



Appeal Decision

Site visit made on 14 December 2020

by J E Jolly BA (Hons) MA MSc CIH MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd December 2020

Appeal Ref: APP/B1415/W/20/3247565

26 Rossetti Gardens, St Leonards-On-Sea TN38 9AP

- 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 Choi against the decision of Hastings Borough Council.
 - The application Ref HS/FA/19/00807, dated 17 September 2019, was refused by notice dated 9 December 2019.
 - The development proposed is new car ports with a new driveway gate and all associated works.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council has brought to my attention that the Appellant has been unable to ascertain the ownership of the appeal site. Accordingly, Certificate D has been signed and served and a relevant advertisement has been placed in the local 'Hastings Observer' newspaper. Whether the Appellant is successful in purchasing the land or not, I have proceeded to consider the appeal on the basis of the evidence before me.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

4. Rossetti Gardens is a contemporary two-storey mews development that is typified by brick and tile weather-boarded dwellings set back behind landscaped frontages, some with on-plot or allocated parking spaces to the front, including a marked space that is reserved for 26 Rossetti Gardens.
5. The appeal site is accessed from Mayfield Lane and is found beyond the fenced rear boundaries of Nos 12-20 Rossetti Gardens and the host dwelling. The site is a hedge and treelined tarmacked driveway that leads to a gated garage and an additional parking space to the rear of the host property, both which face towards the access with Mayfield Lane and the entrance to the older style detached house seen at Mayfield Farm.

6. The proposal is to construct two polycarbonate roof car ports with ground lighting, the erection of new boundary fencing to either side of the driveway, and to relocate the existing close bordered timber gate nearer to the junction with Mayfield Lane.
7. Whether there is a requirement for parking in addition to the minimum provision for a property of this size and type or not, the proposal would make some use of the existing drive and provide two additional parking spaces.
8. However, while the tarmac driveway that gives access to the garage and rear parking space of the host dwelling is already in place, the relative openness and foliage lined character of the driveway accords with the residential access on the other side of the lane that would be eroded through the construction of the dual canopy proposal.
9. Moreover, the fenced development would appear as a domestic and unruly intrusion in this location in comparison to the unfettered driveway with its bordering natural style hedging and bushes. Indeed, the verdant qualities of the hedgerows help to provide a gentle transition to the trees and other grassy spaces along this rural type lane.
10. Furthermore, whether the carports could be seen from the dwellings on Rossetti Gardens or not, the bulk, height and extent of the urban style proposal, that includes ground lighting and the relocation of a high timber gate to the other end of the driveway, would be readily seen by the neighbouring occupiers emerging from the house at Mayfield Farm, as well as walkers and cyclists using the access on to 'Queensway' at certain times of the day and throughout the course of the week. Indeed, my opinion has been reinforced by my site visit that took place on a weekday afternoon when I noted that Mayfield Lane appears to be well used in respect of walkers and cyclists, and likely to be more so during weekend and other holiday periods.
11. As such, even if well managed and maintained, the scale and mass of the proposal would be overly prominent in this specific location, and hence be incongruous with the character and appearance of the area that could not be overcome in my opinion through the imposition of specific conditions.
12. Consequently, the proposal is contrary to Policy DM1 of the Hastings Local Plan Development Management Plan 2015, which says, amongst other things, that all proposals must reach a good standard of design, which includes efficient use of resources, and takes into account protecting and enhancing local character.
13. For similar reasons, the proposal does not meet the aim of Paragraph 127 (c) of the *National Planning Policy Framework* which requires that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting.

Other Matters

14. From the evidence before me there appears to be 3 parking spaces associated with the host dwelling. As such, notwithstanding any social, economic or other benefits associated with domestic parking spaces, I give the addition of two parking spaces in this case minimal weight.

15. I acknowledge that there have been no recorded objections to the proposal by Southern Water or the local Highways Department, and the fact that the existing hedges and trees would not be removed as part of the proposal in order to protect the surrounding wildlife. However, this does not outweigh the harm to the character and appearance of the area I have found above.

Conclusion

16. For the reasons given above I conclude that the appeal should be dismissed.

J E JOLLY

INSPECTOR