



Appeal Decision

Site visit made on 26 January 2023

by A Hickey MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 February 2023

Appeal Ref: APP/B1415/W/21/3288435

2 Roebuck Street, Hastings TN34 3BB

- 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 Andrew Moore against Hastings Borough Council.
 - The application Ref HS/FA/21/00642, is dated 23 June 2021.
 - The development proposed is described as replacement of existing flat roofs on an existing building with pitched roofs at 1st floor and 2nd floor levels due to on going issues with leakages: 1 main pitched roof at 2nd floor level. 2 smaller pitched roofs on North West elevation at 1st floor level. Pitch of roof minimized and equalised to slope away from existing silhouette of the building to ensure line of sight from neighbouring properties is not affected and loss of light is minimized.
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Decision

1. The appeal is dismissed and planning permission is refused.

Preliminary Matters

2. The appeal is against the Council's failure to determine the planning application within the relevant statutory timeframe. The Council's statement indicates that they would have refused planning permission for the proposed development, for reasons relating to the effects of the proposal on the character and appearance of the host building, local area and nearby designated heritage assets.

Main Issue

3. The effect of the proposal on the character and appearance of the area, including the Hastings Old Town Conservation Area (CA) and the setting of the nearby listed buildings with particular regard to the adjacent Grade II listed Duke of Wellington Public House.

Reasons

4. The appeal site is located within the CA. As such I have had regard to the duty to pay special attention to the desirability of preserving or enhancing its character or appearance. In addition, there are several Grade II listed buildings¹ near the site and therefore I have had special regard to the desirability of preserving the buildings or their setting or any features of special architectural or historic interest which they possess.

¹ No. 29 Duke of Wellington Public House, No's. 30-33 High Street

5. From my observations, the significance of the CA lies, in this part, in its narrow roads, linear layout of buildings along High Street with Courtyard development to the rear. There is a mix of buildings along the length of Roebuck Street. One of the features is that, in general, they gradually ascend in height as they follow the road to High Street. This is a significant, pleasing element of this part of the conservation area.
6. The significance of the Duke of Wellington Public House is its largely retained original features coupled with its tall scale and prominent position on the junction. The significance of No's. 30-33 High Street lies in their more simplistic but traditional form and appearance which forms part of a parade of dwellings and a shop.
7. The appeal building incorporates traditional materials, including a brick facade and weatherboarding, materials both commonly found on surrounding buildings. Nevertheless, it is a modern contemporary addition within its setting, which is evident by its roof construction set over three flat-roofed sections incorporating metal stairs and railings. This staggered roof line provides a link between the buildings on this section of road as they ascend in scale. As a result, the appeal site makes a neutral contribution to the character and appearance of the street scene and the significance of the CA.
8. The proposal would see the external walls of the existing building increased to facilitate the creation of a pitched roof. This would result in the appearance of the building having additional floors. This increased bulk and height would detract from the contemporary design of the host building and would see the addition of incongruous roof slopes, which would be at odds with the appearance of the host building.
9. Furthermore, the introduction of the additional built form and taller roof would interrupt the stepped relationship between buildings found on this section of Roebuck Street. In this way, the characteristic flow of buildings rising along the street would be detrimentally watered down and so the proposal would give rise to a jarring appearance within the CA.
10. In terms of the setting of the listed buildings, the proposal would be located a sufficient distance away from No's. 30-33 High Street to avoid disrupting views or having an imposing presence. However, the additional built form of the proposal scheme would be clearly visible along Roebuck Street and the junction with High Street, where it would be seen and compete with views of the Duke of Wellington. The effect on its qualities would be a negative one as hemming in the Duke of Wellington would thereby diminish its role as a key historic feature. Indeed, due to its location and height, the proposed additions would be physically imposing and would erode the prominent grand qualities of the Duke of Wellington. Overall the appreciation of this public house on the junction would be seriously marred.
11. For the purposes of the Framework, the CA and listed buildings are designated heritage assets. Within the overall context, I consider that the proposal would lead to less than substantial harm to the significance of these. The Framework indicates that such harm is to be weighed against the public benefits of a proposal. However, great weight should be given to an asset's conservation.
12. The proposal would result in a private benefit for the appellant, who is seeking to alter the flat roofs to stop water ingress into the property. Even if this were

a public benefit, given the scale of the scheme, the benefit would be small and as such, the public benefits do not outweigh the identified harm in this case.

13. The scheme would fail to preserve or enhance the character or appearance of the host building, surrounding area, the CA or the setting of the Grade II listed Duke of Wellington Public House. It would be contrary to Policies DM1, DM3, EN1, HN1, and HN4 of the Hasting Local Plan Development Management Plan 2015 and Policy EN1 of the Hastings Local Plan Planning Strategy 2014. Together these seek, amongst other things, new development to be of an appropriate scale and design which sustains and enhances heritage assets. The proposal would also conflict with the provisions of the Framework, in regard to conserving and enhancing the historic environment.

Conclusion

14. The proposal conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweighs the identified harm and associated development plan conflict.
15. For the above reasons, I conclude that the appeal should be dismissed

A Hickey

INSPECTOR