
Appeal Decision

Site visit made on 7 September 2022

by V Simpson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 October 2022

Appeal Ref: APP/T1410/W/21/3285741

15 Hartfield Road, Eastbourne BN21 2AP

- 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 P Bowler of St Marys Homes Ltd against the decision of Eastbourne Borough Council.
 - The application Ref PC/200570, dated 4 August 2020, was refused by notice dated 21 October 2021.
 - The development proposed is; the proposed development of land to rear of 15 Hartfield Road to provide 1no. 2 bed detached dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A copy of the Upperton Conservation Area Appraisal¹ was requested and provided to me by the Council. This document is publicly available, and as such no parties have been prejudiced by my consideration of its content.
3. The site has a relatively extensive planning history, and references have been made by the Council to a number of previous appeal decisions. However, I have not been provided with copies of the decision documents or full details of the related development proposals. I have therefore determined this appeal on the basis of the plans, details and documents put before me, as well as from my own observations on site.

Main Issues

4. The main issues are:
 - The effect of the proposed development upon the character and appearance of the Upperton Conservation area (CA) and,
 - Whether the proposal would provide adequate living conditions for future occupiers of the proposed dwelling, with particular regard to privacy and outlook.

Reasons

Character and appearance

5. The appeal site is located within the Upperton CA. The significance of the CA lies, in part, by the prevalence of substantial terraced, semi-detached and detached housing set around leafy squares, and the openness and visual

¹ Eastbourne Borough Council - Upperton Conservation Area Appraisal – January 2011

breaks between buildings. The Conservation Area Appraisal advises that much of the areas character is derived from its coherent layout with wide, straight or gently arcing avenues, and that spacious gardens to properties within Hartfield Road provide contrast to the built development within the street.

6. The lack of intervening development within the garden/former garden areas between the rear of the properties on Hartfield Road and the side of 1 Eversfield Road has created an important visual break in built development in this location. The break is visible on approach within Eversfield Road and from the junction between Hartfield Road and Eversfield Road. This break and the associated openness contribute positively towards the value, quality and significance of the CA.
7. Notwithstanding the modest proportions of the proposed dwelling and the retention of the attractive roadside boundary wall, the upper walls and roof of the proposed development would be clearly visible from the public realm within Eversfield Road and from the junction of Eversfield Road and Hartfield Road. Although of a lower height than adjacent buildings, the introduction of the proposed dwelling approximately midway between the side of number 1 Eversfield Road and the rear of 15 Hartfield Road would result in the loss of the important visual break in built development within an area currently characterised by its openness. This would be to the detriment of the character and appearance of the area.
8. Neighbouring properties on Eversfield Road and Hartfield Road accommodate large red brick buildings with accommodation provided over multiple levels. Whilst the properties have a wealth of differing design detailing from each other there is a pleasing general commonality to their bulk, scale, and relationship to the road frontage, as well as their steep roof pitches. Despite proposals to utilise wall and roof materials to match those found locally, and the incorporation of brick arch header detailing to windows, the proposed dwelling would appear as a discordant addition within the area. This is due to its significantly reduced bulk and massing when compared to adjacent buildings. Also, because the roof form would comprise 2 shallow pitched hipped structures connected by a lower flat roof mid-section, it would be at odds with the steep pitches and gable end roof structures found on neighbouring properties. Overall, the introduction of the proposed single storey dwelling, lacking the richness of design detailing found in neighbouring properties and with a significantly smaller bulk and scale, would be a visible, discordant and incongruous addition to the area. It would not therefore either preserve or enhance the character or appearance of the CA.
9. I agree that the site is unkempt and overgrown, and that in its current condition it detracts from the quality of the area. However, given the presence of both the attractive roadside boundary wall and neighbouring development, locations from which the current condition of the site can be readily seen are limited to a small area when passing the site. Although the implementation of the development proposal would result in the clearing of the site, this consideration does not outweigh the harmful effects that would result by its implementation.
10. Paragraph 199 of the National Planning Policy Framework (the Framework) advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation.

Paragraph 200 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets or from development within their setting, and that this should have a clear and convincing justification. In this case, and whilst I find the harm to be less than substantial, the harm must nevertheless be given considerable importance and weight. In accordance with paragraph 202 of the Framework, that harm should be weighed against any public benefits of the proposal.

