



Appeal Decision

Site visit made on 22 February 2022

by C Shearing BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 March 2022

Appeal Ref: APP/T1410/W/21/3267562

Flat 2, 37 Arlington Road, Eastbourne BN21 1DL

- 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 Mr Matt Jones against the decision of Eastbourne Borough Council.
 - The application Ref PC/200413, dated 20 June 2020, was refused by notice dated 13 August 2020.
 - The development proposed is to create a new driveway with communal pathway in the front garden of the property.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During the course of the appeal the revised National Planning Policy Framework (the Framework) was published. There are no substantive changes relevant to the appeal before me and therefore no interested parties would be prejudiced by my consideration of the 2021 version of the Framework.
3. I note that the appellant considers that some elements of the works may not require planning permission. Within the context of an appeal under section 78 of the Act it is not within my remit to formally determine whether the proposed development requires planning permission as questioned by the appellant. If the appellant wishes to ascertain whether the development would be lawful, they may make an application under section 192 of the Act.

Main Issues

4. The main issues are:
 - i) The effect of the development proposed on the character and appearance of the area, and;
 - ii) The effect of the development on highway and pedestrian safety.

Reasons

Character and Appearance of the Area

5. The area is characterised predominantly by detached historic properties with a consistent building line. The front boundary walls along Arlington Road contribute strongly to the character, appearance and identity of the area, and

these are punctuated by openings that provide access to the properties and, in many cases, to off street parking.

6. The proposals would entail the removal of a section of the historic front boundary wall, metal gate and a distinctive brick pier to open up the northern part of the frontage. In combination with the existing openings, this would result in little of the boundary wall being retained in front of this building and I find that this loss would result in unacceptable harm to the character and appearance of the area.
7. I have noted the presence of off street parking to other properties in the street and the varying widths of openings within the boundaries. I have also noted the associated statistics provided by the appellant on these matters. I have not been provided with the circumstances of those other off-street parking areas and whether they have received planning permission. However, it remains the case that despite the other examples within the street, the front boundary walls continue to provide an important townscape feature, which would be diminished by the proposals through the loss of a further length of the wall in front of the building.
8. The existing trees and soft landscaping at the appeal site also contribute positively to the character of the area. However, given the areas of soft landscaping behind and to the southern side of the proposed parking space that would be retained, I do not consider that the removal of this landscaping including the unprotected small tree would be harmful to the character of the area.
9. Despite this, the removal of the area of the front boundary wall and further opening up of the front boundary, would cause harm to the character and appearance of the area. This conflicts with saved Policies UHT1, UHT4 and UHT5 of the Eastbourne Borough Plan 2003 which require among other things, that new development harmonises with the character and appearance of the area and respects local distinctiveness. There is also conflict with Core Strategy Policy D10A which requires new development to make a positive contribution to the townscape.

Highway and Pedestrian Safety

10. The proposals would provide a hard surfaced area measuring approximately 5 metres by 3.78 metres. The size of the parking space would meet the requirements set out by the Highways Authority and include adequate additional space to account for the proximity to the boundary wall. This width would include adequate space for a path to be retained to the front of the house. While there is some potential for conflict between parked vehicles and pedestrians, given the width of the proposed hard surfaced area and the likely frequency of its use, there would not be unacceptable harm to pedestrian or highway safety. The proposals would comply with policy UHT1 of the Plan insofar as it relates to the needs of pedestrians when considering the design of parking arrangements.

Planning Balance and Conclusion

11. The proposed development would cause harm to the character and appearance of the area through the removal of parts of the front boundary, and to this

harm I attach substantial weight. I have not found harm to highway or pedestrian safety. However, this is a neutral matter and is afforded no weight.

12. I have had regard to the benefits of the proposals put forward by the appellant, in particular that the development would help to relieve pressure for on street parking and would provide a private parking space to Flat 2. However, as the proposals would entail the loss of a public space of on-street parking immediately outside the area of the proposed works, I afford this benefit limited weight. The proposals would also provide the opportunity to improve the existing hazardous pathway. However I do not consider the proposed works to be necessary to secure this benefit and I therefore afford this limited weight. These benefits do not therefore outweigh the harm identified.
13. Overall the development would be contrary to the development plan as a whole and this conflict is not outweighed by other material considerations in this instance. The appeal should therefore be dismissed.

C Shearing

INSPECTOR