



Appeal Decision

Site visit made on 1 February 2023

by B Pattison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 February 2023

Appeal Ref: APP/B1415/W/22/3302624

239 Hillside Road, Hastings TN34 2QY

- 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 McMullon against the decision of Hastings Borough Council.
 - The application Ref HS/FA/22/00011, dated 6 January 2022, was refused by notice dated 6 April 2022.
 - The development proposed is a new two-storey dwelling adjacent to the existing dwelling at 239 Hillside Road, Hastings. New dwelling to replicate existing dwelling but will include fenestration to the west elevation and will be set at a lower level.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's Statement of Case confirms that they wish to remove reference to 239 Hillside Road from the reason for refusal which relates to the effect of the proposed development on the living conditions of neighbouring occupiers. From my site visit, I agree that there would not be a harmful impact on the occupiers of this property. Accordingly, my assessment in relation to this reason for refusal is focussed on the effect of the proposed development on the occupiers of 237 Hillside Road and 9 Rowan Close.

Main Issues

3. The main issues are:
 - The effect of the proposed development on the character and appearance of the area;
 - Whether the proposed development makes adequate provision for parking off-street and the effect of any lack of provision on highway safety; and
 - The effect of the proposed development on the living conditions of the occupiers of 237 Hillside Road and 9 Rowan Close, having particular regard to outlook and privacy.

Reasons

Character and appearance

4. 239 Hillside Road is a two storey detached dwelling positioned between Hillside Road and Rowan Close. This stretch of Hillside Road is characterised by two storey detached houses of similar design, arranged in a discernible building line

and set back from the road behind generously sized green frontages. Rowan Close has a different character, being a spaciouly laid out residential cul-de-sac characterised by single storey bungalows set comfortably back from the road behind open front gardens.

5. Rowan Close is on a sharp incline with the land rising towards a turning head, with the adjacent appeal site elevated above it. The appeal property has an unusually large rear garden which extends to the west. Beyond the garden's red brick boundary wall is a grassed area which positively contributes to creating a pleasant, open character around the turning head.
6. When viewed in isolation, the design, scale and bulk of the new house is comparable to the other houses on Hillside Road. Given its siting to the side of 239 Hillside Road it would have limited visual impact when viewed from Hillside Road. However, it would front and be accessed from Rowan Close and would form part of the setting of the close.
7. The siting of the dwelling and parking area to its front would result in the loss of the grassed open space to the side of the existing house. This would change the appearance of this area, having an urbanising effect upon it. Efforts have been made to reduce the house's height and bulk from a previously submitted iteration of the proposal. However, due to its siting, the house would significantly reduce the spacing around the host building and turning head, thereby eroding the openness in this part of the close. The new house's projection towards the turning head, combined with its elevated position, would be intrusive and would detract from the spacious qualities of the area.
8. The submitted drawings indicate that a significant expanse of the house's side elevation would be 1.2 metres from the adjoining footpath on Rowan Close. As a result of the proximity to the site boundary and footpath the dwelling would have a looming presence, emphasising the reduction in space between the properties in Rowan Close and those on Hillside Road. Overall, I find that the house would be 'squeezed' onto the site in a manner that would appear cramped.
9. I have had regard to the infill dwelling at 229 Hillside Road which was recently granted planning permission. However, as it is an addition to the linear development fronting Hillside Road, this has a different impact on the character and appearance of the area. It is therefore not directly comparable to the proposed development. In any event, its existence does not indicate that the proposed development is acceptable.
10. Whilst change to the built environment should not be unnecessarily resisted and the proposal would not significantly increase residential densities, the harm I have identified above indicates that the proposed scheme is unacceptable.
11. For the above reasons, I conclude that the proposed development would harm the character and appearance of the surrounding area. I therefore find that it would conflict with Policy DM1 of the Hastings Development Management Plan (2015) (HDMP). Amongst other aspects, this policy seeks to secure development of a high standard of design which protects and enhances the local character of the area. I also find conflict with the principles of the National Planning Policy Framework (2021) (the Framework) and the National Design Guide (2019) that seek good design that is sympathetic to the local area.

