves a group of modest two-storey blocks of flats surrounded by neatly maintained areas of communal open space. At one end of the cul-de-sac is a turning area and a series of garages in a poor state of repair. The appeal site is an open area of ground to the rear of Nos 71 and 73, part of which was occupied by 2 garages that have been removed.
8. The area to the south of the appeal site has a particularly open character as the rear gardens of the houses in this part of Milton Road are exceptionally long. Immediately to the east of these gardens and the flats in Shortdean Place are the extensive grounds of the Ocklynge Cemetery. The site therefore contributes to this sense of openness.
9. There have been several previous attempts to secure permission for residential development on the site, all of which have been dismissed on appeal¹. The most recent of these was in 2008 when a scheme for a terrace of 3 two-storey houses was rejected. However, the appeal site now includes 25% more land and all the earlier schemes would have been assessed under different planning policies. These previous decisions therefore have little bearing on my assessment of the current proposals.

Appeal A

10. In order to accommodate 3 dwellings, the proposed layout shows that the plot sizes would be significantly smaller than those associated with the existing houses nearby that front Milton Road. The dwellings would have only small gaps between them, with the middle of the three constructed hard up against one of its shared boundaries. In order to accommodate a parking area in front of the dwellings, they would be set back from the street restricting the depth of the rear gardens. This layout would neither reflect the more generous spacing of properties in Milton Road, nor the open plan arrangement that characterises the small blocks of flats in Shortdean Close.
11. Although only indicative, the submitted drawings and floor plans suggest that two-storeys would be needed to provide a reasonable quantum of living space

¹ Council reference nos: EB/1996/0562, EB/2001/0486 and EB/2007/0767

within the dwellings. If dwellings of this height and bulk were to be constructed so close to each other on the site, they would not sit comfortably within this sensitive open area. This would significantly disrupt the sense of openness that currently characterises the area to the rear of the Milton Road properties, resulting in a cramped form of development that would fail to respect the open and spacious arrangement of other dwellings in the vicinity.

12. Consequently, I conclude that Appeal A would significantly harm the character and appearance of the area. It would therefore conflict with Policy D10 of the Eastbourne Core Strategy Local Plan Policies 2013 (ECS) and saved Policies UHT1 and HO6 of the Eastbourne Borough Plan 2007 (EBP). All these policies seek development that is high quality and respects its setting. Policy D5 of the ECS appears to be of little relevance as it is primarily concerned with the delivery of affordable housing.

Appeal B

13. The indicative layout for the scheme with 2 dwellings suggests that the plot sizes would be significantly larger. This would give more space around the dwellings and enable the provision of modest sized, open front gardens in addition to the hard surfacing required as parking space. The shared boundary between the two properties would approximately align with that between Nos 71 and 73. In these respects the scheme would be more in tune with the established pattern of development in the vicinity, even though the plot sizes would be smaller.
14. However, the indicative drawings also show that in order to provide a suitable amount of space within a 2-bedroom dwelling it is likely that they would be two-storey. The dwellings would be of modest proportions and would not be out of scale with other surrounding development within Shortdean Place. The design could include features such as hipped roofs which would reduce their bulk which, along with appropriate landscaping, would assist in the integration of the houses with their surroundings. Nevertheless, the potential height and bulk of two dwellings would erode the sense of spaciousness to the rear of Milton Road.
15. I am aware that a previous Inspector² considered the erection of a single dwelling in this location would be a highly intrusive and incongruous feature resulting in a significant loss of openness. However, I have insufficient details to make direct comparisons between the two schemes and have assessed the scheme before me on its individual merits.
16. I conclude that the proposal would result in limited harm to the character and appearance of the area, arising from a small loss of openness. Consequently, there would be limited conflict with Policy D10a of the ECS and saved Policies UHT1 and HO6 of the EBP would also be limited, having regard to the context whilst seeking to make effective use of land.

Living conditions

The site shares a boundary with Nos 71 and 73. These properties have shorter gardens than the immediately adjacent dwellings. They are sited on slightly higher ground than the appeal site and therefore look over it.

² EB/2001/0486

Appeal A

17. It is suggested that the separation distance between the rear elevations of the proposed dwellings and the existing ones would be of the order of 18.6m. If the design included a single storey element, as indicated within the illustrative floor plans, the separation at first floor level would be about 22m. This would ensure that there would be no harmful inter-visibility between habitable rooms. However, there is potential for overlooking of the gardens from the first floor windows of 3 dwellings. Furthermore, the combined effects of their height and proximity to one another could appear overbearing and introduce a significant sense of enclosure with these neighbouring dwellings and gardens. This would adversely affect the living conditions of these neighbours.
18. I conclude that Appeal A would harm the living conditions of the occupants of Nos 71 and 73 arising from an overbearing appearance and loss of privacy. This would be contrary to HO6 of the EBP which seeks to protect residential amenity.

Appeal B

19. With 2 dwellings on the site there would be potential for direct overlooking of the gardens of Nos 71 and 73 from the first floor windows. However, with reasonable gaps between the buildings the scheme would be unlikely to give rise to a significant sense of enclosure or appear unacceptably overbearing. Nevertheless, with an outline proposal it is appropriate for me to adopt a precautionary approach. As there could be significant changes between the appeal proposal and the final design, I cannot be certain that Appeal B would not give rise to significant adverse effects on the privacy of the occupants of Nos 71 and 73, contrary to Policy HO6 of the EBC.

Planning Balance

20. The Council acknowledges that it has an acute shortfall of housing land supply which is of the order of only 1.57years. Paragraph 11(d) of the National Planning Policy Framework is engaged, and permission should be granted unless the adverse effects of doing so would significantly and demonstrably outweigh the benefits.
21. Either of the proposals would provide a small number of new homes on a vacant and unused site within an established residential area. There is therefore no objection in principle to such a development. Either scheme would bring some social benefits, even though 2 or 3 dwellings would make a minimal contribution to the Borough's supply of housing. There would also be some modest economic benefits arising from job creation during construction and the spending power of future occupants in the local community. Collectively, these factors carry modest weight in the scheme's favour.
22. On the other hand, I have found that Appeal A would result in significant harm to the character and appearance of the area, arising from its cramped layout and would also be harmful to the living conditions of occupants of nearby dwellings. These adverse impacts would significantly and demonstrably outweigh the limited benefits associated with 3 houses. The presumption in favour of sustainable development therefore does not apply to Appeal A.
23. In relation to Appeal B, with its more spacious layout, I have concluded it would cause only limited harm to the local environment, but given the lack of

detail associated with an outline application, I could not be certain that the privacy of neighbours would be not harmed. In these circumstances, although more finely balanced, I consider that the collective adverse impacts would significantly and demonstrably outweigh the social and economic benefits of two additional homes. The presumption in favour of sustainable development therefore does not apply.

Conclusion

24. I have found that both schemes would conflict with the development plan and there are no other considerations, including the advice of the Framework and the acute shortfall of housing supply in Eastbourne, that outweigh that conflict. I therefore conclude that both appeals should be dismissed.

Sheila Holden

INSPECTOR