



Appeal Decision

Site visit made on 6 January 2023

by G Sylvester BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th February 2023

Appeal Ref: APP/T1410/W/22/3292167

1 Constable Road, Eastbourne BN23 7NN

- 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 Mehrshad Pourrasoul against the decision of Eastbourne Borough Council.
 - The application Ref. PC/210815, dated 30 August 2021, was refused by an undated notice.
 - The development proposed is a new two storey, three bed, five persons end of terrace dwelling with vehicular access from Sevenoaks Road and off-street parking for 2 vehicles.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development in the heading above is different to that stated in Part E of the appeal form and the Council's decision notice. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Therefore, I have used the description given on the original application form.
3. The appellant has declared on the appeal form that amended drawings (file names Front Elevation.png and New front elevation.png) not previously seen by the LPA have been submitted with the appeal.
4. When compared to the proposal that was before the Council (shown on drawing number 3b), drawing 'Front Elevation.png', shows a proposed dwelling that is wider across the front elevation and with a roof ridgeline matching No 1 Constable Road. The differences between the two are therefore significant and material. Having regard to the principles established in the case of *Bernard Wheatcroft Ltd v SSE* 1982, I have not accepted the submitted drawing as to do so would unfairly prejudice the interests of those parties who may wish to make representations on the amended proposals.
5. Drawing 'New front elevation.png', shows a dwelling that is very similar, if not identical, to the proposal that was before the Council. However, as the drawing is not numbered and is not accompanied by a corresponding site layout or floor plan drawing, I cannot be certain of this and therefore I have not accepted it.

Main Issues

6. The main issues are the effect of the proposed development on:

- the character and appearance of the area,
- the safety of highway users in Sevenoaks Road, with particular regard to visibility, and
- the living conditions of future occupiers of the proposed dwelling, with particular regard to the amounts of interior space and outdoor amenity space.

Reasons

Character and appearance

7. The appeal site is an end of terrace dwelling occupying a prominent corner plot within an area that is residential in character, with buildings that generally display simple gabled forms, shallow roof pitches and similar exterior materials. These characteristics give the area a consistent appearance.
8. The terrace of which the appeal property forms part of is a particularly distinctive building in the street scene. It has a markedly stepped roof line and there is a regular pattern of window and door openings, and equally spaced and substantially identical gabled front porches on the terrace's facade. Together, these features give the terrace a strong sense of uniformity and rhythm, and it contributes positively to the appearance of the area.
9. The appeal proposal is to erect a two storey dwelling projecting from the gable end of the host property and on the existing building lines. The width of the proposed dwelling would be marginally wider than the host dwelling, however I find that this difference would be negligible in the context of the overall length of the terrace and largely imperceptible in public views.
10. There would be a proportionate step between the roof lines of the proposed dwelling and the host property, matching those on the existing terrace. The proportions, sizes and positions of the first floor windows would replicate those in the host terrace, maintaining the pattern and rhythm at that level. As such, the proposed dwelling would constitute a proportionately sized addition to the terrace, with adequate space retained between it and the highway. It would not be harmfully dominant or unbalance the terrace within the street scene.
11. However, the proposed front porch is wider and projects closer to the road than the existing front porches on the façade of the terrace. Furthermore, the adjacent ground floor window opening is narrower than the same window openings within the terrace. Together, the size of the proposed porch and the narrower ground floor window opening would be visually discordant and would harmfully disrupt the uniformity and rhythm of the terrace's façade. As such the terrace's positive contribution to the character and appearance of the area would be harmed.
12. I have had regard to whether a suitably worded planning condition could secure a smaller porch as suggested by the appellant. However, the proposed porch is an intrinsic element of the design of the proposed dwelling and a principal matter in dispute. Securing details of a materially different development through a planning condition would be inappropriate and would deprive interested parties of an opportunity to comment on them, leading to injustice.

