



Appeal Decision

Site visit made on 28 December 2022

by Elizabeth Lawrence BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 January 2023

Appeal Ref: APP/T1410/W/22/3303060

Congress Hotel, 31-41 Carlisle Road, Eastbourne, BN21 4JS

- 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 Manoj Tuli against the decision of Eastbourne Borough Council.
 - The application Ref 220285, dated 6 April 2022, was refused by notice dated 15 June 2022.
 - The development proposed is described as retention of outdoor seating area, pergola and serving area.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The appellant's statement states that the proposal could be amended by using materials that are acceptable to the council. However, no such amendments have been submitted and if they had they would first need to be formally considered by the council. As such, for the avoidance of any doubt I confirm that this appeal has been determined solely on the basis of the application scheme determined by the council.
3. The appellant's statement states that the appeal property is named Ritz Aparthotel. However, both the application and appeal forms refer to it as the Congress Hotel and no confirmation or requests that it should be changed to Ritz Aparthotel have been submitted. The appeal has been dealt with on this basis.

Main Issue

4. The main issue is the effect of the proposal on the character, appearance of the area and the character, appearance and significance of the College Conservation Area (CCA).

Reasons

5. The CCA is situated within the lower section of Meads, which is a late C19th/early C20th planned 'residential park' suburb. The CCA is set out in a grid-iron pattern with a strong sense of uniformity in both its layout and detailing. It includes tree lined avenues, low boundary walls and access links to the coast, the town centre and the south downs. Carlisle Road with its tree lined grass verges is the main route through the CCA, providing a vista through

- the middle of the conservation area. The buildings and grounds to Eastbourne College similarly provide a landmark feature within the CCA and its setting.
6. The streets within the CCA are flanked by imposing late Victorian detached and semi-detached villas which are typically uniform in scale and mass, although they display a diverse range of architectural detailing, embracing many of the Revival styles that are distinctive of the late Victorian era. The villas occupy generous sized rectangular plots and have uniform front building lines. They are set back from the street behind modest sized front gardens that are enclosed by a combination of low walls and metal railings. The prevailing external materials include a mixture of red brick, red clay tile hanging, red and brown clay roof tiles, stucco/render, stone and flint, with metal rainwater goods, railings and gates.
 7. The above features contribute to the character and appearance of the CCA and to its significance.
 8. The College Conservation Area Appraisal (CCAA) includes an analysis of traditional buildings, fronts of plots, boundaries and street scenes. Many of the buildings and the majority of the street scene, plot frontages and boundaries along Carlisle Road are identified as being of high historical integrity.
 9. The appeal site occupies a prominent position within the CCA at the eastern end of Carlisle Road, opposite The Birley Centre and close to the junction of Carlisle Road and College Road. This end of Carlisle Road has been degraded by a number of alterations including the wide vehicular access at the eastern end of the appeal site. Notwithstanding this, the remaining frontage to the appeal site and the appeal building are identified in the CCAA as having high historical integrity and as making a positive contribution to the character and appearance of the area. It similarly contributes to the significance of the CCA as a whole.
 10. The appeal building is located within a row of large uniformly designed semi-detached Italianate-style villas with stucco/smooth rendered walls and painted stone quoins, under shallow pitched and hipped roofs. The villas are three/four storeys high with semi-basements; tall front bay window projections; imposing square porticos; and deep sash windows, all displaying Italianate detailing.
 11. The buildings are set back several metres from the pavement behind low painted stone boundary walls with intermittent tall piers. Whilst the wall alongside the appeal site has black painted iron railings on top of the low walling, there is modern timber trellis fencing above the low boundary walls to the front of the appeal building and the adjacent building to the west.
 12. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LB&CA Act) requires that when assessing proposals for new development within a conservation area, special attention shall be paid to the desirability of preserving or enhancing its character or appearance. Policy UHT15 of the Eastbourne Borough Plan 2003 (LP) and policy D10 of the Eastbourne Core Strategy Local Plan (CS), similarly state that proposals should preserve or enhance the character and appearance of conservation areas.
 13. Collectively paragraphs 199, 200 and 202 of the National Planning Policy Framework (the Framework) state that when considering the impact of a development on the significance of a designated heritage asset great weight

should be given to its conservation. That the more important the assets, the greater the weight should be. This is irrespective of whether any potential harm amounts to substantial or less than substantial harm to its significance. Any harm to a heritage asset requires clear and convincing justification, whilst opportunities for new development in conservation areas should be sought. Where a proposal would lead to less than substantial harm to a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

