



Appeal Decision

Site visit made on 4 May 2021

by Nicola Davies BA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 June 2021

Appeal Ref: APP/B1415/W/20/3264653

1A Wykeham Road, Hastings TN34 1UA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Mr J Goldman of Ellemark Ltd against Hastings Borough Council.
 - The application Ref HS/OA/20/00129, is dated 13 February 2020.
 - The development proposed is demolition of existing dwelling along with garage and construction of four new dwellings.
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Decision

1. The appeal is dismissed and planning permission is refused.

Preliminary Matters

2. The planning application was made in outline with approval being sought for landscaping only. The planning application form indicates that matters pertaining to access, layout, appearance and scale have been reserved. The agent has advised that throughout the planning application process significant time has been spent amending and developing the submitted scheme in all aspects, including access, appearance, layout and scale. Within both the Appellant's grounds for appeal and final comments and the Council's statement of case, all aspects of the development have been represented and arguments put forward.
3. I have sought to clarify from the appellant whether it was his intention to seek approval of landscaping only. In response it has been advised that the Inspector's views on all aspects of the proposal would be welcomed. It is explained that this would assist in positively progressing a future use for this site. As the appellant has confirmed that he would have no objection to the Inspector determining a wider range of the matters, I have considered the appeal on that basis, that is that matters relating to access, appearance, layout, scale and landscaping are before me.
4. The address provided on the planning application form is given as 1 Wykeham Road, albeit it appears to me that all other documents and details refer to the site as 1A Wykeham Road. I have, therefore, taken the address from the consensus of evidence to be 1A Wykeham Road. In addition, there is a difference in spelling of Braybrook Road on the plans that support the application and the spelling of Braybrooke Road used by both the Council and

appellant within their written submissions. To be consistent with the Council and appellant I have adopted the spelling used within their written statements.

Main Issues

5. During the course of the consideration of the planning application the proposal was amended with the aim of addressing Council concerns. This appeal has subsequently been lodged following the Council's failure to determine the planning application. The Council in its appeal statement has set out those matters that are of concern to the Council.
6. Having regard to those matters of concern raised within the Council's appeal statement I consider the main issues to be: -
 - a. The effect of the proposed development on the character and appearance of the area;
 - b. Surface water drainage and land stability; and
 - c. The effect of the proposed development on the living conditions of existing neighbouring occupiers.

Reasons

Character and appearance

7. The proposal relates to a relatively square site at the end of, and adjacent to the turning head of Wykeham Road. The appeal site is situated at a much higher land level than that of Braybrooke Road where the site sits at the top of a retaining wall. There is an existing dwelling and garage at the site that would be demolished to make way for two pairs of semi-detached dwellings, running northeast to southwest across the site, and having access from Wykeham Road. The dwellings would be set back from Wykeham Road behind a parking forecourt.
8. Historic mapping shows that terraced properties on the south side of Braybrooke Road face onto the highway. Whilst the appellant advocates that the overall historic street pattern dictates the proposed dwellings should front onto Braybrooke Road, this is an elevated site that disconnects the site from the existing developments that front onto Braybrooke Road that are sited some distance below the appeal site. Whilst the dwellings may have been designed to reflect the street layout and properties opposite on Braybrooke Road, given the lower land topography level of Braybrooke Road, I do not consider there to be justification for a residential development to face onto Braybrooke Road.
9. Further to the above, the scale and overall size of the three-storey height of the proposed development would appear extremely visually dominant and conspicuous perched at the top of the retaining wall and upon this elevated site. This would diminish the character and appearance of the street scene as seen from the existing terrace opposite at Braybrooke Road. Even if the design of the dwellings would incorporate gabled walls, bay windows, amongst other features reflecting properties at Braybrooke Road, this does not overcome my concerns, even if some trees are planted close to the Braybrooke Road retaining wall.
10. The proposed development is designed with its frontage access onto Wykeham Road. Overall, the properties along Wykeham Road are characterised by large

detached and semi-detached dwellings, many benefiting from architectural detailing and period features. 1A and 2 Wykeham Road are chalet bungalows that face onto the turning head. Although Wykeham Heights is accessed from Wykeham Road, that development is situated at the lower ground level at Braybrooke Road, rather than at the higher land relating to Wykeham Road.

