
Appeal Decision

Site visit made on 2 December 2021

by John D Allan BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th December 2021

Appeal Ref: APP/B1415/D/21/3276887

32 Sedlescombe Road North, St Leonards-On-Sea, Sussex TN37 7DG

- 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 Miss Jennifer Quashie against the decision of Hastings Borough Council.
 - The application Ref HS/FA/21/00133, dated 7 February 2021, was refused by notice dated 12 May 2021.
 - The development proposed is described as '*Rear first storey extension over existing kitchen. Front bay window on ground floor. Off street parking in front garden including drop kerb.*'
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Decision

1. The appeal is dismissed.

Background and Main Issue

2. The appeal proposal comprises three separate elements. The Council's decision notice and officer's report make it clear that they have no objection to the proposed front bay window in terms of the impact upon the character or appearance of the area, or to the proposed frontage parking in terms of visual amenity or highway safety subject to conditions that would have been imposed had planning permission been granted. I have no reasons to disagree. The main issue therefore is the effect of the proposed extension to the rear upon the living conditions at 34 Sedlescombe Road North, with particular regard to daylight, sunlight, and visual impact.

Reasons

3. The appeal property is a two-storey, mid-terraced house with a single-storey, flat roofed extension across part of the rear elevation adjacent to No 34. The original void to the side of this extension is filled with a shallower, conservatory-type addition that extends to a depth equivalent to a two-storey projection to the rear of the attached neighbour at No 30, which spans roughly half the width of that property. The properties along this part of Sedlescombe Road North have fairly short, walled gardens, with an outlook towards the rear elevations of properties along Silverlands Road, which sit fairly close by. The proposal would include demolishing the existing conservatory and building a part two-storey,

part first floor extension to the rear, across the full width of the house and to a depth that would align with the two-storey addition to No 30.

4. The appellant has demonstrated using shadow tracking that, due to the existing position and orientation of the dwellings, the proposed first floor addition would have little impact upon existing sunlight to the rear of No 34. I have no reason to doubt these findings. The nearest ground floor glazed door openings to No 34 serve a rear utility area within an extension. I am not persuaded by any substantive evidence that any possible impact upon levels of natural daylight penetrating the windows and openings to the rear of No 34 would significantly affect any habitable living areas to a degree that would be harmful to the neighbour's living conditions.
5. Notwithstanding my findings with regard to daylight and sunlight, at a depth of 4.65m according to an undisputed figure given by the Council, the two-storey side elevation of the rear extension would be clearly seen in the outlook from No 34 at ground and first floor levels as a dominant and visually imposing intrusion immediately adjacent. During my visit I saw a variety of rear additions to the properties along this part of the terrace, including some at two-storey. However, these were by far the exception rather than the norm, with most properties unaltered from their original form at first floor level to the rear, as is the case for No 34. This gives at least some respite to the otherwise fairly tightly enclosed and compact arrangement that exists to the rear of these properties. At a width that would span the whole of the appeal site, the proposal would be an uncharacteristic addition at first floor level to the original form of the dwelling, and one that that would seriously erode the already limited sense of space that exists to the rear of No 34 to a degree that would unacceptably impact upon the neighbour's living conditions.
6. I recognise that there was no objection from any neighbours to the planning application but that does not signify that the proposal would not cause any harm. I appreciate the appellant's need to make provision for improved living space and I accept that this would be achieved by the proposed works. However, securing this aim does not outweigh the harm that I have identified.
7. For the reasons given, I conclude that the proposed rear extension would harm the living conditions at 34 Sedlescome Road North. As such, there would be clear conflict with part (a) of Policy DM3 of the Hastings Local Plan - Development Management Plan 2015 (DMP) which, amongst other things, requires new development to achieve a good living standard for neighbours by avoiding an adverse impact on amenity. For these same reasons there would be conflict with the National Planning Policy Framework's policy for achieving well-designed places where it seeks to ensure development achieves a high standard of amenity for existing users of any particular place. In this context the proposal would not satisfy the Framework's environmental objective for achieving a sustainable form of development. Accordingly, and having regard to all other matters raised, the appeal is dismissed.

John D Allan

INSPECTOR