

Appeal Decision

Site visit made on 1 September 2022

by D Cramond BSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 September 2022

Appeal Ref: APP/T1410/W/21/3293980

Minster House, York Road, Eastbourne, BN21 4ST

- 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 Mark Hibbert against the decision of Eastbourne Borough Council.
 - The application Ref PC/210799, dated 6 September 2021, was refused by notice dated 5 November 2021.
 - The development proposed is loft conversion to form new dwelling, including raising existing ridges and infilling between.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on a) the character and appearance of the locality, b) living conditions for future residents, and c) living conditions for neighbours.

Reasons

Character and appearance

3. The appeal property is an existing part 3, part 4 storey building in an urban sector of the Borough. It sits tightly adjoining two storey dwellings, with similar cottages to the front and to the rear, and larger mixed-use properties to the fourth side. The unusual building has been converted from commercial premises to residential flats. The locality is an interesting one visually and York Road has a small-scale domestic character such that the appeal building is something of an anomaly. The same 'stand-out' difference is notable from the rear in Bath Road. The site lies within an Area of High Townscape Value (AHTV) as defined in the Eastbourne Borough Plan Saved Policies 2007 (BP). The proposal is as described above.
 4. Whilst I can appreciate the way in which the Appellant has thoughtfully sought to minimise the changes at upper level, my opinion is that even the fairly modest ridge height increase and move more centrally and the infill build within the internal valley would transpire as excessive in the scene. The roof would appear 'heavier', higher, and less open visually from certain public vantage points. The contrast between the cottages and the appeal scheme would become even more marked and jarring and the prominent building itself
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would become more ungainly and have greater ill-at-ease characteristics in the streetscene.

5. Saved Policies UHT1, UHT4 and UHT16 of the BP and Policy D10A of the Core Strategy Local Plan 2013 (CS) are relevant. Taken together and amongst other matters they seek well designed development that would harmonise with local character and appearance, reflect local distinctiveness, be of appropriate scale and form, positively contribute to an area and protect AHTVs. I conclude that the proposal would conflict with these policies.

Living conditions for future residents

6. The Council is fearful that a scheme here would not provide sufficient Gross Internal Area (GIA) with reasonable headroom along with no outdoor amenity space. The concerns are particularly so as in the eyes of the Council the home might well provide family accommodation. In terms of meaningful internal space the Council uses calculations based around use of the DCLG's Technical Housing Standards – nationally described space standard (2015). The Appellant does not challenge the Council's figures, and I have no reason to doubt them. From my perspective the resultant figures are so close to the Standards that I would be accepting of some minor flexibility in their application here particularly given their application is not formally adopted by the Council, the scheme is in part a conversion, and I sense with location and layout of the property that it may not encourage family occupation.
7. In this specific case I would also not come down heavily on the lack of immediately accessible external amenity space. Provision is not always possible in a central location, proximity to other types of town centre recreational or social facility is of benefit, and from this site parkland and seaside are relatively accessible.
8. In this context I would conclude that the appeal proposal would not conflict with CS Policy B2 relating to the living conditions for future residents.

Living conditions for neighbours

9. The Decision Notice refers to the proposed rooflights on the roof extension causing significant additional overlooking to surrounding residential properties. However, given height and angles, distances, the nature of the windows, existing fenestration, and the fact that in an urban area there will almost always be a degree of inter-visibility I am not persuaded by the Council's case. In my opinion there would not be resultant unacceptable undue loss of privacy beyond the existing situation.
10. I would conclude there not to be a breach of amenity protective policies including CS Policy B2 and BP Saved Policy HO20.

Sustainable development

11. The principal parties agree that this Borough does not have a five-year housing supply and this factor needs to be considered. The National Planning Policy Framework (the Framework) has a presumption in favour of sustainable development within the Framework. Using that document's content, I must assess whether the appeal scheme falls within the sustainable development category, which embodies economic, social and environmental objectives. As the Framework makes clear the development should be approved unless

adverse impacts significantly and demonstrably outweigh the benefits when assessed against the policies in the document taken as a whole.

12. From my perspective I see some modest economic gain from construction activities and an additional household locally. The property would provide the social benefit of another household in the area and of a further home to meet the shortfall in the Borough, albeit numerically any gain would be minimal. On the environmental front there would be the character and appearance disbenefits that I highlight above and which to my mind significantly and demonstrably outweigh the benefits and hence give rise the scheme not representing sustainable development.

Other matters

13. I have carefully considered all the points raised by the Appellant but these matters do not outweigh the concerns which I have in relation to one of the main issues identified above.
14. I confirm that policies in the Framework have been considered; the Council's policies which I cite mirror its relevant objectives.

Overall conclusion

15. For the reasons given above I conclude that whilst the appeal proposal would not have unacceptable adverse effects on the living conditions of future residents or neighbours the scheme would unduly impinge upon the character and appearance of the locality. Accordingly, the appeal is dismissed.

D Cramond

INSPECTOR