
Appeal Decision

Site visit made on 1 September 2020

by S J Papworth DipArch(Glos) RIBA

an Inspector appointed by the Secretary of State

Decision date: 28 September 2020

Appeal Ref: APP/T1410/W/20/3250399

158 Bridgemere Road, Eastbourne BN22 8TY

- 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 Mr J Revell against the decision of Eastbourne Borough Council.
 - The application Ref PC/190827, dated 20 October 2019, was refused by the Council by notice dated 18 December 2019.
 - The development proposed is erection of self contained one bedroom dwelling.
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Decision

1. I dismiss the appeal.

Main Issues

2. These are;
 - The effect of the proposal on the character and appearance of the Bridgemere Road area of Eastbourne.
 - The effect of the proposal on highway and pedestrian safety.
 - The effect of the proposal on the living conditions of neighbouring residential occupiers, with particular regard to visual impact, noise and disturbance.

Reasons

Character and Appearance

3. Policy D10a of the Core Strategy Local Plan requires new development to make a positive contribution to the appearance of the townscape, with design and layout taking account of context. Saved Policy UHT1 of the Borough Plan on the design of new development sets out criteria a) to h). 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 and paragraph 127 sets out further design requirements.
4. The host building is a semi-detached pair of 2-storey houses, rather than the terrace described in the Reason for Refusal, with a full height rear elevation and a central chalet feature to the front, with a lowered eaves and a dormer window across the pair. The proposed addition to form the separate dwelling would upset the symmetry, but this is not a defining feature of the area, and

the lowered roof line would give the impression of subservience, a device often sought in extensions.

5. In fact, permission exists for an extension having the same effect on symmetry and of a similar subservient arrangement (Ref PC/190097 dated 18 April 2019) which includes a single-storey full width flat-roofed rear part. Permission was also granted in April 1999 for a 2-storey side extension, which although no longer extant and granted under a different policy background, indicates that the principle of extending the building to the side has been considered acceptable previously.
6. The appellant draws attention to the addition of new dwellings to existing buildings at 170a Bridgemere Road and 1 Willard Close, the latter occupying a corner location with Bridgemere Road. Both are successful additions due to being an almost seamless continuation of the existing roof and wall lines, a situation that is not so readily available at the appeal site due to the modulated front elevation across the pair, but this does show the acceptability of additional dwellings attached to existing ones. In any event, the principle of a physical extension at number 158 is accepted and there is no in-principle objection to there being a separate dwelling.
7. The Reason for Refusal concerns width and detailed design, but the design proposed is very similar to that permitted as an extension, albeit having a window instead of a garage door and an architecturally more varied end elevation, and is acceptable. That leaves the matter of width.
8. The Council Report refers to the permitted scheme at 3.25m and that now proposed at 3.8m, which is not a substantial difference within the open space at this road junction. Taking account of the location with long views, the result would be an acceptable width of addition to the existing pair of dwellings.
9. The officer's Report then describes the proposal as being a '*narrow dwelling at odds with the existing semi-detached properties*' with the subdivision of the plot resulting in a cramped appearance. Having mind to the acceptability of a similarly design extension and the width of such as 170a, the width of the dwelling or the subdivided plot would not cause visual or other harm through being either too wide or too narrow.
10. The last item to consider is the single-storey rear projection, but this features on the permitted extension scheme, and at a greater width right across the rear elevation of 158. The part-width now proposed would be acceptable visually. To conclude on this main issue, the width and detailed design of the development would not harm the character and appearance of the area and would accord with the aims of Policy D10a with regard to design, and would satisfy Policy UHT1 criteria a) on appearance and b) on scale and form, as well as meeting criterion c) on making effective use of the site. The design aims of the framework would be met.

Highway and Pedestrian Safety

11. Saved Borough Plan Policies HO6 and TR11 require infill housing development to provide adequate car parking and must comply with approved maximum standard reflecting public transport, cycle and pedestrian accessibility, traffic conditions and the availability of public parking. There are two elements to the objection, the nature of the parking and entry onto the road, and the quantity.

