
Appeal Decision

Site visit made on 15 December 2020

by S J Papworth DipArch(Glos) RIBA

an Inspector appointed by the Secretary of State

Decision date: 6 January 2021

Appeal Ref: APP/T1410/W/20/3254323
145A Ashford Road, Eastbourne BN21 3UA

- 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 Mrs Anastasia Heywood against the decision of Eastbourne Borough Council.
 - The application Ref PC/200242, dated 17 March 2020, was refused by the Council by notice dated 8 June 2020.
 - The development proposed is conversion and adaptation of existing roof space to permit formation of 2No 1-bed and 2No 2-bed flats within existing footprint.
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Decision

1. I allow the appeal and grant planning permission for conversion and adaptation of existing roof space to permit formation of 2No 1-bed and 2No 2-bed flats within existing footprint at 145a Ashford Road, Eastbourne BN21 3UA, in accordance with the terms of the application Ref PC/200242, dated 17 March 2020 and subject to the following conditions;
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) With the exception of there being no need for obscure glazing, the development hereby permitted shall be carried out in accordance with the following approved plans: 0324-P001, P002B, P003B and P004.
 - 3) Prior to first occupation of the development hereby permitted facilities for the storage of refuse and recyclable materials and secure, weatherproof parking for bicycles shall be provided in accordance with details which have previously been submitted to and agreed in writing by the Local Planning Authority. The facilities shall be retained for these approved purposes throughout the lifetime of the development.
 - 4) The materials to be used in the external surfaces of the development hereby permitted shall be in accordance with those set out on the application form.

Application for Costs

2. An application for costs was made by Mrs Anastasia Heywood against Eastbourne Borough Council. This application is the subject of a separate Decision.

Main Issues

3. These are;

- The effect of the proposal on the character and appearance of the area including the outlook of adjoining residents.
- The effect of the proposal on the living conditions of existing neighbouring occupiers and whether the proposal would provide an acceptable level of amenity for prospective occupiers.

Reasons

Preliminary Findings

4. There had been a previous application (Ref: PC/190835) for conversion and adaptation of the roof-space, and that was refused on 22 January 2020. The Officer's Report for the present appeal scheme referred to the previous scheme as being 'similar' and concluded that although reduced in size, the dormer windows and increase in roof height would still cause visual harm. Reference was made to an appeal having been made on the original scheme, but that the Decision was awaited. In the event, and subsequent to the issue of the Refusal Notice, that previous Appeal Decision granted planning permission on 30 July 2020 subject to conditions.
5. The presence of that extant permission, the conditions attached, the nature of the proposal and the Inspector's reasoning are all material considerations of substantial weight in the consideration of this Appeal.

Character and Appearance

6. Policy D10a of the Eastbourne Core Strategy and saved Policy UHT1 of the Eastbourne Borough Plan both seek a high quality of design that responds to the surroundings and local distinctiveness and does not cause unacceptable loss of outlook. 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.
7. The proposal would be an additional floor above an existing building with permitted development for residential use. The raising of the roof height and the formation of dormer window projections was found acceptable by the previous Inspector in terms of its effect on the character and appearance of the area, being in accordance with the same Policies D10a and UHT1 as are cited in this case. In that the present appeal scheme proposes less extent of dormer and the use of more rooflights than previously, the bulk of the development at roof level would be less.
8. There is only a narrow view of part of the roof from Ashford Road due to the length of each flank wall along the entry gap, and although a greater extent of view is available from Bourne Street to the north-east, the presence of dormers would be discernible in a similar way to that found acceptable previously. From gaps in the built-up frontage of Longstone Road to the rear the effect would be the same as the previous appeal scheme.
9. Having mind to the findings of the previous Inspector, where this issue was not a matter for the planning balance but was found acceptable in its own right,

there is no reason to conclude other than that the present appeal proposal would cause no harm to the character and appearance of the area and the outlook of adjoining residents, and that the proposal meets the standards of design sought in Policies D10a and UHT1, and the Framework.

Living Conditions

10. In addition to the policies requiring good design referred to previously, Policy HO20 of the Local Plan states that extensions should respect residential amenity, and proposals will be refused unless they can demonstrate that they do not cause unacceptable loss of privacy by overlooking from habitable rooms or loss of light. Paragraph 127f) of the Framework seeks a high standard of amenity for existing and future users.
11. The previous Inspector found, on balance, that the likely effect on the privacy of adjoining residents would be limited and would not significantly and demonstrably outweigh the benefits of providing additional housing in an area where there is a low level of housing land provision, in accordance with the presumption in favour of sustainable development. That finding was based on all rooms being lit by dormer windows and vertical glazing without any condition seeking obscuration.
12. As a result, the present proposal of less dormers and a greater use of rooflights would be an improvement and would satisfy the wording of Policy HO20 of not resulting in an unacceptable loss of privacy. Since the proposal accords with a Development Plan policy that is backed by the Framework requirements over amenity, there is no need to consider the planning balance or the housing land supply.
13. The change on design did however lead the Council to cite a Reason for Refusal that did not feature in the previous scheme; that the proposal would, by reason of the inclusion of partial obscure glazing to the dormer windows, provide a poor quality of living environment for the occupiers of the proposed units in terms of limited outlook. Whilst the Officer's Report referred to the greater use of rooflights and an effect on outlook, that did not feature as a failing in the Reason for Refusal.
14. In view of the finding over privacy and compliance with Policy HO20, there is no need for the obscure glazing, and a condition seeking its use would fail the test of necessity in the Framework. However, the more downward view is not inspiring and obscure glazing would still allow light, so that even if it were in use, the effect on the living conditions of future occupiers would be acceptable.

Conditions

15. In addition to the commencement and 'plans' condition, it is reasonable and necessary to attach the same conditions as previously on materials as well as on refuse, recyclable materials and secure, weatherproof parking for bicycles, which, although shown on drawing 0324-P-002B, should be formally approved, or indeed may already have been pursuant to the previous grant of permission in July 2020.

Conclusions

16. The present proposal is an improvement over the scheme found acceptable on balance by a previous Inspector, through the reduction in the number of

dormers and therefore scope for overlooking. The effect on the character and appearance of the area would be little different, and certainly no worse. As a result, there is no need to apply the 'tilted balance' in this case since the revised scheme accords with the Development Plan policies including Policy HO20 and the requirement not to cause unacceptable loss of privacy.

17. Nevertheless, the housing land supply position adds further weight in favour of the grant of permission without delay in accordance with paragraph 11c) of the Framework, for a site within easy reach of all town centre facilities and transport. For the reasons given above it is concluded that the appeal should be allowed.

S J Papworth

INSPECTOR