13. For these reasons, I conclude that the proposed development would harm the character and appearance of the host terrace and the wider area, contrary to Policies B2 and D10A of the Eastbourne Core Strategy Local Plan (February 2013) (ECS), and Policies UHT1 and UHT4 of the Eastbourne Borough Plan (2001-2011) Addendum: Saved Policies (September 2007) (EBP), which require high quality development that makes a positive contribution to the local distinctiveness of the area, amongst other objectives. Furthermore, it would conflict with paragraph 130 of the National Planning Policy Framework 2021 (Framework), which requires development to be visually attractive and sympathetic to the local character of the built environment, amongst other requirements.

Highway safety

14. The appeal proposal includes a new vehicular access to Sevenoaks Road. This is a relatively wide road with a 30 mile per hour speed limit and it functions mainly as a suburban distributor road, providing access to the homes in the area, a school and a shopping parade.
15. At the time of my site visit on a weekday morning, I observed a relatively light flow of traffic on the road, consisting mostly of cars travelling at relatively low and consistent speeds, with very few commercial vehicles. Pedestrians and cyclists were relatively infrequent during this time. Although a snap-shot in time, I have limited evidence to demonstrate that such conditions are abnormal.
16. A number of properties fronting Sevenoaks Road and close to the appeal site are served by dropped kerb vehicular accesses to the highway, including No 82, which adjoins the appeal site. I have no evidence to show that the existing accesses are causing any problems in terms of highway safety. Furthermore, I have not been provided with any requirements from the Local Highways Authority.
17. Turning to the appeal proposal, the number of vehicle trips generated by the single dwelling and using the proposed access would be likely to be small. The on-site vehicle parking and turning facility would allow vehicles to join and leave the highway in a forward gear.
18. There is a relatively wide highway footway and verge on the frontage of the appeal site, behind which is an evergreen hedge. Whilst the existing hedge on the frontage of the appeal site may obstruct visibility to the south, this could be reduced in height and controlled by a suitably worded planning condition to ensure that both drivers of vehicles exiting the site, drivers within the carriageway and pedestrians could see each other.
19. The relatively wide highway footway and verge, and the open front gardens of nearby bungalows to the north, would ensure that both drivers of vehicles exiting the site, drivers within the carriageway and pedestrians could see each other. Visibility would not be obstructed by the low height timber fence that runs along the boundary of the bungalow to the north (No 82). Although the front gardens of the bungalows are private property, they are nevertheless open and I find no substantive evidence that they would not remain so, given the open plan character of the area.

20. I note the concerns raised by third parties over parking on Sevenoaks Road and Constable Road in the area of the appeal site. There were no vehicles parked on Sevenoaks Road in the immediate vicinity of the appeal site at the time of my visit. I have no substantive evidence that the situation is different at other times of the day. For these reasons, concerns that vehicles parked on the highway restrict visibility do not change my findings on this matter.
21. In taking these points together, I find that planning conditions can be imposed to ensure that both drivers of vehicles exiting the site, drivers within the carriageway and pedestrians are provided with adequate visibility to see each other. I therefore conclude that the proposed development would not have a harmful effect on the safety of highway users, with particular regard to visibility.
22. For these reasons the proposal would be consistent with Policy D10A of the ECS and Policy UHT1 of the EBP, which require development to be appropriate in terms of layout and to take account of safety. Furthermore, the proposal would be consistent with paragraph 111 of the Framework, in that development should only be refused if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Living conditions

23. The National Planning Policy Guidance¹, sets out that where a Local Planning Authority wishes to require housing to meet internal space standards, it should only do so by reference to the Nationally Described Space Standards (NDSS) in an adopted development plan policy.
24. As I have not been provided with an adopted development plan policy for the area that explicitly refers to the NDSS, I give limited weight to the appeal proposal's conflict with the NDSS, insofar as the floor area of the double bedroom falls short of providing the required floor area of 11.5 square metres.
25. My attention is drawn to paragraph 126 of the National Design Guide (2019), and the advice contained therein that homes should provide good standards and quality of internal space, including room sizes.
26. The submitted furnished layout of the double bedroom shows that the almost square shape of the room would aid usability. It would provide sufficient space around the bed for occupiers to circulate and to access the ensuite WC/shower room. I therefore find that this bedroom would contribute to providing a good standard and quality of interior space for the intended future occupiers of the proposed development.
27. The rear gardens serving the existing properties in the terrace are broadly equivalent in size and shape to the footprints of the houses. Compared to those nearby gardens, the rear and side garden of the proposed dwelling would cover a considerably larger area, being both wider and longer.
28. Although the proposed vehicle turning and parking area would encroach into the garden of the proposed dwelling, I find that the remaining areas of garden combined, would not be unduly small relative to nearby gardens. There would be sufficient space to accommodate domestic paraphernalia such as children's

¹ Paragraph: 018 Reference ID: 56-018-20150327

play equipment and to allow domestic activities to take place such as the drying of washing.

