



Appeal Decision

Site visit made on 6 September 2021

by **Guy Davies BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23 September 2021

Appeal Ref: APP/B1415/W/21/3271778

54 Pevensey Road, St Leonards-on-Sea TN38 0LS

- 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 Krystyna Mazowiecka against the decision of Hastings Borough Council.
 - The application HS/FA/19/00760, dated 6 September 2019, was refused by notice dated 25 September 2020.
 - The development proposed is a new dwelling (Youldon Garden Lodge) to the rear garden of 54 Pevensey Road.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. A new access and hardstanding were granted planning permission under HS/FA/18/00191 in June 2018. That permission has now lapsed without being implemented, but it established the acceptability of a new access and hardstanding area similar to that proposed in the appeal scheme. As there has been no material change in circumstances since the grant of that permission, I have taken it into account in this appeal.
3. An alternative site plan has been submitted with the appeal¹ showing the proposed building further forward on the plot. It is important that the scheme I consider is essentially what was determined by the Council and on which interested parties' views were sought. For that reason, the alternative proposal does not form part of my consideration in this appeal.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the Markwick Terrace Conservation Area and the setting of the Burton St Leonards Conservation Area.

Reasons

5. The Markwick Terrace Conservation Area in the vicinity of the appeal site is characterised by large Victorian/Edwardian villas fronting onto wide residential roads. The villas are set relatively close to one another but have generously sized front and rear gardens which has enabled the establishment of mature trees and shrubs, providing a green backdrop to the villas. 54 Pevensey Road contributes positively towards this character. To the rear of the site are more

¹ 749-SK48

- modern detached houses and bungalows, which lie outside the Conservation Area.
6. Although some infill and replacement development has taken place, including that at 89 Pevensey Road, these are only occasional examples such that the overall character of the Conservation Area remains one of imposing, large villas set within mature gardens and fronting wide residential roads. The significance of the Conservation Area lies in its spacious layout and the distinctive and largely intact villas that characterise the expansion of St Leonards-on-Sea during the 19th and early 20th Centuries.
 7. The proposed development would run counter to the predominant character and appearance of the Conservation Area. It would create a small building on a small plot hard up against two of its boundaries in contrast to the much larger buildings which front the surrounding residential roads, and which are set in sizeable gardens. This contrast in plot size, building size and position would, in my view, adversely affect the character and appearance of the Conservation Area.
 8. The proposed development would require the removal of some existing trees. While these trees are not of individual merit, they provide a green backdrop in the Conservation Area which would be lost. The proposal would also leave the host dwelling with a much reduced garden area. The resultant gardens to both the proposed and existing properties would be of insufficient size to accommodate mature trees or shrubbery to the same extent as that existing. I consider these changes would erode the contribution the current mature garden makes to the Conservation Area.
 9. The building itself has been designed to minimise its impact on neighbouring occupants and the appearance of the wider area, being set at the back of the plot, flat roofed and with a large part of it sunk below ground. Considerable thought and ingenuity have gone into its plan form and layout to avoid it causing overlooking or appearing overbearing to neighbouring residents. I note that screen planting is also proposed, including a hedge behind the fence along the side boundary. Nevertheless, the upper (ground) floor of the dwelling would be seen in views through the proposed new access, in glimpsed views across the top of the fence and hedge, and from surrounding buildings. I consider its built form would appear incongruous and its position cramped in comparison to the adjacent villas and their spacious garden settings.
 10. The appellant draws attention to a development permitted at the rear of 34 Pevensey Road². This site lies outside the Markwick Terrace Conservation Area (although it falls within another conservation area) and is considerably larger than the appeal site. It also appears that the site contained an existing building. I have not been given any details of the approved scheme, but these differences distinguish it from the appeal site. I therefore do not attach any significant weight to it in relation to the appeal scheme.
 11. I conclude that the proposed development would harm the character and appearance of the Markwick Terrace Conservation Area and the setting of the adjacent Burton St Leonards Conservation Area and would therefore conflict with Policy EN1 of the Hastings Local Plan Planning Strategy 2014 and Policies DM1 and HN1 of the Hastings Local Plan Development Management Plan 2015,

² HS/FA/19/00054

which require development to make a positive contribution to the quality, character, local distinctiveness and sense of place of a conservation area, be of good design and sustain and enhance the significance of the heritage asset.

12. The Council's reasons for refusal also refer to Policy HN4 of the Development Management Plan. As this relates primarily to archaeological heritage assets, and there is no evidence to suggest any harm to archaeological remains would be caused, it is not relevant to this case.

Other Matters

13. The Council acknowledges that it cannot demonstrate a 5 year housing land supply. In such circumstances, paragraph 11 of the National Planning Policy Framework states that planning permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusal. Conserving and enhancing the historic environment is one such policy in the Framework, and the harm identified in the reasoning above to the Markwick Terrace Conservation Area and the setting of the Burton St Leonards Conservation Area provides a clear reason for refusal. The 'tilted' balance contained in paragraph 11 of the Framework does not therefore apply in this case.

Conclusion

14. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. I consider that the development would fail to preserve or enhance the character and appearance of the Markwick Terrace Conservation Area or the setting of the Burton St Leonards Conservation Area. I consider that harm would be less than substantial and therefore in accordance with paragraph 202 of the Framework, should be weighed against any public benefits of the scheme.
15. I acknowledge that the provision of an additional unit of accommodation is of modest benefit in increasing the housing stock in St Leonards-on-Sea, particularly given the lack of housing land supply, and that the site is located in a sustainable location. However, I do not consider that these modest benefits outweigh the harm that would be caused to the character and appearance of the Conservation Area, to which I attach great weight.
16. Consequently, I consider that the appeal proposal would conflict with the development plan when taken as a whole, and there are no material considerations that indicate my decision should be otherwise than in accordance with the development plan.
17. I conclude that the appeal should be dismissed.

Guy Davies

INSPECTOR