



Appeal Decision

Site visit made on 30 March 2022

by David Smith BA(Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 April 2022

Appeal Ref: APP/B1415/W/21/3285052

16 Harold Road, Hastings, TN35 5NL

- 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 Davison Oxley Homes Ltd against the decision of Hastings Borough Council.
 - The application Ref HS/FA/21/00512, dated 17 May 2021, was refused by notice dated 9 August 2021.
 - The development proposed is demolition of existing detached garage and erection of a new 3 bed end of terrace dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing detached garage and erection of a new 3 bed end of terrace dwelling at 16 Harold Road, Hastings, TN35 5NL in accordance with the terms of the application, Ref HS/FA/21/00512, dated 17 May 2021, subject to the conditions in the attached schedule.

Main Issues

2. The main issues are:-

- Whether the proposed development would preserve or enhance the character or appearance of the Tillington Terrace Conservation Area, the effect on the setting of the Old Town Conservation Area and the effect on the setting on nearby listed buildings; and
- The effect of the proposal on the living conditions of the occupiers of 14 Harold Road with particular reference to visual impact and privacy.

Reasons

3. Policy EN1 of the Hastings Planning Strategy contains a presumption in favour of the conservation of heritage assets and their settings. Policy HN1 of the Hastings Development Management Plan indicates that permission will be given for schemes that show a full understanding of the significance of the heritage asset and demonstrate how this would be sustained and enhanced. However, the relevant statutory tests affecting development in conservation areas and the setting of listed buildings take precedence. In particular, these contain no requirement for enhancement.
4. The appeal site includes one half of a pair of three-storey townhouses dating from the 1960s. It is proposed to add a further dwelling onto the side of No 16 and to replace an existing flat roofed garage.

Tillington Terrace Conservation Area

5. The conservation area covers a residential suburb with a traditional core of Victorian and Edwardian terraces and villas. Within this group there is considerable diversity in styles and materials so that one building type does not predominate. Nevertheless, the many fine and varied examples of the architecture of this period comprise the main historic interest of the conservation area. There is also later infill and two modern buildings which are representative of its evolution. Significance is also derived from the hilly terrain, boundary treatments and vegetation.
6. The immediate setting to the appeal site is provided by the school opposite and by a long terrace of modest, two-storey Victorian houses with bays and a rendered finish. The appeal property is in the extreme southern corner of the conservation area. Together with No 18 it is not typical of the prevailing character of the conservation area and therefore does not contribute positively.
7. The aspiration of Policy SC1(i) of the Hastings Planning Strategy is for high quality distinctive architecture and urban design which adds to local character and sense of place. Policy DM1 of the Development Management Plan seeks a good standard of design. In this regard, the proposed dwelling would create a terrace of three and the design would be faithful to that of the existing semis. Reflecting the existing style of the houses is the most appropriate approach in this setting in order to provide a restrained domestic appearance.
8. The proposed hip end would not reflect the existing gable at No 18 but maintaining symmetry is not critical as the two ends would not be readily appreciated together. The proposal would be along the boundary with No 14 and would reduce the gap with that property. However, closely-spaced development, including many terraces, is found throughout the area and so the proposal would be compatible in this regard. Active frontages are important to create lively streets but there are already garages at the site and extensive fenestration at first and second floor level would overlook Harold Road. The front doors also ensure that the street level facade would not be 'blank'.
9. As such there are no objections to the proposal in these respects. Indeed, whilst different from much of the other development within the conservation area in terms of plot layout, height, design form and boundary treatments, it would fully reflect the existing buildings. Furthermore, because the appeal site is on the periphery of the conservation area, any impact on its overall qualities would be marginal. The locally distinctive, largely nineteenth century, character would remain intact. The significance of the area would not be prejudiced by allowing these atypical buildings to be extended in similar fashion and a new dwelling created.
10. As such, the character and appearance of the Tillington Terrace Conservation Area would be preserved.

Setting of Old Town Conservation Area

11. Old Town Conservation Area is extensive and includes the Old Town itself together with the seafront and surrounding land. Its boundary runs between the appeal site and 14 Harold Road so that the adjoining conservation areas are contiguous. Within this portion of it, the large buildings closest to the appeal site are positioned to reflect the local hilly terrain, sitting either above

or below street level. A row of 'arts and crafts' style semis descends Harold Road to the south-west.

12. 14 Harold Road is somewhat divorced from the rest of this conservation area as it lies on the other side of the ridge line of Harold Road at the junction with Belmont Road. The property itself was built in the 1990s and is in an elevated position. It has a Georgian style with a central porch and quite a grand appearance. However, because of its position, the house is something of an 'outlier' when compared to the other buildings in this part of the Old Town Conservation Area. For this reason, and because of its age, No 14 makes a limited contribution to the significance of this heritage asset.
13. The proposal would reduce the sense of space around 14 Harold Road. However, a gap of over 2m would remain to the side boundary. As a consequence, and because of its distinctive design and set back from the road, it would clearly remain a separate entity to the new terrace. The stature of this dwelling would not be compromised. A high level window in the side of the proposed dwelling would be visible. Whilst not historic in style it would be a minor element in views out of the conservation area along Harold Road.
14. Therefore the proposed dwelling would not harm the setting of the Old Town Conservation Area.

