



Appeal Decision

Site visit made on 9 November 2022

by A. Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 November 2022

Appeal Ref: APP/B1415/W/21/3289484

9-15 Sedlescombe Road North, St Leonards-on-Sea TN37 7DA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 20, Class AB of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Ringview against the decision of Hastings Borough Council.
 - The application Ref HS/PA/21/00779, dated 9 August 2021, was refused by notice dated 26 November 2021.
 - The development proposed is described on the appeal form as 'notification for Prior Approval for the construction of one additional floor to form 5x dwellings (C3) on terrace building with a mixed use of Sui Generis (bingo hall, hot food takeaway and public house) and Class E and Class C3 (residential) at upper floor levels.'
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. There was no description of development on the application form. As such I have taken this from the appeal form. The Council dealt with the proposal on this basis and so shall I.
3. Under Article 3(1) and Schedule 2, Part 20, Class AB of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO), development is permitted for the construction of up to two additional storeys of new dwellinghouses immediately above the topmost storey on a terrace, subject to limitations and conditions, including the need for an application for prior approval.
4. Whether the proposal would accord with limitations in relation to (e) the external appearance of the building and (i) the design and architectural features of (aa) the principal elevation are the matters in dispute between the Council and the Appellant. That the other limitations would be fulfilled is not a matter of dispute. I do not have evidence that leads me to take a contrary view.

Main Issue

5. The main issue is the effect of the proposed development on the external appearance of the building, including the design and architectural features of the principal elevation.

Reasons

6. The appeal site comprises a predominantly two-storey building, set back from Sedlescombe Road North behind an area of hard landscaping. The building sits forward of the principal building line of adjoining 17 and 19 Sedlescombe Road North and broadly level with the building line to the south. Shopfronts exist to the ground floor with multiple smaller windows at first floor level.
7. The proposed design of the additional storey, set back marginally from the front elevation, would generally match the proportions and architectural features, of the floor beneath it. The windows in the front elevation would not directly follow the pattern, proportions or appearance of those in the floor below. However, that they are not symmetrical or identically replicate those in the floor below is not in itself harmful and they would assimilate to an acceptable standard with the building.
8. Nevertheless, whilst the proposed development would broadly respect the design, character and form of the appeal building when viewed in isolation, the proposal relates to a building which sits within an established, albeit varied, row of properties. The appeal building has a prominent street facing principal elevation which has a close visual relationship with the wider context, particularly the adjoining buildings. This relationship is an important aspect of the building's external appearance.
9. The height and design of the existing appeal building is such that, at present, it has a matching eaves height with Nos 17 and 19. This would change as a result of the proposed extension, contrasting significantly with, and failing to respect, the design and appearance of Nos 17 and 19 when viewed from multiple public vantage points along Sedlescombe Road North. The proposed extension, projecting forward of the adjoining building line at a greater height than the existing building, would appear visually cluttered and uncomfortable. Consequently, the proposed development would form an incongruous and discordant feature, harming the external appearance of the building.
10. Accordingly, the proposed development would not comply with all of the limitations and conditions of the GPDO specified as being applicable to the proposed development.

Other Matters

11. My attention is drawn to planning applications and applications for prior approval in respect of both the appeal property and elsewhere. Although there is limited detail before me, the decisions¹ appear to relate to a mix of different sites, proposals, local areas and issues under consideration, including relevant parts of the GPDO. Each of those issues considered are fundamentally one of planning judgement to be reached on the specifics of the proposal and any other evidence. Accordingly, these other cases do not provide reason to alter my findings on the main issue. The lawful use of the property is not in dispute.
12. I note comments that the existing building makes a limited contribution to the visual character of the area. However, this is not reason to allow an unacceptable development. In any case, my considerations under this appeal are limited to the subject matter and scope of the prior approval and the

¹ HS/69/00820, HS/FA/12/00583, HS/FA/13/00493, HS/FA/16/00177, HS/FA/16/00040, HS/CD/18/00810, HS/FA/16/00040, APP/J1535/D/21/3266264.

considerations listed within the relevant part of the GPDO. The Council have not raised objection under the other matters listed as limitations and conditions and, as the appeal is dismissed for matters relating to the external appearance, I need not consider these matters further.

Conclusion

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

A. Price

INSPECTOR