12. On the first, the parking provision is a sideways extension of the existing driveway shared with number 156 which crosses the footway at approximately 90°. At present this has reasonable inter-visibility between drivers using the access and both pedestrians and other drivers on Bridgemere Road and Churchdale Road.
13. The proposed extension of the driveway, making use of the existing crossover, results in a somewhat convoluted and awkward arrangement, running parallel to the back of the footway and requiring a tight turn to make the crossing, depending on direction taken. The inter-visibility, particularly with pedestrians, would be lacking and would be less safe than the usual 90° arrangement. However, a similar arrangement appears to have been found acceptable in the extension scheme, although the frequency of total use of the crossover would likely be less than with a separate dwelling.
14. The single parking space provided is described in the Reason for Refusal as '*highly inadequate*' while attention is drawn in the Officer's Report to the likely reduction in off-road parking space for number 158. The supporting text to Policy TR11 refers to the no-longer existing County Structure Plan and '*restraint-based parking standards*', and the policy requirement to comply with maximum standards appears to imply that they are in fact minima. Policy HO6 refers only to '*adequate*' car parking with a cross reference to Policy TR11.
15. The appellant has drawn attention to another Appeal Decision elsewhere in Eastbourne (Ref APP/T1410/W/19/3234286) which concluded that there was sufficient on-street parking to overcome objections. Those objections were not from the Council, and it is unclear what provision was proposed, if any, and objected to by third parties, or what those objections were.
16. Nevertheless, the situation at Churchdale Road and Bridgemere Road is of unrestricted kerbside parking and long stretches of the former road having no frontage development or dropped kerbs, so that the competition for spaces would appear to be low. In addition, the site is in an accessible location, with a bus service passing the door and ready access to a shared footpath and cycle path immediately to the rear.
17. It is concluded that no harm would occur if the parking proposed was not provided and that so doing would avoid a possible source of conflict between users and pedestrians at the crossover. The replacement of the proposed parking area with soft landscaping would be an improvement. The aims of Policies HO6 and TR11 would not be jeopardised by omitting the on-site parking in this case and the policy failing would be outweighed by the provision of housing in an accessible location, in an area that is unable to demonstrate a 5-year supply.

Living Conditions

18. Layout and design are covered by Core Strategy Policy D10a, while saved Borough Plan Policy HO20 on residential amenity states that proposals which cause unacceptable loss of outlook, noise and disturbance will be refused. The requirements in paragraph 127 of the Framework include a high standard of amenity for existing and future users.
19. The Council's stance is somewhat confusing, the Officer's Report concluding that the proposed development would not have a detrimental effect on the

amenity of surrounding properties, although under a separate heading of '*highway network and access*' concern is expressed over a harmful effect on the existing occupiers from headlights, noise and disturbance through the use of the driveway. That however did not feature in the Reasons for Refusal which referred only to the effect of the single-storey rear projection.

20. If there were scope for harm through the use of the driveway, that could be designed-out by omitting off-road parking as found acceptable in the previous main issue.
21. However, the proposed rear projection, while acceptable in visual terms as an element on the street scene, would result in a small partly-enclosed courtyard to the rear of number 158, between that dwelling's rear part-width projection and that now proposed. The floor plans show a double-aspect through living room for the existing dwelling, but the effect would be of an unduly constrained outlook and a risk of a reduction in sunlight at certain times of the day and year.
22. To conclude on this issue, the presence of the rear projection would cause unacceptable loss of outlook and a sense of enclosure to the occupiers of the existing dwelling contrary to Policy HO20 and as a result the proposal does not reach the standard of design sought in Policy D10a and the Framework.

Other Considerations and Planning Balance

23. The fourth Reason for Refusal alleged a likely adverse effect on a high-pressure gas main to the rear of the site and a 50m constraint zone. It is noted that this did not feature as a Reason for Refusal in a previous proposal for a new dwelling on this site (Ref PC/180929 dated 12 November 2018) and does not appear to have prevented the grant of permission for the 2019 extension which had the same rear building line, but over a greater distance.
24. The Reason for Refusal is couched in the terms '*without evidence to the contrary*', and without sight of further information from either the Council or SGN, it can only be assumed that the objection can be overcome.
25. The Council accept that they are unable to demonstrate the required 5-year supply of housing land and the tilted balance in paragraph 11 of the Framework is therefore engaged. The principle of a new dwelling in this location is not disputed, and the visual effect is acceptable, while concerns over parking and access are not a reason to dismiss the appeal on the information provided. However, the shape and size of the site appears to have determined the need for a rear projection that would cause an unacceptable loss of outlook and a sense of enclosure to the occupiers of number 158.
26. That failing in the quality of the design has an adverse impact that would significantly outweigh the benefits of the proposal when assessed against the design aims stated in the Framework, and as demonstrated in the Reasons to this Decision. It is concluded that the appeal should be dismissed.

S J Papworth

INSPECTOR