

Appeal Decision

Site visit made on 15 October 2020

by S M Holden BSc(Hons) MSc CEng MICE CTPP FCIHT MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 October 2020

Appeal Ref: APP/T1410/W/20/3247499

1 Elmwood Close, Eastbourne BN23 8HR

- 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 Dominic Ashford of Brookwell Property Developments against the decision of Eastbourne Borough Council.
 - The application Ref PC/190500, dated 21 June 2019, was refused by notice dated 22 August 2019.
 - The development proposed is demolition of existing bungalow to create 4No two and three bedroom houses.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was in outline with only access and scale to be determined at this stage. The height of the proposed dwellings was shown on an elevation drawing. Although matters relating to appearance, layout and landscaping were reserved for future consideration, the plan submitted with the application also provided some dimensions which I have taken into account in reaching my decision. The indicative plan showed how 2 pairs of semi-detached dwellings could be accommodated on the site.
3. The Council's decision notice described the proposal as 'outline application for residential development of land requesting consideration of access and scale'. However, there is no substantive evidence to suggest that this was agreed by the appellant, even though it was used on the appeal form. Furthermore, there was an inconsistency between the description of the development on the application form and the other details within it relating to the existing and proposed numbers of dwellings.
4. For the avoidance of doubt, I have determined the appeal on the basis of the description set out in the banner heading above.

Main Issues

5. The main issues are the effects of the proposal on:
 - a) the character and appearance of the area;
 - b) highway and pedestrian safety having regard to the provision of parking.

Reasons

Character and appearance

6. The appeal site is on the corner of Sorrel Drive and Elmwood Close and is currently occupied by a bungalow. A similar bungalow occupies the corner on the opposite side of Elmwood Close. These two properties are noticeably different from the surrounding area, which is a residential estate predominantly characterised by modestly-sized, 2-storey, detached dwellings. Sorrel Drive is a distributor road through the estate with few houses having direct access from it. Most of the houses are grouped around small cul-de-sacs leading from Sorrel Drive. This arrangement provides the area with a spacious and open character.
7. The elevation drawings show that the dwellings would be 2-storey. However, they would be about 0.5m taller than those on the adjoining plots, which are also 2-storey, but have shallow pitched roofs. The dwellings would therefore project above their neighbours and would be likely to have larger, steeper and bulkier roofs. The width of each pair of semis and the minimal gap between them would also add to the bulk of the development making it appear both large, dominant and out of character with its context. Consequently, the development would stand out in the street scene on this prominent corner plot. The buildings would be particularly conspicuous as few other properties have direct frontage onto Sorrel Drive.
8. The plan shows that the houses would be 8.7m deep. This would only leave enough depth for gardens of 7.3m and 8.3m on Plots 1 and 2 respectively. The garden of Plot 3 would be marginally deeper. However, the parking space serving Plot 4 would significantly encroach into the area to the rear of the house. The relationship between the dwellings, their plots and associated parking spaces would therefore fail to reflect the more spacious pattern of development that characterises the surrounding area.
9. The indicative layout shows vehicles parking between the back of the footway and the front elevation of the new dwellings. The dimensions of this area are given as 6-6.6m. Even if the parking spaces complied with the Council's requirements in respect of their size, the plan suggests that the house on Plot 1 would have no front garden or area for landscaping. There would be only a minimal area for landscaping on Plots 2 and 3. Only Plot 4 would have any meaningfully sized front garden. Whilst landscaping is reserved for future consideration, in order to provide parking for 5 vehicles accessed from Sorrel Drive, much of the existing boundary hedge would be lost and the area in front of 3 of the dwellings would be dominated by hard surfacing. This would be detrimental to the street scene where parking is more spaciouly arranged within appropriately landscaped driveways and front gardens. In this respect, siting the access to serve Plot 4 from Elmwood Close would be acceptable and more comparable with those elsewhere in the vicinity.
10. The existing bungalow has a single access from Sorrel Drive; this would be used to serve the house on Plot 3. An additional double-width access would be required to serve the houses on Plots 1 and 2. Consequently, almost the entire length of the footway between the existing access and the crossover serving the adjacent property, No 7 New College Close, would be a vehicular access. This would disrupt the continuous footway that currently runs alongside the road and be out-of-character with the remainder of the street.

11. I appreciate that details of layout and appearance are reserved for future determination and there would be scope for making adjustments through the approval of the reserved matters. Nevertheless, the proposal would be a development of significant bulk arising from the number of dwellings, their proposed height and dimensions. In addition, the site would be dominated by hard-surfacing and there would be inadequate space around the buildings. I am therefore not persuaded that 4 dwellings of the scale indicated could be satisfactorily accommodated on the site or effectively integrated into the surrounding street scene.
12. Consequently, I conclude that the proposal would be harmful to the character and appearance of the area, contrary to Policy D10a of the Eastbourne Core Strategy Local Plan Policies 2013 (Core Strategy) and saved Policy UHT1 of the Eastbourne Borough Plan 2007 (Local Plan). These policies, amongst other things, require development to respect its setting having regard to their proposed scale and form.
13. However, I find no conflict with Policy D5 of the Core Strategy as the site is within an established residential neighbourhood with good access to facilities and services. Neither would there be conflict with saved Policy HO6 of the Local Plan as there was no evidence to suggest that the scheme would prejudice development on any adjacent site.