14. Together and amongst other things LP Policy UHT1, CS Policy D10a and paragraph 130 of the Framework, seek to ensure that new development is of the highest quality design and is sympathetic to local character and history. New development should be visually attractive and establish or maintain a strong sense of place. Together paragraphs 126 and 134 of the Framework advise that good design is a key element of sustainable development and development that is not well designed should be refused.
15. As indicated above, uniform front building lines, modest sized front gardens and a limited palette of materials are an integral part of the character and appearance and contribute to the significance of the CCA.
16. The proposed development, which has already been constructed, is located within the shallow front garden areas to the front of the pair of semi-detached villas. The proposal comprises two outdoor raised seating areas with pergolas around them and a catering structure located to the front of the eastern end of the appeal building. The decking and pergolas are constructed from stained timber and their flat roofs are constructed from a combination of timber and polycarbonate. The catering structure has painted timber walls and a flat roof.
17. The structures are functional in design and appearance. In terms of form, detailed design and materials they fail to respect or blend in with the character or appearance of the host villas or the street scene as a whole. They breach the front building line of the host building and totally dominate the front garden area, obscuring views of the lower parts of the host building. They have resulted in the front of the property appearing cramped, cluttered and visually degraded. In addition, the structures, which are prominent within the street scene, interrupt and obscure views of the uniform front gardens and lower front elevations of this row of villas from within the street scene.
18. For these reasons the proposed development is totally out of keeping with the host property and its setting and has a degrading and harmful impact on the character and appearance of the area. It fails to preserve the character or appearance of the CCA and has also resulted in clear harm to the significance of the CCA.
19. Regarding the public benefits from the proposal, collectively and amongst other things CS Policies D2 & D3 and LP Policy TO4 promote appropriate upgrading of hotels and improved facilities for visitors subject to visual amenity considerations. The achievement of a sustainable economy is supported, along with a town centre where people want to live and work. Whilst the appellant's statement refers to policy B2, it is assumed this should read CS Policy D2, as there are no policies numbered B2 in the CS or the LP.
20. Limited details have been provided regarding the seasonal demand for outside seating or the need for and usage of the proposed structures. Notwithstanding

this, as stated by the appellant, the outdoor seating and catering facilities provided in the proposed structures attract custom and provide an additional facility for the hotel's guests, visitors to the area, residents and those who work or study locally. Their use also provides additional income for the hotel; helps meet a demand for outside catering facilities; and benefits the local economy. These benefits are reflected in the letters of support submitted in relation to the proposal. Accordingly, collectively I give a moderate amount of weight to them.

21. In this instance such benefits would be clearly outweighed by the less than substantial harm the proposal would cause to the CCA, the conservation of which I attribute significant importance and great weight. This harm is not something that could be satisfactorily mitigated by the imposition of conditions.
22. In view of the harm caused to the CCA by the proposed development, I share the concern of the Council that to approve this development could set a precedent for similar harmful developments within the front gardens of other villas within the CCA. This would result in further harm to the character, appearance and significance of the CCA.
23. I conclude on the main issue that the proposal would unacceptably harm the character and appearance of the area and would fail to preserve the character or appearance of the CCA. Further, the limited level of harm it would cause to the significance of the CCA would not be outweighed by any public benefits. Accordingly, the proposal would conflict with LP Policies UHT1 & UHT15, CS Policies D10 & D10a and paragraphs 130, 199, 200 and 202.

Elizabeth Lawrence

INSPECTOR