The Planning Inspectorate

Appeal Decision

Site visit made on 9 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 Ref: APP/T1410/W/20/3248904
145a Ashford Road, Eastbourne BN21 3UA

- 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 Anastasia Heywood against the decision of Eastbourne Borough Council.
- The application Ref PC/190835, dated 23 October 2019, was refused by notice dated 22 January 2020.
- The development proposed is conversion and adaptation of the existing roof space including the lifting of the existing roofline to permit the formation of 2x 1 bed and 2x 2 bed flats upon the existing footprint.

Decision

1. The appeal is allowed and planning permission is granted for the conversion and adaptation of the existing roofspace including the lifting of the existing roofline to permit the formation of 2x 1 bed and 2x 2 bed flats upon the existing footprint at 145a Ashford road, Eastbourne BN21 3UA, in accordance with the application Ref: PC/190835, dated 23 October 2019, subject to the following conditions:

    1) The development hereby permitted shall begin no later than 3 years from the date of this decision.

    2) Other than to comply with Condition 3 of this permission, the development hereby permitted shall be carried out in accordance with the following approved plans: 1934-P-001_B, 1934-P-002_C, 1934-P-004_C, 001 Rev-A, 005 Rev-B and 145A_A_001.

    3) Prior to first occupation of the development hereby permitted facilities for the storage of refuse and recyclable materials and secure, weatherproof parking for bicycles shall be provided in accordance with details which have previously been submitted to and agreed in writing by the local planning authority. The facilities shall be retained for these approved purposes throughout the lifetime of the development.

    4) The materials to be used in the external surfaces of the development hereby permitted shall be in accordance with those set out on the application form.

Application for Costs

2. An application for a full award of costs was made by Mrs Anastasia Heywood against Eastbourne Borough Council. This application is the subject of a separate Decision.

Procedural Matters

3. In view of the Council's reasons for refusal relating to the inadequate size of the bedrooms and the lack of detail about storage facilities for refuse/recycling and bicycles, the appellant submitted revised plans with the appeal.

4. The officer's report indicated that a minor amendment to the internal layout would be likely to overcome the Council's concerns about the adequacy of the space within the proposed flats. The report also suggested that the bin and bike storage issue could be addressed by a planning condition, if the development had been acceptable in all other respects. I am therefore satisfied that no one would be prejudiced by my acceptance of the revised internal layout, 145A_A_001 and block plan, 145A_A_002 and have had regard to these amended plans in reaching my decision. The Council had an opportunity to comment on these revisions during the appeal process but did not do so.

5. The appeal building was previously in use as B8 with associated office uses. In April 2019 Prior Approval was given for a change of use to residential, Ref: 190118. Planning permission was subsequently granted on 20 May 2019 for other external alterations, including repositioning of door and window openings, Ref: 190160. At the time of my site visit work on implementing these changes has commenced.

Main Issues

6. The main issues are:

   a) the effect of the proposal on the character and appearance of the area;

   b) the effect of the proposal on the living conditions of neighbours, with regard to privacy;

   c) whether or not the proposal would provide adequate living conditions for future occupants;

   d) the need to provide facilities for storage of refuse/recycling and bicycles.

Reasons

Character and appearance

7. Ashford Road is characterised by modest two storey terraced properties on small plots. The parallel street, Longstone Road is similar. The appeal site lies between these two streets and its full width is occupied by a long, narrow two storey building that was formerly in commercial use.

8. The proposal would enlarge the bulk and depth of the roof with the introduction of a series of dormer windows facing Ashford Road. The dormers would be separated by gaps through which small portions of the original roof would be visible. At the rear of the building the roofslope would be replaced with a windowless vertical wall. The ridge line of the existing building would protrude above the extension so that its overall height would not be increased. Although the dormer windows would be seen from the rear of the Ashford Road properties, the backland location of the building means that the extension as a whole would not be prominent in the wider street scene.

9. The dormer windows would introduce a feature that is not present in the surrounding terraced houses. However, the existing building does not share the character of the existing terraces. It is a simple rectangular building with a pitched roof and windows in only one elevation. This is not directly comparable with terraced houses which have front bay windows and rear projections. Although the building is surrounded by traditional two-storey houses, there is a substantial block of flats on Bourne Street which backs onto the north-eastern side of the site. The area is therefore one of mixed character.

10. In this context, the addition of the dormers would not look out of place within the long roof of the host property. The arrangement of windows would respect the fenestration pattern being implemented as part of the conversion of the remainder of the building. The additional bulk of the proposal would not be disproportionate to the building as a whole. Neither am I persuaded that the enlargement of this previously commercial building would be unacceptably incongruous within the prevailing pattern of development in the area.

11. Taking all these factors into consideration, I conclude that the roof extension would not harm the character and appearance of the area and would comply with Policy D10a of the Eastbourne Core Strategy Local Plan, 2013, (ECS) and saved Policy UHT1 of the Eastbourne Borough Plan, 2003 (EBP) These policies require development to be high quality that respects its context and the distinctive features of the surrounding area.

Living conditions of neighbours

12. The rear elevations of the dwellings in Ashford Road are located approximately 8m from the front elevation of the existing building. The relationship between them is therefore already constricted. The conversion of the building into flats on two floors is going to result in a significant degree of overlooking of some of the windows and gardens of the terrace in Ashford Road. There will also be oblique overlooking which is not uncommon in densely developed urban areas.

