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# Appeal Decision

Site visit made on 29 November 2022

**by V Simpson BSc (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 15 December 2022**

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**Appeal Ref: APP/T1410/W/21/3285687**

**15 Roseveare Road, Eastbourne BN22 8RS**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
  - The appeal is made by Mr Anand Yadav against Eastbourne Borough Council.
  - The application Ref PC/210426, is dated 17 May 2021.
  - The development proposed is a first floor rear extension.
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## Decision

1. The appeal is allowed and planning permission is granted for a first floor rear extension at 15 Roseveare Road, Eastbourne BN22 8RS, in accordance with the terms of the application, Ref PC/210426, dated 19 May 2021, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 15RR/2021/02 and 8IR/2019/01 Rev A.
  - 3) The external finishes of the development hereby permitted, shall match in material, colour, style, bonding and texture, those of the existing building.

## Preliminary Matters

2. The appeal form indicates that the appeal is made as the Council has refused planning permission and a copy of a decision notice (DN) was provided as issued by the Council. However, the DN was not dated, and is identified as Draft, and the Council have subsequently confirmed that it was a draft DN. As such, this appeal is progressed on the basis of the Council's failure to determine the application within the prescribed period of a decision on an application for planning permission.

## Main Issues

3. The draft DN indicates that the Council would have refused the application and provides reasoning for this conclusion. The Council's statement of case expands upon the reasoning.
4. The main issues are the effect of the proposed development on;
  - the character and appearance of the area; and,
  - the living conditions of the occupiers of number 13 Roseveare Road, with particular regard to outlook.

## Reasons

*Character and appearance*

5. The appeal site comprises a 2-storey semi-detached house within a residential street. Whilst there is a relatively regular rhythm to the layout of properties in the street, many of the houses appear to have been subject of alterations and extensions. These include front, side, and rear extensions, and incorporate a range of roofing forms. The side and rear extensions are of a mix of single and 2 storey heights. Due to their high frequency and variety, the alterations and extensions to dwellings within the area now form part of the prevailing character and appearance of the area.
6. With the exception of the small parapet wall on the boundary between the appeal site and number 13 Roseveare Road (number 13), the lower sections of the proposed roofs would emulate the pitches of the roofs of both the host dwelling and number 13. Furthermore, the incorporation of flat roofing above the pitched roof sections, would minimise the overall bulk of the development. The proposed roof would not therefore appear boxy or poorly integrated to the host dwelling.
7. The proposed development would project no further back than either the existing ground floor extension, or the 2-storey accommodation at number 13. It would be brick clad in common with the host house and neighbouring properties. The side elevations of the proposed extension would be blank. This is in common with the opposing side wall of the extension at number 13. In terms of its design detailing, scale, height, massing and density, the development would not therefore be unsympathetic to either the host house, the neighbouring property at number 13, or other properties within the area.
8. For the reasons set out above, the development would not harm the character and appearance of the area. Accordingly, it would not conflict with Saved Policies UHT1 and UHT4 of the Eastbourne Borough Plan (2001-2011) (The Borough Plan), where they seek to ensure that new development harmonises with the appearance and character of the local environment; and is appropriate in scale, form materials, setting, alignment and layout. It would also comply with the parts of Policies B2, D1, and D10a of the Eastbourne Core Strategy Local Plan -2013 (the Core Strategy) where they seek to ensure a high quality of design. In addition, it would comply with the parts of Paragraphs 126 and 130 of the National Planning Policy Framework (the Framework) which seek to ensure development is of a good design, which adds to the overall quality of the area, is visually attractive, is sympathetic to local character, and would help to maintain a strong sense of place.

#### *Living conditions*

9. Above the high close board fence separating the gardens of the appeal site and number 13, the proposed development would be visible by users of the rear garden and garden room at number 13. However, it would have a height which is considerably lower than that of both the host dwelling and the 2-storey accommodation at number 13. It would also project no further to the rear than the existing building lines of either property. As such it would not be visually dominant from either the garden of number 13 or from within the house.
10. Much of the 1<sup>st</sup> floor extension to the rear of number 13 has been set away from the shared boundary between the 2 properties. Its presence would nevertheless obstruct views of much of the proposed blank side wall with the small parapet feature, from a large proportion of the garden at number 13.
11. Consequently, the development would not have an unacceptable effect on the living conditions of the occupiers of number 13, with particular regard to outlook. Accordingly, it would comply with Policy HO20 of the Borough Plan and Policy B2 of the Core Strategy, where they require extensions to existing buildings to respect

and protect the residential amenity of existing and future residents. In addition, it would comply with the part of paragraph 130 of the Framework, which seeks to ensure that development provides a high standard of amenity for existing and future users.

#### *Other Matters*

12. Whilst the Council recommended alterations be made to the scheme at application stage, I have found the proposals to be acceptable in the form that they were submitted.
13. That the occupiers of number 13 agreed to alter the design of their rear extension, so that the first-floor would be 1m from the side boundary of the property, has no bearing on my consideration of the planning merits of the proposed development.
14. Even if the development has been designed to facilitate future alterations and/or extensions, any such proposals do not form part of the development subject of this appeal. This appeal has been determined on its own merits.
15. I note that that Appellant has raised personal circumstances, which raise equality matters. However, as I have allowed the appeal, these are not directly engaged and do not alter my decision.

#### **Conditions**

16. The Council request that 3 conditions be imposed in addition to what they describe as the standard conditions which specify the time period for implementation, and to identify the plans to which the permission relates.
17. A matching materials condition is imposed to protect the character and appearance of the area.
18. A condition removing permitted development rights for the formation of windows or other openings in the number 13 facing side elevation of the dwelling is not necessary. This is because a condition of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended, is that any upper floor window located in a wall or roof slope forming a side elevation of the dwellinghouse shall be obscure-glazed and non-opening, unless the parts of the window which can be opened are more than 1.7m above the floor of the room in which the window is installed, which would protect the privacy of adjoining neighbours.
19. A condition preventing surface water run-off from the new roof discharging onto any adjoining property is also not imposed. Such a condition, which would require compliance with other regulatory requirements, would not be necessary.

#### **Conclusion**

20. For the above reasons, this appeal is allowed and planning permission is granted.

*V Simpson*

INSPECTOR