11. The proposed dwellings would not be orientated to front the Wykeham Road turning head, rather they would be positioned deeper into the site than that of the existing bungalow and the dwellings themselves would run northeast to southwest across the site. This would not respect the existing curve of the turning head or the existing development within Wykeham Road that fronts onto the highway. The proposal would, therefore, not reflect the street pattern of Wykeham Road and, as such, would not create an attractive streetscape at the terminus of Wykeham Road. Further to this, the proposed frontages within the development would be significantly narrower than the existing properties along Wykeham Road. As such, the frontages would appear out of context with the established appearance of properties along Wykeham Road.
12. Taking these matters in combination, the proposed development would not visually assimilate successfully with the established pattern, orientation, size and scale of the existing development in Wykeham Road. Whilst I acknowledge the existing chalet bungalows at the turning head do not reflect the size, scale or style of the larger properties along Wykeham Road, those developments are orientated toward the turning head.
13. In addition to the above, much of the site frontage would be hardsurfaced to provide access, parking and turning within the site. A refuse storage area would be located within the frontage and close to the access to the site. The plans illustrate that some soft landscaping would be provided around the forecourt area and the refuse storage facility, however the proposal seeks landscaping to be considered at the outline stage and the details provided are rather lacking as to what would make up the landscaping at the site.
14. The expansive parking and refuse storage facility are not sympathetic features of the proposed development and would be clearly visible in public views from Wykeham Road. Whilst the refuse store could be concealed within an enclosure and behind a wall running parallel to 1 Wykeham Road, being within the frontage and close to the entrance, it would be a prominent feature of the development. The visual harm of the forecourt area and the refuse storage facility would be an additional harm to the character and appearance of the street scene. Soft landscaping between pairs of parking spaces would not significantly reduce the appearance of the expansive hardsurfaced parking courtyard.
15. A significant landscape scheme would be required to soften the appearance of the dwellings, the associated hardsurfaced courtyard and refuse storage facility in public views from Wykeham Road and the steps adjacent the site that led to Braybrooke Road. The plans do not show sufficiently that the site could be appropriately landscaped. Given this, I do not consider that it would be appropriate to rely on a planning condition to deliver acceptable landscaping at the site.
16. I have been referred to a small number of recently built properties in the local area that do not reflect any street pattern or architectural style of the area. I have not been advised when those developments took place and/or whether

they pre-dated the current development plan that is in place. Nonetheless, whilst these developments have taken place, they do not justify a development that would cause harm to the character and appearance of the area.

17. For these reasons, I conclude that the proposed development would be harmful to the character and appearance of the area. The proposal would, therefore, conflict with Policy DM1 of the Hasting Borough Council, Hasting Local Plan, Development Management Plan 2015 (the Development Management Plan) that seeks, amongst other matters, development to achieve attractive streetscapes and proposals of a good standard of design that protect and enhance local character. This policy also requires development to show an appreciation for the surrounding neighbourhood's historic context, street patterns, plot layouts, block sizes and scale and respect scale, height and massing.

