
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 202

Appeal Ref: APP/E1415/W/21/3266914

**1 & 2 Wayside, 490 Sedlescombe Road North, St Leonards-on-sea
TN37 7PH**

- 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 Clark Marsters against Hastings Borough Council.
 - The application Ref HS/OA/20/00292, is dated 1 June 2020.
 - The development proposed is demolition of two existing dwellings and the construction of five new dwellings with amended access. Conversion and extension of existing garage structure to B1a (offices).
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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 access, layout, appearance and scale. Matters relating to landscaping have been reserved. I have dealt with the appeal on this basis.
3. The appeal site has been subject to a previous refused planning permission and dismissed appeal for six dwellings. This proposal differs to that of the previously proposed scheme in that it proposes five dwellings. For the purposes of clarity, I have considered the proposal, the subject of this appeal, on its own merit.

Main Issues

4. 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.
5. 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; and
 - b. Surface water drainage.

Reasons

Character and appearance

6. The proposal relates to a relatively square corner site that fronts onto both Sedlescombe Road North and Harlequin Gardens. The two existing derelict bungalows with first floors within the roof pitch would be demolished to make way for two blocks of development, running north south across the site, and having a frontage onto Sedlescombe Road North. The dwellings would be set away from Sedlescombe Road North behind a parking forecourt.
7. Both buildings would be three storey and would be of some considerable size and scale incorporating tall and expansive roofs. Their collective size and mass would not relate to any of the dwellings in the general locality, despite there being variety to the design and style of properties in the area. Overall, both the front and flank elevations would appear disproportionately large and visually conspicuous within the context of both the Sedlescombe Road North and Harlequin Gardens street scenes. Furthermore, the roofs would appear overly large when compared to the dwellings themselves. The use of blue bricks, rendered surfaces and recesses between the projecting gables and the central rendered block would not overcome this.
8. In addition, although the side elevation facing Harlequin Gardens would have some windows, in contrast to the front elevation it would be a large expansive predominantly brick elevation lacking articulation and detailing. As such, it would appear prominent within, and unsympathetic to, the Harlequin Gardens street scene.
9. Further to the above, I have been provided with photographs of examples for the window designs and detailing that would be incorporated into the scheme. The varying sizes and design of windows, with some hosting louvred screens and feature windows with metal architraves, would create a development of somewhat discordant and muddled appearance. This would result in a development of visually jarring appearance that would add to the development's visual conspicuous appearance within the Sedlescombe Road North street scene. In addition, the frontage of the terrace of three dwellings lacks distinction that would clearly articulate that block as comprising three properties.
10. Consequently, taken collectively, the proposed development would appear as an overly large, visually out of keeping development that would not add architectural value to either of the Sedlescombe Road North and Harlequin Gardens street scenes or the area overall. For these reasons, the proposed development would be visually harmful.
11. I acknowledge that a modern approach has been taken to the design of the proposed development. The residential properties within the wider area vary in their styles and design. Although I observed there to be a three-storey dwelling within the Harlequin Gardens development, in the main the residential properties in the area are two-storey, including those sited on the elevated bank diagonally opposite the site. The appellant advances that the two-storey houses sitting on a bank effectively are three storey due to their siting on the bank and this would reflect the scale of the proposal. Whilst those properties may have an elevated siting in the streetscape those properties appear as two-storey dwellings within the Sedlescombe Road North street scene.

12. To the north are commercial developments. It is suggested that the proposal would reflect the scale of the garage, Sainsbury's and Brewers Fayre buildings further along Sedlescombe Road North. Nonetheless, those are commercial buildings that are different in design and form to that of residential dwellings.
13. These matters offer little support for the proposal and correspondingly I afford them little weight in favour of the proposed development.
14. Existing mature vegetation with trees interspersed run along the Sedlescombe Road North and Harlequin Gardens street frontages. At present this screens views into the site from both Sedlescombe Road North and Harlequin Gardens. However, although the appellant indicates that the green screening along the site frontage would be retained, there is no assurance that this vegetation would be retained, particularly along the Harlequin Gardens street frontage as that vegetation is beyond the appeal site. Any reduction in the vegetation would mean that the development, and the visual harm arising from it, would be readily apparent in public views from the adjoining highways.
15. 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 that seeks, amongst other matters, development to achieve attractive streetscapes and all proposals must be of a good standard of design that protects and enhances local character.
16. 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 5 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.
17. I acknowledge that under the General Permitted Development Order an additional storey could be added to both existing properties without the requirement to apply for planning permission. This could create two two-storey dwellings at the site. Notwithstanding this, the proposal, being a larger scheme of five dwellings, is quite different in nature and, as such, can and should be considered on its own merits.

Drainage

18. The proposed development has been put forward as an outline proposal, however layout of the site is being sought at this stage. An initial drainage design has been provided which is designed to allow for a 1 in 100 year store plus 40%. However, the Council indicate that the surface water drainage system required to serve the development is dependent on various testing to determine whether infiltration is feasible at the site, and this could influence the layout of the proposal development.
19. Satisfactory site drainage is fundamental to the acceptability of the development to prevent harm arising to the living conditions of existing neighbouring occupiers and those future occupiers of the proposed development. Therefore, I agree with the Council that the management of surface water run off needs to be addressed at the planning application stage

rather than be subject to planning condition. A development that results in increased flood risk would conflict with Policy SC7 of the Hasting Borough Council, Hasting Local Plan, Hastings Planning Strategy 2014 that requires development proposals to be flood resistant or of flood resilient design.

Other matters

20. 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.
21. The existing two properties at the site represent a poor use of this large plot that is located close to local facilities. 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. Adequate refuse facilities could be provided at the site. These are merits of the proposed scheme. Nonetheless, 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.
22. 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 at the site would make little difference to the overall supply of housing and 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 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.
23. Some concern has been expressed regarding the Council's handling and progression of the planning application with a timeline of events and communications with the Council having been provided. However, this is a matter that, if necessary, should be raised with the Council away from this appeal. In any event, these concerns would not lead me to alter my findings above.

Conclusion

24. 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. Thus, having regard to the above findings, the appeal should be dismissed.

Nicola Davies

INSPECTOR