



Appeal Decision

Site visit made on 26 January 2022

by Elizabeth Lawrence BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th February 2023

Appeal Ref: APP/B1415/W/22/3300075

Land Adjacent to 242 St Helens Road, St Leonards on Sea, TN34 2NE

- 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 W Derby against the decision of Hastings Borough Council.
 - The application Ref HS/FA/21/01092, dated 6 December 2021, was refused by notice dated 14 April 2022.
 - The development proposed is described as proposed removal of single garage and outbuilding. Proposed new single storey dwelling and detached double garage.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. During the processing of the appeal application the appellant submitted amended drawings. Whilst the council has advised that it considered the drawings, they did not substitute them and they were not made public or subject of any consultations. As the amendments include material changes to the overall scheme, in the interests of fairness I am unable to take them into consideration in the determination of this appeal.
3. It is noted that the size of the proposed garage varies on two of the submitted drawings. The appellant has confirmed that the dimensions of the garage as shown on drawing No.344.2.A are correct. This is a minor error that can be adequately dealt with by condition without prejudice to any party. Accordingly, the appeal has been determined on this basis.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

5. The appeal site is located in an accessible area within the built-up area of St Leonards on Sea. 242 St Helens Road (No.242) is one of a small diverse group of individually designed dwellings which are sited around a small private cul-de-sac with a small central grassed area. Whilst the road is private road, it includes a public footpath which runs from the entrance to the cul-de-sac to the southern corner of the appeal site and then along the south-eastern boundary of the appeal site.

6. The dwellings within the cul-de-sac are informally sited and occupy generous sized and typically triangular plots with narrow frontages. The existing chalet style dwelling at No.242 is one of two dwellings within the group that sit towards the rear of their plots. The other four dwellings project closer to the road. Some of the front gardens are dominated by hardstanding and there are a number of garages situated close to the road.
7. The appeal site is triangular in shape and is located within the garden area to east of the existing driveway that serves the dwelling at No.242. It projects down to the private road, where it has a narrow frontage. Planning permission has already been granted for a small traditionally designed bungalow on the appeal site and at the time of the appeal site visit, the appeal site had been fully cleared and enclosed along the south-eastern and north-eastern boundaries by a tall close boarded fence.
8. There is some tall planting and trees beyond the fence, within the garden of 241 St Helens Road (No.241) and further planting within the western boundary of No.242. This planting, together with the other mature planting within the adjacent gardens and the area of woodland to the east, contribute to the informal and verdant setting to the dwellings.
9. Amongst other things policy DM1 of the Hastings Local Plan Development Management Plan 2015 (DMP), requires good standards of design, which includes efficient use of resources. New development should protect and enhance local character, taking account of best practice guidance relating to urban design, place making, architectural quality and distinctiveness.
10. Whilst the DMP is more than five years old, in relation to the appeal scheme DMP Policy DM1 is consistent with paragraphs 130 and 134 of the National Planning Policy Framework (Framework). Together and amongst other things they seek to ensure that development is sympathetic to local character and maintains a strong sense of place. The advice set out in paragraph 86 of the National Design Guide 2019 (NDG) is consistent with this. Section 1.2.i of Building Design Principals of Guidance Notes for Design Codes 2021 (BDP) seeks an appropriate wall to window ratio.
11. The proposed bungalow projects close to the western and northern site boundaries and as a consequence would sit close to the existing dwelling at No.242. However, the appeal dwelling is single storey with flat and shallow mono-pitched roofs and the front section of the existing dwelling at No.242 is similarly single storey, with a flat roof. This would result in a sense of space between the two dwellings. It is also noted that the dwelling at 243 St Helens Road similarly sits close to the front elevations of the dwellings on either side of it. For these reasons the juxtaposition between the two dwellings would not appear awkward, cramped or out of keeping with the street scene.
12. By locating the dwelling at the northern end of the plot it would result in a larger and more usable garden to the south and east of the proposed dwelling, when compared with the approved scheme. This garden area would add to the spacious and verdant setting of the site and retain the existing setting to the adjacent footpath.
13. The front of the proposed dwelling would sit slightly further back from the road and the south-eastern boundary than the approved dwelling. It would be sited a similar distance from the road to other dwellings within the cul-de-sac and

the size of the proposed front garden would be comparable to other gardens in the cul-de-sac. The proposed dwelling would share the existing access drive that serves No.242 and the parking and turning area would be set back from the road. This parking area would not be uncharacteristically large.

