



Appeal Decision

Site Visit made on 6 October 2020

by M Bale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 November 2020

Appeal Ref: APP/B1415/W/20/3254793

Garages at Portstone Court, Portland Place, Hastings, TN34 1QN

- 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 Paul Newman against the decision of Hastings Borough Council.
 - The application Ref HS/FA/20/00004, dated 19 December 2019, was refused by notice dated 12 May 2020.
 - The development proposed is demolition of two garages and erection of two storey studio.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect on the living conditions of the occupiers of Portstone Court and 7a Portland Place, with particular regard to outlook.

Reasons

3. The site contains two double garages, set back from the road frontage behind a parking area. No.7a is close to the site and has windows in its side elevation facing out across the parking area. The proposed building would be further forward on the site such that the outlook from these side windows of No.7a would be towards side wall of the new building.
4. Although the overall height of the building would be lower than No.7a and Portland Place on the opposite side, it would be considerably taller than the existing garages. The gap between the building and No.7a would not be large, and so the building would have an overbearing presence on the outlook from within this neighbouring property. Windows at Portland Place face the site across a small courtyard. The increased height relative to the existing garage would also cause an overbearing effect on the outlook from the ground and first floor windows of this building.
5. In addition, in the absence of substantive evidence relating to possible shading patterns, I cannot conclude that adverse effects will not arise in respect of light falling on neighbouring properties. I note that no objections were received, but their absence is not evidence that no harm would arise. No conditions could be imposed that would adequately address the harm that I have identified, which would result from the scale and siting of the building.
6. I, therefore, find that the proposal would cause harm to the living conditions of neighbouring residents, contrary to Policy DM3 of the Hastings Local Plan: Development Management Plan 2015 which seeks to ensure a good standard of living for existing and future residents.

Other matters

7. The site is in an accessible urban location where the National Planning Policy Framework (the Framework) seeks to encourage new development. In this context, the proposal would make an efficient use of land that already contains a building. However, the Framework also requires a good standard of amenity for residents and the harm that I have identified would result in a conflict with the Framework, considered as a whole.
8. My attention has been drawn to a number of other planning permissions granted by the Council. The evidence relating to Hollington Methodist Church and 32-34 Pevensey Road does not appear to indicate an increase in built form. The proposal at 23 Martineau Lane would be sited further from other dwellings. As such, these examples are not comparable to the current proposal.
9. A proposal at 13-16 Edward Terrace is similar. However, the evidence does not demonstrate a comparable relationship to the properties either side in terms of their outlook. Therefore, the existence of this permission does not lead me away from my earlier findings.
10. The appellant has spent considerable time developing a scheme that preserves or enhances the character and appearance of the adjoining conservation area. I understand that he is frustrated that following lengthy negotiations with the Council around these matters permission was ultimately refused in connection with another issue. However, this has little to do with the planning merits of the case and does not outweigh the harm that I have identified.

Conclusion

11. With regard to the above, I conclude that the appeal should be dismissed.

M Bale

INSPECTOR