Drainage and land stability

18. The appellant has provided drainage information relating to the measures proposed to accommodate surface water run off at the site. The Council acknowledge that the number of deep bored soakaways has been reduced, however highlight that public combined sewers are available at both Wykeham Road and Braybrooke Road that could take run off from the site. The Council explains that deep bored soakaways are considered as a last resort given the potential impact on ground water quality and it is said that the information provided does not enable a full assessment of the suitability of the site for a deep borehole soakaway. The site is located at the top of a significant retaining wall. The site itself has a sloping topography. The Council highlights that infiltration methods to drain the site could give rise to land instability at the site.
19. The appellant has indicated that his intention for site drainage is to connect to the existing public combined sewer, noting the existing site is already connected to the existing sewer, however it is advised that suitable flow rates would need to be agreed with Southern Water. The Lead Local Flood Authority that has commented upon the proposal seeks evidence that Southern Water has sufficient capacity within their system to accommodate site drainage. In addition, Southern Water has commented that there is a need to determine the exact location of the public sewer and water main on site before the layout of the development is finalised.
20. Policy DM5 of the Development Management Plan requires convincing and supporting evidence to be supplied before planning permission is granted, on land potentially subject to instability, to demonstrate the development can be accommodated without causing harm in terms of health. In addition, Policy DM6 of the Development Management Plan requires appropriate pollution control measures to be incorporated to protect the quality of both ground and surface waters.
21. Satisfactory land stability and appropriate drainage are fundamental to the acceptability of the proposed development to prevent harm arising to the living conditions of existing neighbouring occupiers and those future occupiers of the proposed development. Therefore, these matters need to be addressed at planning application stage rather than be subject to planning condition(s) to ensure that the proposed development would be a policy compliant development.

Living conditions

22. Outlook from the front of the proposed development would be toward the large side elevation of 1 Wykeham Road. Although a different orientation of the proposed development might improve outlook for occupiers, there would be sufficient separation between respective developments to ensure a reasonable outlook for future occupiers.
23. The proposed parking courtyard would be located adjacent to 1 Wykeham Road. Whilst this would create some increased noise and disturbance to the existing occupiers of 1 Wykeham Road, the vehicle movements generated by the occupiers of four dwellings would be relatively modest and would not give rise to a significant increase in noise and disturbance that might be substantially detrimental to the living conditions of adjoining occupiers.
24. For these reasons, I conclude that the proposed development would not harm the living conditions of existing neighbouring occupiers. As such, the proposal would not materially conflict with Policy DM6 of the Development Management Plan that seeks development, amongst other matters, to prevent noise pollution.

Other matters

25. The Council cannot demonstrate a five-year supply of deliverable housing sites but does not indicate the extent of the shortfall. Nonetheless, given there is not a five-year supply of deliverable sites in place, the provisions of footnote 7, paragraph 11d)ii of the National Planning Policy Framework (the Framework) should be applied.
26. This previously developed site is located close to local facilities and public transport. The proposal would not give rise to any significant harmful impacts upon the living conditions of existing residential occupiers nearby. The proposed dwellings would provide future occupiers with a good level of internal and external living space and parking provision. The Road Safety Audit has identified no harm to the existing transport network. Although these are merits of the proposed scheme, these matters would be required to be acceptable in planning terms in their own right. Therefore, these matters offer little weight in support of the proposed development.
27. Set against the harm identified there would be limited social and economic benefits associated with the proposal. Even if the shortfall is significant, an uplift of three additional family dwellings with private gardens or alternatively the redevelopment of the site to provide four larger (3 or more bedrooms) would make little difference to the overall supply of housing. The support the extra households would provide to the local economy would also be minimal. Consequently, the adverse impacts on the character and appearance of the area and surface water drainage/land stability would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework when taken as a whole. As a result, the presumption in favour of sustainable development does not apply. On the evidence before me I do not consider a policy compliant development could be achieved via a reserved matters application or by the imposition of suitably worded planning conditions.

28. I have been directed to another development plan policy (Policy H1 of the Local Plan) which seeks to ensure that every development makes full and effective use of land, in sustainable locations or other location respectively. Less than 4 units at the site could be considered underdevelopment when applying the ratio of dwellings per hectare as set out within Policy H1. However, making effective use of the site should not be at the expense of good design that protects and enhances local character, as required by Policy DM1.
29. A number of nearby residents raise a series of other concerns about the proposal but in view of my conclusions on the first two main issues there is no need for me to address these in the current decision. It has been highlighted that there is Councillor support for the proposal. Whilst this may be so there remains the requirement to consider the proposal in terms of the wider public interest.

Conclusion

30. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which would outweigh this finding. Having regard to the above findings, the appeal should be dismissed.

Nicola Davies
INSPECTOR