29. Furthermore, the rectangular shape of the area of garden beyond the rear wall of the proposed dwelling, incorporating a patio area close to its rear doors and set away from Sevenoaks Road, would constitute a usable space of a sufficient size to accommodate a seating area for relaxation and socialising.
30. I have no substantive evidence that Sevenoaks Road would have a harmful effect on the intended future occupiers living conditions within the garden. Whilst just a snap-shot in time, I observed relatively low traffic levels along Sevenoaks Road and a commensurately low level of traffic noise.
31. I find that the side and rear garden of the proposed 3 bedroom dwelling would contribute to providing adequate living conditions for the intended future occupiers.
32. In taking these reasons together, I conclude that the intended future occupiers of the proposed 3 bed dwelling would be provided with adequate living conditions. As such, the appeal proposal would be consistent with Policies B2 and D10A of the ECS and Policy UHT1 of the EBP, which require development to be of a high design quality and layout, which protects the residential amenity of future residents. Furthermore, it would be consistent with paragraph 130 of the Framework, which requires development to promote health and well-being, with a high standard of amenity for future users.

Other Matters

33. The proposed dwelling would contribute to housing delivery within the area. The Council is currently unable to demonstrate a five year supply of deliverable housing sites within its area. Consequently, paragraph 11 d) ii. of the Framework, should be applied.
34. The Framework expects development to be visually attractive, to add to the quality of an area and be sympathetic to local character, including the surrounding buildings. Even taking account of the objective of significantly boosting the supply of housing, and the Council's housing land supply position, I find that the conflict between the appeal proposal and Policies B2 and D10A of the ECS, and Policies UHT1 and UHT4 of the EBP, should be given significant weight in this case. I find these policies to be substantially consistent with the Framework's objective of achieving well designed places in paragraph 130, in particular.
35. Set against the harm identified there would be relatively limited social and economic benefits associated with the proposal. There is no dispute that the development plan supports the provision of housing in this location. The appeal proposal would make efficient use of land within a settlement that offers opportunities for employment and a range of services that support healthy communities, consistent with paragraph 69.c) of the Framework.
36. I appreciate that the proposal would deliver a smaller housing unit that would be relatively affordable in the context of other homes that are available in the area, contributing to housing choice.
37. However, I find that an additional dwelling would make little difference to the overall supply of housing in the area. The short term economic benefits during

construction and the longer term support that one extra household would provide to the local economy and to the services within the area would also be limited.

38. I have found that the proposal would provide adequate living conditions for the intended future occupiers and that its effect on highway safety can be made acceptable through planning conditions, in accordance with the requirements of the Framework (paragraphs 111 and 130.f). However, these are requirements that all comparable proposals should meet and they hold limited weight in favour of the proposal.
39. Consequently, the adverse effects of the proposed development on the character and appearance of the host building and the area, would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole. As a result the presumption in favour of sustainable development does not apply.
40. I acknowledge that the proposal would meet modern day building regulations, including accessibility standards and it would be adequately drained and serviced. Construction wastes could be minimised. However, these requirements would be common to all well designed developments and they do not weigh in favour or against the development. Whilst there is no objection to the removal of the tree in the side garden, this does not weigh in favour or against the proposed development.
41. The appellant's concerns regarding the Council's processing of the planning application following pre-application advice are not matters for me to resolve and should be taken up with the Council in the first instance.

Conclusion

42. For the reasons given above, I conclude that the proposed development conflicts with the development plan as a whole and there are no material considerations of sufficient weight, including the provisions of the Framework, to outweigh this finding. Therefore, the decision should be made in accordance with the development plan and the appeal should be dismissed.

G Sylvester

INSPECTOR