14. Whilst the proposed dwelling would be the only contemporary designed dwelling in the group, the age, height, design and appearance of the other dwellings in the group vary considerably. A number of the existing dwellings are irregular in shape, combining flat and pitched roofs and include long elevations. The proposed dwelling would be orientated towards the road, with the front facing elevations benefitting from large areas of glazing, coupled with broken building lines and contrasting roof pitches, angles and forms.
15. The glazing facing the adjacent dwellings and gardens would be more discrete, however the varied roof forms, building form and varied external materials would provide some visual interest. Also, the building would be modest in height and parts of the elevations would be screened by boundary screening. For privacy reasons it is not unusual for walls positioned alongside boundaries with neighbouring properties to have limited fenestration.
16. As a consequence, the front facing elevations of the proposed dwelling would provide an active frontage that respects and contributes to the character and appearance of the area. The side and rear elevations would blend in appropriately with their garden setting and would secure adequate levels of privacy of the occupiers of both properties. This would outweigh the conflict with the advised window to wall ratios set out the Guidance Notes for Design Codes, produced by the Ministry of Housing, Communities and Local Government.
17. In these respects, I find in favour of the proposal. However, the proposed garage is utilitarian in appearance and due to its siting, size and height it would be visually stark and unduly prominent within the street scene. The proposed garage would dominate the entrance to the existing and proposed dwellings. And would reduce the scope for soft landscaping on the plot. As a result, it would have an enclosing and urbanising impact on the character and appearance of the cul-de-sac, the public footpath and the area as a whole.
18. For this reason, the overall scheme would cause material and unacceptable harm to the character and appearance of the area. This harm would outweigh the benefits of providing the proposed contemporary dwelling on the site and it is not a matter that could be satisfactorily addressed through the imposition of conditions.
19. I conclude on the main issue that the proposal would unacceptably harm the character and appearance of the area. Accordingly, it would conflict with DMP Policy DM1, paragraphs 130 & 134 of the Framework and the NDG paragraph 86.

Planning Balance and Conclusion

20. Both the Council and the appellant advise that the Borough does not have a deliverable supply of sites to provide a minimum five-years supply of housing sites. Also, that the Housing Delivery Test Figures published in January 2022 confirmed that the Council had met only 42% of the delivery test requirement.

Therefore, the development plan policies that are most important for determining the appeal are out-of-date and the tilted balance as set out in paragraph 11d of the Framework is engaged. In this instance criterion i is not applicable, but criterion ii is.

21. The council has already granted planning permission for a one bedroom dwelling on the appeal site and so the proposed dwelling would not increase the number of permitted dwellings on the site. Whilst the proposal would increase the bedrooms and thus the accommodation capacity of the site, no evidence has been submitted relating to any greater local need for three as opposed to one bedroom dwellings. Accordingly, notwithstanding the level of shortfall in the Borough's housing land position I give very little weight to this benefit of the scheme in the planning balance.
22. By increasing the number of bedrooms approved on the appeal site, the proposed dwelling would make more efficient use of the land. Whilst this is encouraged in section 11 and paragraph 130 of the Framework, paragraph 134 of the Framework states that development that is not well designed should be refused. Accordingly, having regard to the harm that the overall scheme would result in, this is a benefit to which I give no weight in the planning balance.
23. The construction of the proposed dwelling would provide employment and the occupiers of the proposed dwelling would likely support local services and facilities. In these ways the proposal would support the economic and social objectives of sustainable development. Having regard to the modest nature of the proposal this is a benefit to which I give a small amount of weight in the planning balance.
24. I have found that due to the siting, bulk, height and design of the proposed garage, the overall scheme would unacceptably harm the character and appearance of the area. As a consequence, the proposal would be contrary to DMP Policy DM1, which is consistent with sections 12 of the Framework. For the reasons set out above I give this harm and conflict significant weight.
25. Overall, for the reasons set out above the proposal would conflict with the environmental objective of sustainable development. This weighs heavily against the proposal.
26. The lack of a five-year supply of housing and the level of shortfall stated does not automatically lead to the grant of planning permission. In this instance the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits resulting from the proposal when assessed against the policies in the Framework taken as a whole. I therefore find that the presumption in favour of sustainable development should not be applied.
27. The proposal would conflict with the development plan and this conflict is not outweighed by other material considerations, including the provisions of the Framework and in particular paragraph 11. Accordingly, for the reasons stated above and taking all other matters into consideration, I conclude that the Appeal should be dismissed.

Elizabeth Lawrence

INSPECTOR