



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: 31st December 2020

Appeal Ref: APP/B1415/D/20/3257662

166 Edmund Road, Hastings TN35 5LQ

- 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 Kale Hakos against the decision of Hastings Borough Council.
 - The application Ref HS/FA/20/00224, dated 10 March 2020, was refused by notice dated 12 June 2020.
 - The development proposed is for a rear single storey extension and internal alterations.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of the neighbouring occupiers at 168 Edmund Road, with particular reference to daylight and sunlight and outlook.

Reasons

3. The street scene along Edmund Road is predominantly typified by semi-detached two-storey brick and tile dwellings. 166 Edmund Road is a modest detached property with a rear single-storey kitchen extension, with a raised decked patio and a landscaped garden to the rear. The neighbouring dwellings in the surrounding area to the back of the appeal property along this section of Edmund Road are further characterised by linked, purpose built two-storey rear extensions.
4. The proposal is for a ground and first-floor rear extension to the host property with some internal alterations including a double bedroom. The development would be constructed in materials similar to the host dwelling.

a) Daylight and sunlight

5. Notwithstanding the existing approval¹ for a two-storey rear extension to the host dwelling, I noticed at my site visit that a ground-floor extension to the rear of the property has already been constructed. While the single-storey structure may or may not precisely reflect the relevant element of the extant approval, given the overall height of the extension and relative length of the garden spaces, I conclude that it would not result in loss of daylight or sunlight to the neighbouring properties at Nos 164 and 168 Edmund Road.

¹ HS/FA/19/00909

6. Moreover, the Appellant contends that the proposal before me for a two-storey extension across a similar footprint, other than the infilling of a first-floor corner set back to the right-hand side when viewed from the garden, would not be substantially different to the approved scheme.
7. To the contrary, whether a kitchen is a habitable room or not, due to the proximity and relative height and mass of the two-storey proposal, the daylight and sunlight experienced by the occupiers of No 168, given the solar path, would likely to be reduced in both the garden and the dwelling during certain times of the day and throughout some periods of the year.
8. Furthermore, my opinion is reinforced by the Council's daylight and sunlight assessment of the proposed two-storey extension, which clearly shows that as a result of the development the proposal would not meet the required BRE guidelines in respect of the daylight and sunlight levels that would be available to No 168.
9. Therefore, while there is some limited technical evidence to the contrary in the Appellants statement of case, I conclude that the daylight and sunlight experienced by the occupiers of No 168 would be diminished, and hence adversely affect the living conditions of those occupiers.
10. Accordingly, the proposal is contrary to Policy DM3 of the Hastings Development Management Plan 2015 (HLP), which says in respect of daylight and sunlight, that the scale, form, height, mass, and density of any building or buildings, should reduce or avoid any adverse impact on the amenity of neighbouring properties, and Paragraph 117 of the *National Planning Policy Framework* (the Framework), which requires that planning decisions should ensure safe and healthy living conditions.

b) Outlook

11. The proposal, notwithstanding the set back to the side elevation adjacent to No 164, is for a two-storey extension of some height and bulk behind a fenced boundary that would extend somewhat into the garden of the host dwelling.
12. Indeed, whether the appearance and layout of the proposal in comparison to the existing permission has improved or not, the proposed development would be in close proximity to the boundary with the dwelling at No 168. As such, the immediate outlook from No 168 would be onto the relatively high and blank elevation of the proposed development.
13. Consequently, the immediacy and scale of the new development would loom over the rear elevation and garden of No 168. As such, the proposal would create a sense of enclosure and would harm the relatively spacious outlook and be overbearing on the occupiers of No 168.
14. Therefore, the proposed development, in respect of outlook, would be contrary to Policy DM3 of the HLP which says, amongst other things, that it should be demonstrated that amenity has been considered and appropriate solutions have been incorporated into schemes.
15. For similar reasons, the proposal does not meet the aims of Paragraph 127 (f) of the Framework which requires that planning should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Other Matters

16. I acknowledge that there are two-storey rear extensions to other dwellings along this section of Edmund Road. However, these appear to have been constructed as part of the original fabric of the dwellings and form a different spatial relationship with the neighbouring properties in comparison to the mostly full width proposal before me. Indeed, notwithstanding the matching materials proposed, this does not outweigh the harm to the living conditions of the occupiers of No 168 as set out in my findings above.
17. It has been brought to my attention that there have been no reported neighbour objections to the scheme, including any from the occupiers of No 168. However, as the occupants of the neighbouring dwellings are likely to change over the course of time, I cannot be certain if this would be the case in perpetuity. Therefore, I afford this very little weight.

Conclusions

18. For the reasons given above I conclude that the proposal should be dismissed.

J E JOLLY

INSPECTOR