11. The construction of a dwelling would make a small contribution towards the Council's housing supply. In addition, there would be short-term economic benefits associated with construction and employment of local labour. In the longer-term, support would be given by future occupants to local businesses, and increased Council tax revenues would be generated. Furthermore, I am advised that the scheme would generate funds to support the provision of local facilities and infrastructure via the Community Infrastructure Levy. However, being only a single dwelling, the public benefit would be small. The limited public benefits identified are not in this case sufficient to outweigh the harm that I have identified.
12. I conclude that, on balance, the proposal would fail to preserve the character or appearance of the Upperton Conservation Area. It would therefore conflict with saved Policies UHT1, UHT4 and UHT15 of the Borough Plan², and Policies D10 and D10A of the Core Strategy³. Amongst other things, these policies seek to ensure that development is appropriate to the site and harmonises with the appearance and character of the local environment, and to prevent unacceptable harm to visual amenity. It would also conflict with the Framework, which seeks to protect heritage assets.

Living conditions

13. Garden areas are proposed to the side and rear of the proposed dwelling. The rear garden area is the larger of the two. It would be directly overlooked at fairly close range from first and second floor windows within the rear of 15 Hartfield Road, and from first and second floor windows in the side of number 1 Eversfield Road. In the absence of existing hedgerows or trees which might interrupt such overlooking, or substantive evidence to demonstrate how such overlooking may be prevented, any future occupiers of the proposed dwelling would not be afforded an acceptable level of privacy within their larger rear garden area.
14. Although the smaller side garden area would not be directly overlooked from windows within neighbouring properties, it would be closely confined by; the building at No 15 and its boundary treatments; the sites front boundary wall; and, the end wall of the proposed dwelling. Together, these structures would have an enclosing effect on the area and create a poor outlook from the space. The proposal to locate the cycle and refuse stores within this small area, will further discourage the use of this space as a private garden area.
15. Due to the height of the front boundary wall future users of the side garden would be afforded an acceptable degree of privacy from vantages within the public realm. However, due to diminutive size of this area, and its level of

² Eastbourne Borough Plan 2001-2011 (Adopted September 2003)

³ Eastbourne Borough Council Eastbourne Core Strategy Local Plan February 2013

enclosure, its provision would not mitigate harm associated with the lack of privacy available within the main rear garden area.

16. I therefore conclude that the development would fail to provide appropriate living conditions for future occupiers, as a result of insufficient provision of private outdoor amenity space which benefits from an acceptable outlook. The development would therefore conflict with saved Policy HO20 of the Borough Plan and Policy B2 of the Core Strategy, which both seek to protect the residential amenity of existing and future residents.

Other Matters

17. I am aware the Council cannot demonstrate a five year supply of deliverable housing sites. However, in accordance with footnote 7 of the Framework, as I have found harm to a designated heritage asset, i.e the CA, paragraph 11 d) is not engaged.
18. I am advised that a garage building previously occupied the site and that planning permission has previously been granted for the use of the site for commercial parking [etc] (ref 180801). However, I have been presented with no compelling information to demonstrate this or any other lawful non-residential use or development has been commenced on site. Although currently vacant and in separate ownership from 15 Hartfield Road, it has not been satisfactorily demonstrated that the appeal site, a former garden within a built-up area, is an example of previously developed land as defined within the Framework. Therefore, the guidance contained within paragraph 120 (c) of the Framework, to give substantial weight to the value of using suitable brownfield land within settlements for homes, is not relevant to the consideration of this appeal.
19. Whilst the site is located in a sustainable location with good access to services, facilities and public transport, the proposal would help boost the supply of housing, and conditional support has been offered by some occupiers of the neighbouring properties, these considerations do not outweigh the identified harm.
20. That the proposed development would provide natural ventilation, off road parking, cycle and refuse storage, and private living space within the dwelling, and, that it would result in no unacceptable loss of privacy, outlook or sunlight to occupiers of neighbouring properties, are neutral factors. As is the previous granting of planning permission (ref 180801) for the use of the site for commercial parking[etc]. This is because the nature of that scheme is materially different to the subject of this appeal, and it would not therefore set a precedent which would warrant the allowance of the appeal scheme.
21. Irrespective of informal advice which may have been provided to the appellant by the Council, and which may have led to the submission of amended plans at application stage, the Council subsequently determined that the amended scheme was unacceptable for the stated reasons. I have found no basis upon which to disagree with the Council's decision.

Conclusion

22. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations, either

individually or in combination, that outweigh the identified harm and associated development plan conflict.

23. For the reasons given above, I conclude that the appeal should be dismissed.

V Simpson

INSPECTOR