Highway safety

14. At present there is a single access to the site via a gate onto Sorrel Drive. In addition to a garage there is also a parking and turning area in front of the bungalow. This arrangement allows vehicles to enter and leave the site in a forward gear. In future it would be necessary to reverse out onto the street from this access. The proposal also requires 2 additional crossovers. The first, for a single vehicle, would be adjacent to an existing one in Elmwood Close but some distance from the junction with Sorrel Drive. As this cul-de-sac serves a limited number of dwellings, I consider this arrangement would be acceptable.
15. The second additional crossover would be in Sorrel Drive and would provide access to 4 parking spaces in front of the houses on Plots 1 and 2. Due to the lack of space to turn a vehicle around on the site, users of this new access and the existing one would need to reverse onto Sorrel Drive. In the case of Plot 1 they would be doing so close to the cul-de-sac on the opposite side of the road. This is not ideal. However, visibility in both directions is adequate and the road does not appear to be a busy one. There was no evidence to suggest that the footpath is used by large numbers of pedestrians. Furthermore, the highway authority did not raise any objection to the proposal in respect of safety matters. I therefore am satisfied that this proposed access would not give rise to unacceptable risks for road users.
16. The Council stated that the development requires 7 parking spaces to meet with the highway authority's parking standards. Only 6 would be provided. Although not cited in the Council's reasons for refusal, saved Policy TR11 of the Local Plan states that proposals must comply with the approved maximum standards. However, saved Policy TR2 (which refers to TR11) also requires development to be provided with travel choices, so as to reduce the demand for car-based travel. Policy D8 of the Core Strategy seeks to prioritise walking, cycling and public transport in order to reduce the need to travel by car.

17. In view of the thrust of these development plan policies and given the proximity of the site to local facilities and services, the provision of 6 parking spaces would appear to be adequate to serve the proposal. Whilst I saw that there is some on-street parking on the estate, most vehicles make use of driveways and there was no substantive evidence to suggest that the area suffers with undue on-street parking stress. Therefore, any additional demand for parking should be capable of being accommodated on-street nearby without causing undue inconvenience or danger to other road users. If the development was acceptable in all other respects, spaces of an appropriate size could be secured by condition.
18. I therefore conclude that the proposal would not prejudice highway safety arising from the additional crossovers, or as a consequence of a shortfall in the number of parking spaces. In these respects, the scheme complies with Policy TR11 of the Local Plan and Policy D8 of the Core Strategy.

Other Matters

19. Neighbours raised understandable concerns about the potential for overlooking of gardens from the rear of the proposed dwellings. As this is an outline application, no details of the elevations have been provided. It may well be possible to design an internal layout which would avoid the need for windows in the rear elevations that would directly overlook the neighbouring gardens, particularly No 6 New College Close. I am therefore satisfied that this matter could be addressed through the reserved matters, if the development was otherwise acceptable.
20. The provision of suitable secure storage for bicycles is necessary to encourage the use of sustainable means of travel and ensure compliance with the development plan. However, if the development had been acceptable in all other respects, this matter could have been addressed through the imposition of an appropriately worded condition.

Planning Balance

21. The Council is only able to demonstrate a 1.57-year supply of deliverable housing sites. Consequently, policies relating to the provision of housing are considered to be out-of-date and paragraph 11(d)(ii) of the National Planning Policy Framework (the Framework) is engaged.
22. The proposal would deliver 3 additional dwellings, making a small contribution to housing supply. The site is close to facilities and services, some of which are within walking distance. The development would make efficient use of land and could be delivered quickly. There is therefore no objection in principle to a residential development on the site. The Framework (paragraph 68) is supportive of such developments, stating that great weight should be given to the benefits of using suitable sites within existing settlements. The associated social and economic benefits therefore attract moderate weight in view of the acute shortage of housing.
23. The proposal would not prejudice highway safety and would be capable of providing sufficient parking for vehicles and bikes. The scheme therefore complies with the Framework's approach of providing safe access for all users and opportunities for choice of travel mode. These matters are therefore neutral in the balance.

24. However, the Framework also seeks to achieve well-designed places where development is sympathetic to local character and adds to the overall quality of the area. I have found that the proposal would cause considerable harm to the character and appearance of the area. It would therefore fail to comply with the Framework in this respect. This is a matter to which I attach very significant weight.
25. In my view this adverse impact significantly and demonstrably outweighs the moderate benefits associated with the scheme, when assessed against the Framework as a whole. The presumption in favour of sustainable development therefore does not apply in this case.

Conclusion

26. I have found that the proposal conflicts with the development plan. There are no other considerations, including the advice of the Framework, that outweigh that conflict.
27. For this reason, the appeal is dismissed.

Sheila Holden

INSPECTOR