13. However, the existing rear projections of the dwellings reduces the inter-visibility between the window and gardens of these properties and the appeal site. The oblique angles of view also lessen the potential for overlooking from the proposed flats. Nevertheless, the additional windows would increase the opportunities for overlooking. Although it could appear to be more intrusive due to the height of the windows, the angle of view would be more acute and the set-back from the main elevation would reduce the overlooking of the gardens. Consequently, I consider that the additional effects of the appeal proposal over and above those of the extant scheme would be limited.

14. Although the dormers would add bulk to the roof, they would be setback and the overall height of the building would not be altered. Consequently, they would not appear unduly dominant or overbearing. The daylight and sunlight report presented with the application demonstrated that there would be no significant loss of light to the neighbouring properties. The Council accepted the outcome of this report and I see no reason to come to a different conclusion.

15. I have also had regard to representations from neighbours about the effects of the scheme on their quality of life arising from additional noise and disturbance, difficulties with access, parking and security. However, there was no substantive evidence to indicate that these were determining factors in my assessment of the proposal.

16. For these reasons I conclude that the proposal would result in a small loss of privacy for the occupants of neighbouring properties, above and beyond what will occur with the approved conversion of the building. There would therefore be some limited conflict with saved Policy HO20 of the EBP, which seeks to protect residential amenity.

Living conditions of future occupants

17. The amended plan shows that Flats 2 and 3 would have 2 bedrooms, each of which would be 12.9sqm. This is above the minimum requirement for a double bedroom. The gross floor area of these flats would be 73.1sqm.

18. The proposed layout would accord with those set out in the Nationally Described Space Standards (NDSS). While the Council has not formally adopted the NDSS, I consider that these form a useful guide in relation to the amount of space required to provide a reasonable standard of accommodation for future occupants.

19. I therefore conclude that the proposal would be acceptable in relation to the internal space provided in each flat. It would comply with the objective of the National Planning Policy Framework (the Framework) to provide a high standard of amenity for future users of development. I find no conflict with saved Policy HO20 of the EBP, as this addresses the living conditions of occupants of existing development rather than new dwellings.

Storage facilities for refuse/recycling and bicycles

20. Providing adequate facilities for the storage for refuse and recyclable materials is important in a densely developed urban area to avoid clutter in the street scene and obstacles for pedestrians to negotiate. Provision of secure storage for bicycles encourages their use as a sustainable means of transport. The appellant submitted a revised plan showing that these facilities would be provided along the access driveway. There would be one container for refuse and recyclable material for each flat and a rack that could accommodate 20 bikes.

21. As there would be no parking for vehicles on the site, the entrance drive would primarily be used by pedestrians and cyclists and occasionally for deliveries. However, the facilities would occupy the full length of the driveway and two of the bins would project beyond the front elevation of the houses in Ashford Road. Those furthest from the flats could also be less convenient for future occupants to use. While the cycle rack may provide some security, there was no evidence that it would be enclosed and therefore weatherproof. I was therefore not persuaded that the facilities shown on the revised plan, 145A_A_002, would be fit for purpose.

22. However, it seems to me that there is enough space on the site to design an appropriate arrangement that could accommodate these essential facilities. In these circumstances, a condition requiring details to be submitted and agreed prior to occupation of the flats would be an adequate means of addressing the Council's concerns.

23. As such, I find no conflict with saved Policies UHT1 of the EBP, or TR2, D5 and D10a of the ECS which require such provision in order to protect the character and appearance of the town and promote the use of sustainable modes of travel.

Planning Balance

24. The Housing Delivery Test, published in February 2019, indicates that the Council could only demonstrate a 1.5 year supply of housing land. In these circumstances paragraph 11(d) of the Framework is engaged and permission should be granted unless the adverse effects of doing so would significantly and demonstrably outweigh the benefits.

25. The proposal would provide an additional 4 units of accommodation close to the town centre. It would do so by making use of a building which is already in the process of being converted from commercial to residential use. The scheme would therefore deliver modest social benefits. There would also be economic benefits arising from the creation of jobs during construction and the contribution that future occupants would make to the local economy. Given the acute shortage of housing supply in the area, these factors weigh in the scheme's favour and carry moderate weight.

26. In addition, I have found that the scheme would not harm the character and appearance of the area, would provide adequate internal living conditions for future occupants and sufficient space could be found to provide facilities for refuse/ recycling and bike storage. These matters are therefore neutral in the planning balance.

27. I have acknowledged that there would be some additional overlooking of the adjacent properties. However, as the conversion scheme, which is already being implemented, will result in overlooking I was not persuaded that the change would make things significantly worse for the neighbours. This matter therefore carries only limited weight in my assessment.

28. This leads me to conclude that the limited adverse effects of the scheme would not significantly and demonstrably outweigh the moderate benefits, when assessed against the Framework as a whole. The presumption in favour of sustainable development therefore applies in this case and leads me to the view that the appeal should succeed.

Conditions

29. The Council did not suggest any conditions in the event that the appeal was allowed. However, in addition to the standard time limit, I have imposed a plans condition to provide certainty. In doing so I have had regard to the need for details to be submitted and agreed in respect of the facilities for refuse/recycling and secure cycle storage and have imposed a separate condition to address this matter. A materials condition is justified in the interests of the appearance of the building.

Conclusion

30. I have found only limited conflict with the development plan. However, there are other considerations, arising from the advice of the Framework, that outweigh that conflict. This leads me to conclude that the proposal is acceptable, and the appeal should be allowed, subject to conditions.

Sheila Holden

INSPECTOR