



Appeal Decision

Site visit made on 27 September 2022

by C Shearing BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 November 2022

Appeal Ref: APP/B1415/W/22/3292770

Land west side of 1 Hawthorne Road, Hastings TN35 5HW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
 - The appeal is made by Mr R Khripko of Tixerbon Limited against the decision of Hastings Borough Council.
 - The application Ref HS/PIP/21/00912, dated 30 September 2021, was refused by notice dated 16 November 2021.
 - The development proposed is described as 'a 2 bedroom/ 2 bathroom dwelling, two-storey high and incorporates an arch-like extension spanning the driveway. The proposed development involves two allocated parking spaces and a garden.'
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The proposal is for permission in principle. Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed. This appeal relates to the first of these 2 stages.
3. The PPG states that the scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent technical details consent application if permission in principle is granted. I have determined the appeal accordingly.
4. As the appeal does not relate to technical details, I have taken the submitted plans to be illustrative only. Similarly, I have not taken the detailed description of the proposal to be definitive and my decision relates to the erection of a dwellinghouse. This is in line with the PPG's advice that the amount of residential development must be expressed as a range, indicating the minimum and maximum net number of dwellings which are, in principle, permitted.

Main Issues

5. The main issue is whether the site is suitable for residential development, having regard to its location, the proposed land use and the amount of development.

Reasons

6. The appeal site is in a residential area characterised by properties of varying design and appearance which respond to the gradient of the land, which slopes upwards to the east. The appeal site comprises three detached areas of land set around an existing shared parking area. The indicative plans show the provision of a house on the southern parcel, garden space on the northern parcel and parking within the central piece of land.
7. It is not uncommon in this area for parking spaces to be located a short distance from the dwellings they serve. However, the proposed parcels and their individual scale, suggest the site could not reasonably accommodate good quality private outdoor space close to the main dwelling. Due to the distance between these parcels of land, the main house would not have easy access to private outdoor space, creating oppressive living conditions for its occupants.
8. In addition, the northern parcel comprises predominately pathways which connect the car park to the nearby houses, set around steep ground levels and high boundary treatments. Consequently, based on the evidence and findings of my site visit, this parcel is unlikely to provide any meaningful contribution to the facilities for the new house.
9. The indicative supporting drawings demonstrate that smaller areas of open space could exist either side of the new dwelling, facing Hawthorn Road. However based on the evidence these would be limited in their size and heavily constrained by the existing neighbouring developments. Overall, the house would not provide a good standard of accommodation as a result of the composition of the appeal site.
10. The appellant states there are other examples of properties nearby with garden areas separated from the main houses. I do not have detailed evidence of this and, based on the findings of my site visit, I have found most properties in the local area to benefit from a usable area of private outdoor space close to the main property.
11. Taken together, and in the absence of detailed evidence to the contrary, these concerns lead me to conclude that the disconnected nature of the parcels, as well as their characteristics and distance from each other, dictates that the appeal site is incapable of supporting the component parts required of a single residential dwelling. As such, the site is unsuitable for the amount of development proposed.
12. The development proposed would conflict with policies DM1 and DM3 of the Hastings Development Management Plan 2015, insofar as they relate to considerations of design and general amenity, including plot layouts and block sizes. The development would conflict with the design objectives of paragraph 119 of the National Planning Policy Framework (the Framework) which promotes effective use of land in meeting the need for homes, but while safeguarding and improving the environment and ensuring safe and healthy living conditions.
13. I do not have evidence of conflict with the National Design Guide 2019. Nevertheless, as I find conflict with policies of the development plan in any event, I do not consider this to be central to my decision.

Other Matters

14. The Council accept that it cannot demonstrate a 5 year land supply for housing and state that it has a 2.1 year supply. As such, the provisions of paragraph 11 of the Framework require that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework as a whole.
15. The appeal site has not been found to be suitable for the amount of development proposed. The result of this harm would be significant and long lasting, resulting in conflict with the Framework and the development plan. I ascribe this substantial weight.
16. Subject to approval of technical details consent, the development would make a contribution to the housing stock in an area with good accessibility to services and facilities, including public transport. This attracts weight in favour of the development, particularly given the identified significant housing shortfall. However, given the scale of the development the weight of this benefit is limited.
17. Overall, the adverse impacts of granting the permission would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework as a whole, and the presumption in favour of sustainable development does not apply.

Conclusion

18. For the reasons given, the appeal is dismissed.

C Shearing

INSPECTOR