
Appeal Decision

Site visit made on 27 September 2021

by Robert Parker BSc (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 October 2021

Appeal Ref: APP/T1410/W/21/3267691

13 Edensor Road, Eastbourne BN20 7XR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Roy Morris against the decision of Eastbourne Borough Council.
 - The application Ref PC/200339, dated 22 May 2020, was refused by notice dated 28 July 2020.
 - The development proposed is three residential dwellings, on land to the rear of 13 Edensor Road.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The application is submitted in outline with details of access, layout and scale provided for consideration. Appearance and landscaping are reserved for future approval and therefore I have treated the submitted elevations as indicative.
3. Due to an administrative error, the agent has been incorrectly identified as the appellant on the appeal form. I am content that the appeal can proceed in the name of the original applicant.
4. Following the Council's decision, a revised National Planning Policy Framework ('the Framework') was published. The parties have had an opportunity to comment on the implications for the appeal.

Main Issues

5. The main issues are:
 - a) the effect of the proposal on the character and appearance of the area; and
 - b) whether the scheme would provide acceptable living conditions for its occupants, with particular reference to outlook and natural light.

Reasons

Character and appearance

6. Edensor Road contains a mix of fairly substantial detached and semi-detached dwellings, some of them divided into flats, dating mainly from the Edwardian period. The dwellings on the south side are elevated above the road due to

rising ground, and towards the western end there is a separate row of semi-detached houses at a higher level behind. These take pedestrian access off Upper Dukes Drive. Together, the properties form an attractive group on the hillside, particularly in views from Wellcombe Crescent, set against a backdrop of trees on the edge of the South Downs National Park.

7. The proposed development would take place on garden land to the rear of 13 Edensor Road and would be accessed from Upper Dukes Drive. This route out of Eastbourne has a verdant character and is distinctive for the lack of dwellings fronting the street. The roofs and chimneys of Nos 1-12 Upper Dukes Drive are glimpsed through trees, but these properties are at a lower level and do not have vehicular access to the road. The proposal would involve the removal of greenery and a section of low brick wall and grass verge to create a new access. This would be the only vehicle crossover on this stretch of road and it would open up views of hardstanding with buildings immediately behind. This would be at odds with the established character of Upper Dukes Drive.
8. The siting of the proposed dwellings would broadly align with Nos 1-12 Upper Dukes Drive and it is contended that this would reflect the existing pattern of development. However, the terraced plots would be significantly smaller than those surrounding. Consequently, the layout and density of development would fail to respond to the prevailing pattern of large houses on generous plots. Although appearance is a reserved matter, there is sufficient information to give me concerns over the likely visual impact of the development, both in views from Upper Dukes Drive and from vantage points to the north where the scheme would be prominent on the hillside.
9. Accordingly, I conclude that the proposal would fail to harmonise with the character and appearance of the area. There would be conflict with Policy D10A of the Eastbourne Core Strategy Local Plan (2013) (ECS) and Saved Policies UHT1 and HO6 of the Eastbourne Borough Plan 2001-2011 (EBP). These policies are consistent with the Framework in seeking to ensure that development is visually attractive and sympathetic to local character, including the surrounding built environment.

Quality of future living environment

10. The Council has raised concerns over the quality of the living environment within the proposed dwellings. It is impossible to make a full assessment without knowing the internal layouts; such information would be provided at the reserved matters stage. Nevertheless, it is clear that the lower ground floor of each property would be reliant upon north facing windows for natural light, with rooms in the first storey facing into a retaining structure for the raised parking area. This would result in poor outlook and restricted levels of daylight and sunlight, neither of which is conducive to providing the high standard of amenity for future users sought by Paragraph 130 of the Framework.

Planning Balance and Conclusion

11. The appeal site is sustainably located within the built-up area and within a predominantly residential area where Policy HO2 of the EBP would permit housing schemes in principle. However, in order to be acceptable there is an expectation that schemes will comply with other policies of the development plan in relation to matters such as design and layout. The proposal would conflict with those policies inasmuch that it would fail to respect the character

and appearance of the area. My concerns over the quality of the future living environment further weigh against the scheme.

12. The Council is unable to demonstrate a 5 year supply of deliverable housing sites, with the officer report citing a figure of 1.57 years¹. Paragraph 11 d) of the Framework explains that where the requisite land supply does not exist, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
13. The housing shortfall is acute and therefore I have attached great weight to the benefits of delivering 3 new homes. The proposal would make effective use of land and would contribute to the mix of dwellings in Meads neighbourhood. This is in line with the vision set out in Policy C11 of the ECS. However, the harm in this particular case would be sufficient to significantly and demonstrably outweigh the benefits. Therefore, there are no material considerations to justify a decision otherwise than in accordance with the development plan.
14. For the reasons given above and having regard to all other matters raised, including the wide ranging concerns raised by local residents, I conclude that the appeal should be dismissed.

Robert Parker

INSPECTOR

¹ This figure dates from 1st October 2018 but I have seen no evidence to indicate that the position has improved.