
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/21/3292253

20 The Brow, Friston, East Sussex, BN20 0ES

- 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 Paul Hill against the decision of Eastbourne Borough Council.
 - The application Ref PC/210829, dated 14 September 2021, was refused by notice dated 22 December 2021.
 - The development proposed an outline application with all matters reserved for the demolition of existing buildings and erection of 3no. 2 bedroom dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appeal relates to an outline application. All matters are reserved. I shall consider the submitted plans accordingly.

Main issues

3. I consider the main issues are the effects of the proposal on:
 - highway safety and convenience;
 - character and appearance of the locality;
 - living conditions for neighbours; and
 - living conditions for future residents.

Reasons

4. The appeal property is an area of land with a vacant single storey building and hard-surfacing partway down a very narrow roadway within an area of varied, generally higher density, residential and commercial uses. The site is very convenient for a district shopping centre and public transport and presently makes no positive contribution to the character or appearance of the area. The proposal is as described above.

Highway safety and convenience

5. Despite what may or may not have happened in terms of ownership it is clear to me that (part of) the appeal site is tied via Prior Approval Notice PC/170801 and its condition 2 and associated drawing NO.EE.16.136/02D(2) to incorporate a turning area in relation to the residential change of use for the
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building to the north (Veritek House). I have no evidence within the appeal papers or plans that suitable turning can take place elsewhere either physically or in ownership terms and in any event, it would seem a logical, safe and convenient location for this to be provided for residents, visitors and trade people on a highway which is extremely tight, awkward and lacks a pedestrian footway or lighting.

6. To my mind failure to allow for a turning space within the appeal proposal before me, and to seek to unilaterally remove part of an approved scheme which incorporated this land would be unacceptable in highway safety and convenience terms. I conclude that the appeal proposal would run contrary to Saved Policy TR7 of the Eastbourne Borough Plan (BP) and Policies D1 and D8 of the Eastbourne Core Strategy (CS) which, taken together and amongst other matters, seek to ensure good levels of accessibility and functionality, safe and effective travel movement, and pedestrian safety.

Note

7. *Before considering the next main issues, I should underline that I am addressing them in the context of the whole appeal site being available. This is something of a false premise in that I am persuaded that a turning head should be incorporated and that would obviously reduce the site area available for residential or any other use. In this context a future decision maker would look afresh at any merits or demerits of any subsequent development scheme.*

Character and appearance

8. The Council is concerned that in order to provide a suitable level of internal space, the proposed development would need to occupy a significant proportion of the site and consequently result in an unacceptably cramped appearance. However, the locality is a tight knit one with an urban appearance. My planning judgement is that it would not be beyond a good designer to create a scheme for three two-bedroomed homes which looked at ease on this site given the local context. Bearing in mind this is an outline proposition, any complete assessment on this would of course rest with a future decision maker against considering any future reserved matters or full application material.
9. BP Saved Policy UHT1 and UHT4 and CS Policy B2 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 and positively contribute to an area. As things stand, I conclude that the proposal would not conflict with these policies.

Living conditions for neighbours

10. The Decision Notice refers to any development stemming from the outline proposal here being overbearing to, and leading to loss of privacy for, neighbours to the rear. The appeal site is not deep and clearly any new scheme would have to be sited relatively close the mutual boundary. However the gardens of the pertinent Elm Grove dwellings are of appreciable length, the site lies to the east north east of these gardens, and the form and precise siting of any future building(s) is not part of the application which would leave heights, roof forms, windows, orientation, siting and so forth to be fully considered and determination reached in the future should a scheme come

forward. My sense is a satisfactory solution could well be achievable with a good and innovative designer at the helm. At the present time I would conclude there not to be a breach of amenity protective policies including CS Policy B2 and BP Saved Policy HO20.

Living conditions for future residents

11. The Council is fearful that a scheme here would not provide sufficient outside space to reasonably meet the amenity needs of future residents. I recognise that a proposal here for 3 homes would be a tight one, and certainly suburban levels of exterior space could not be provided. However as with the previous two issues I feel this is a matter which would rightly be reviewed more thoroughly in the future. I sense that external space at ground and/or upper level commensurate with an urban area could be provided but this would rest with a determination of any future design solution which came forward for this site. 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.

Other matters

12. I am aware that the Council does not presently have a five-year supply of housing land. However, bearing in mind my finding on the first main issue which would negate a sustainable development argument, the fact that part of the appeal site was inextricably linked to delivering a substantial conversion to residential use in any case, and that the contribution from this site would be very modest to the supply I would not deem a housing land supply case as over-riding.
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 the main issue identified above.
14. I confirm that policies in the National Planning Policy Framework have been considered; the Council's policies which I cite mirror relevant objectives within the Framework.

Overall conclusion

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

D Cramond

INSPECTOR