Setting of listed buildings

15. The appeal site is in the vicinity of two listed buildings. These are The Cupola (Grade II*) and Belmont House (Grade II) at the bottom of Belmont Road. They were designed by Regency architect Joseph Kay and are both substantial Italianate villas which sit above the hilly topography of Hastings. Both buildings provide focal points because of their location and romantic design. However, because of its physical separation, the proposed dwelling would have no effect on the setting of Belmont House.
16. The land to the immediate north-east of The Cupola was first built on in the mid nineteenth century. The house at 14 Harold Road now lies between The Cupola and the appeal site. The undeveloped area at the side of No 16 plays no obvious part in showcasing its qualities. At some places along Harold Road it would be possible to see both the proposed dwelling and The Cupola at the same time but they would be well apart from one another. The main experience of the listed building from this direction is of it perched proudly and prominently above high sandstone walls. The proposal would not interfere with or distract from this. Therefore it would make no difference to the appreciation of this important building.
17. The proposed dwelling would therefore not detract from the setting of the listed buildings at The Cupola and Belmont House.

Conclusion on the effect on heritage assets

18. In conclusion the affected heritage assets would be conserved in a manner appropriate to their significance. There would be no conflict with relevant policies in the Planning Strategy or the Development Management Plan.

Living conditions of occupiers of 14 Harold Road

19. The proposal would be closer to the fenestration in the side of No 14 than the existing dwelling. However, the ground floor window is a secondary one and therefore does not provide the sole outlook from that room. The effect on the first floor window would not be as great given the height above ground and an angled aspect to the rear would remain. Therefore the visual impact due to the proximity of the proposal would not be of such a magnitude as to seriously erode internal living conditions at No 14.
20. However, the proposed side window to the kitchen/diner would look towards No 14 and this would result in invasive mutual overlooking. It is proposed to retain a fence along the shared boundary but this would have the effect of completely blocking the proposed window which would be unsatisfactory. Therefore the proposed window should be deleted to deal with these issues and a revised elevation and floor plan provided by condition.
21. Overall the proposal would not harm the living conditions of the occupiers of 14 Harold Road. It would comply with Policy DM3 of the Development Management Plan which seeks to achieve a good living standard for neighbours by avoiding any adverse impact on amenity.

Other Matters

22. The Council cannot currently demonstrate a five year supply of deliverable housing sites and the latest Housing Delivery Test figures from January 2022 confirm the Council has met only 42% of its requirement. The appellant complains about changing advice from Council officers and inconsistent outcomes in respect of a series of previous applications. However, as the appeal is to be allowed, there is no need for further consideration to be given to these matters.

Conditions

23. The approved drawings should be specified in the interests of certainty. To ensure a satisfactory appearance, details of external and surfacing materials and planting should be agreed. The scope for soft landscaping along the site frontage is limited and so the wording of the suggested condition can be simplified.
24. The implementation of the scheme has the potential to be locally disruptive and so the construction period should be managed and the hours of working restricted. However, given the scale of the development, only matters likely to affect residents or those attending the school should be controlled. The National Planning Policy Framework indicates that the expansion of electronic communications networks, including full fibre broadband connections, should be supported and so a condition requiring the ability to connect is justified.
25. There is no evidence to indicate why details of foul sewerage and surface water disposal/management are required from a planning perspective. The garage would be provided as part of the construction of the dwelling and any future business or commercial use would require planning permission. There is no evidence that local parking conditions are so difficult that the retention of the garage for parking only should be insisted upon.

26. No bathroom windows are proposed in the side elevations and so a condition about obscure glazing would be superfluous. As the proposed dwelling would be very similar to Nos 16 and 18 which have no such restrictions, the removal of permitted development rights is not reasonable. The bin and cycle stores are internal and so the space for them would be provided in any event.

Conclusion

27. The proposal would accord with the development plan and there are no other considerations to outweigh this finding. Therefore, for the reasons given, the appeal should succeed.

David Smith

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos 2018-78-07, 2018-78-08, 2018-78-09, 2018-78-10, 2018-78-11, 2018-78-12, 2018-78-13 and 2018-78-14.
- 3) No development shall take place above ground until details of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) No development shall take place above ground until a revised side elevation (facing 14 Harold Road) and revised first floor plan have been submitted to and approved in writing by the local planning authority. These drawings shall show the deletion of the side window to the kitchen/dining area. Notwithstanding Condition 2), development shall be carried out in accordance with the drawings approved pursuant to this condition.
- 5) Prior to commencement of development above ground, details of soft and hard landscape works shall be submitted to and approved in writing by the local planning authority. These works shall be carried out as approved prior to the occupation of the dwelling hereby permitted or within the timescales agreed by the local planning authority.
- 6) No development shall start on site until a Construction Management Plan has been submitted to and approved in writing by the local planning authority, which shall include:-
 - (a) Details of parking of vehicles by site operatives and visitors;
 - (b) Arrangements for loading and unloading of plant, materials and waste;
 - (c) Measures to minimise disruption to the adjoining primary school following public engagement.Works on site in connection with implementing the development hereby permitted shall only take place in accordance with the approved Construction Management Plan.
- 7) With the exception of internal works, building works to carry out the development hereby permitted shall only take place between 08.00 - 18.00 hours on Monday to Friday and 08.00 - 13.00 hours on Saturdays. There shall be no working on Sundays or Public Holidays.
- 8) Prior to the occupation of the dwelling hereby permitted, provision shall be made within the site for the ability to connect to fibre-based broadband.