



Appeal Decision

Site visit made on 23 March 2021

by David Cliff BA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 April 2021

Appeal Ref: APP/B1415/W/20/3255766

23 Shirley Drive, Hastings, St Leonards-on-Sea, TN37 7JW

- 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 Jackie Mannell against the decision of Hastings Borough Council.
 - The application Ref HS/FA/19/00735, dated 14 October 2019, was refused by notice dated 9 April 2020.
 - The development proposed is 3 bedroom semi-detached house adjoining 23 Shirley Drive.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. I have sought further comments from the main parties on any implications arising for this appeal from the 2020 Housing Delivery Test (HDT) results, published on 21 January 2021. I consider this further later in my decision, taking into account the comments received.

Main Issues

3. The main issues are:
 - i) The effect of the proposed development on the character and appearance of the area;
 - ii) The effect upon the living conditions of the occupiers of 21 Shirley Drive, with particular regard to outlook; and
 - iii) Whether the proposal would provide for appropriate parking provision and any resulting effects on highway conditions in the vicinity of the site.

Reasons

Character and appearance

4. The front corner of the proposed dwelling would sit close to the boundary with the neighbouring property at 21 Shirley Drive. Whilst there is an existing garage in a similar location, the two storey bulk and massing of the new dwelling would, when viewed from the turning head of the cul-de-sac and adjacent footpath, substantially infill the space to the side boundary.

5. The proposed new plot would narrow from back to front. At the point where its front elevation would be sited, the width of the plot would be narrower than the prevailing plot width for surrounding properties in this part of the cul-de-sac. Although some other properties are close to their boundaries at two storey level (including between Nos 25 and 27), the general positioning of properties in relationship to each other results in there being a general consistency in spacing between properties. In this case the positioning of 23 Shirley Drive, at an angle with and set back from No.21, would result in the proposed new dwelling appearing as unacceptably cramped within the streetscene.
6. The resulting cramped appearance described above, along with the creation of a wider terrace of three properties in an area of predominantly detached and semi-detached properties, would result in the development neither protecting nor enhancing local character. The existence of the terrace further along the road is an exception to the general form of development.
7. Whilst the appellant states that a similar side extension has previously been granted planning permission, no details of the design of that proposal extending the existing dwelling have been provided and the permission has now expired. The Council's comments in this regard also suggest that the design of the previously approved extension would not have the same effects as the current proposal. The previous proposal also predates current planning policies. It therefore carries only limited weight in my assessment of the current proposal which I have considered on its merits against the existing planning policies.
8. As noted by the appellant, several other properties in Shirley Drive have undergone extensions, including the two storey extensions at 25 and 27 Shirley Drive. These other developments are for extensions to existing properties and differ from the current proposal which also seeks to create a new dwelling. They do not result in the harm I have found would result from the current proposals as set out above. The extension at No.25 does not appear to be as wide as that now proposed at No.23 and its hipped roof reduces its overall bulk adjacent to the side boundary. The two storey front extension at No.27 does not appear to have increased the overall width of the property. None of these other examples of extensions provide any significant justification for the proposal before me.
9. The proposal would not amount to a good standard of design and would result in significant harm to the character and appearance of the area contrary to the design aims of Policy DM1 of the Hastings Local Plan Development Management Plan 2015 ('the DMP') and the National Planning Policy Framework ('the Framework').

Living conditions

10. The proposed dwelling would be set back behind the neighbouring property at 21 Shirley Drive. Its front corner would be close to the boundary between the appeal site and No. 21. The gable roofed design and rear dormer window would result in the side elevation being of considerable bulk and massing. Whilst the flank wall would gradually taper away from the boundary, the overall bulk and massing of the side elevation would be detrimentally overbearing in the outlook when viewed from the rear garden of No.21.

11. Whilst it is common for neighbouring dwellings to be sited close to each other within the urban area, it is the particular relationship of the proposed development with the adjacent property, along with the bulk and massing of the flank elevation, as described above, that would result in the harm in this case.
12. As set out above the weight to be attributed to the previous grant of permission for a side extension is limited due to the lack of details of such an extension and its approval under previous planning policies.
13. The proposal would therefore be detrimental to the living conditions of the occupiers of 21 Shirley Drive, contrary to the amenity aims of Policy DM3 of the DMP.

Parking

14. The proposal would share the existing vehicular crossover and space is proposed to be created in front of both the existing and proposed dwelling. Notwithstanding the details provided in the appellant's appeal statement, in view of the limited space available it appears unlikely that more than one space could be comfortably provided for each dwelling.
15. This would result in an under provision of between 1 and 2 spaces taking account of the Council's parking requirement. Occupants of the dwellings would be able to observe whether any parking is available on site as they approach the site at the end of the cul-de-sac and therefore it is unlikely that significant accessibility problems would arise in terms of the use of the shared access and driveway.
16. The general traffic flows on Shirley Drive are likely to be low and I observed at my site visit that there are some opportunities for on street parking where necessary. Whilst parking demand would be greater in the evening there is no evidence to suggest that any small increase in parking demand arising from this proposal would result in any significant adverse impacts in respect of highway safety or convenience. This mirrors the conclusions of my colleague in determining the previous appeal¹ at the site.
17. I therefore find that the proposal would generally accord with the parking and access requirements of Policy DM4 of the DMP.

Planning Balance

18. The harm I have identified upon the character and appearance of the area and residential living conditions result in the proposal being contrary to the development plan.
19. The latest HDT results confirm that the Council's housing delivery over the relevant three year period is only 55%. This consequently means that paragraph 11 (d) of the Framework should be applied (as set out in footnote 7 of the Framework). Whilst I have not been provided with the details of the Council's current five year housing land supply position, the HDT results indicate a substantial housing shortfall over the relevant three year period. The proposal for one new dwelling would provide a small contribution towards improving the housing supply position.

¹ APP/B1415/W/18/3206513

20. The Framework seeks, amongst other things, to promote an effective use of land in meeting the need for homes and other uses and to support the Government's objective of significantly boosting the supply of homes. The Framework also seeks to secure good design and the creation of high quality buildings and places. In this case, whilst the proposal seeks to make optimal use of the site, the harm arising to the character and appearance of the area and residential living conditions would result in the development not achieving the good standard of design sought by the Framework. The appellant's aspirations for a sustainable design do not change my conclusions on the overall unacceptability of the design of this proposal. Policies DM1 and DM3 of the DMP are generally consistent with the Framework in seeking a good standard of design and I have given significant weight to the conflict with these policies.
21. Although small sites can cumulatively play a role in improving the supply of housing, the provision of one new dwelling would only make a small contribution. In this case, the adverse impacts arising upon the character and appearance of the area and the living conditions of the occupiers of the neighbouring property would significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies in the Framework taken as a whole. The proposal would not amount therefore to sustainable development in the context of paragraph 11 of the Framework.
22. Whilst the current scheme seeks to resolve the objections raised to a previous scheme, the harm I have found to result still warrants the refusal of planning permission.

Conclusion

23. The proposal would be contrary to the development plan and material considerations do not indicate in this case that the proposal should be determined otherwise than in accordance with the development plan.
24. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

David Cliff

INSPECTOR