Highway safety

12. Submitted plan 775.SK2B1 dated 05/01/2022 is annotated to show an off-street car parking area to the front of the new house measuring 4.6m in depth. The Council outlines that the East Sussex County Council Guidance for Parking at New Residential Development (2017) requires car parking spaces to be 5 metres in depth and 2.5 metres in width. Consequently, the proposed space has a shortfall in depth which is likely to result in vehicles overhanging the footway were the area to be used as a parking space. This would reduce the space available for pedestrians, and in some circumstances, could mean they need to step onto the carriageway to round an obstruction, or another pedestrian.
13. The Council state that East Sussex County Council Highways guidance suggest a provision of 1.7 car parking spaces for a three bed house. In the absence of sufficient and suitable off-street parking space, this demand would need to be accommodated on the public highway.
14. It has been put to me that there is space for on-street parking in the local area. Whilst there may be no through traffic within Rowan Close, it is subject to parking restrictions during the weekday which would prevent future occupiers from parking their vehicles throughout the day. Hillside Road is nearby and provides space for on-street parking. However, the Council state that the road already experiences high parking demand as a result of existing parking restrictions on nearby roads and its proximity to the local hospital. On my visit, which I acknowledge is a snapshot in time, I experienced Hillside Road to be heavily parked during late morning on a weekday.
15. The demand would increase the existing levels of parking stress. I acknowledge the appellant's comments regarding the nearby bus stop and planning policy aims to reduce dependence on private vehicles. However, increased parking demand in instances of limited supply may lead to additional congestion as drivers seek parking space, or park illegally, which would be detrimental to highway safety. There is little evidence to suggest that such circumstances could be avoided by the appeal proposal.
16. For the above reasons, I conclude that the proposed development would harm highway safety with regard to the adequacy of the parking provision and the potential for the displacement of vehicles on to the public highway. I therefore find that it conflicts with Policies DM3 and DM4 of the HDMP. Amongst other aspects these policies require that particular attention be given to highway capacity, parking provision and safety. As the proposed development would have an unacceptable impact on highway safety it would also fail to comply with Manual for Streets (2007).

Living conditions

17. The submitted drawings indicate that the house's rear elevation would be 9.8 metres from the boundary with 237 Hillside Road's rear garden. This garden currently experiences a degree of mutual overlooking from neighbouring properties. However, views from the adjacent properties are primarily oblique views, generally towards the rear parts of the garden. In contrast, the new house would have rear windows which would allow direct views from a close proximity into No. 237's garden as well as angled views towards No. 237's rear

windows. As a result of the direct views, the proposal would result in a loss of privacy for the occupiers of No. 237.

18. Due to the levels difference, the new house would be constructed on ground that is significantly lower than No. 237. This ensures that the proposed development would not be likely to have an overbearing effect on the outlook from either the garden or habitable rooms of No. 237.
19. As a result of its position, views from the house towards the rear garden and nearest windows of 9 Rowan Close would be at an oblique angle. In addition, the row of garages in between the properties would have a screening effect, reducing the potential for overlooking. As a result, I do not find that the proposal would result in a harmful loss of privacy for the neighbouring occupiers of this adjacent property.
20. For the above reasons, I conclude that the proposed extension would harm the living conditions of the occupiers of 237 Hillside Road, with particular reference to loss of privacy. I therefore find that it would conflict with Policy DM3 of the HDMP which requires, amongst other aspects, that new development should not result in harm to the living conditions of neighbouring occupiers. I also find conflict with the principles of the Framework which requires development to safeguard and improve the environment and ensure safe and healthy living conditions.

Other Matters

21. The Framework seeks to significantly boost housing supply and indicates that substantial weight should be given to the value of using suitable land within settlements for homes. It also encourages the optimal use of underutilised land. The proposal would be an infill development which would contribute to the local housing supply and would represent a more efficient use of land in an existing urban area with access to public transport and services.
22. I acknowledge that residential development in this location is acceptable in principle and the proposal may be compliant with various other provisions of the development plan. However, the absence of harm or conflict with other relevant development plan policies is a neutral factor and does not weigh in favour of the proposal.

Conclusion and Planning Balance

23. The Council has confirmed that they cannot demonstrate a 5 year supply of housing. Therefore paragraph 11(d) of the Framework applies. As the site is not within a protected area or asset of particular importance paragraph 11(d)(i) is not relevant to the appeal. However, the test in paragraph 11(d)(ii) should be applied. This requires an assessment of the proposal against the policies in the Framework taken as a whole.
24. The Framework expects development to be visually attractive as a result of good layout whilst maintaining a strong sense of place using the arrangement of streets to create attractive, welcoming and distinctive places to live. It also expects development to safeguard healthy living conditions and highway safety. Policies DM1, DM3 and DM4 of the HDMP are therefore consistent with the Framework. Even taking into account the Council's failure to deliver sufficient housing, the conflict between the proposal and the development plan should be afforded great weight or substantial weight.

25. Set against the harm identified there would be limited benefits associated with the proposal, such as its accessible location. In addition, the appeal proposal, by providing a three-bed house, which it is said would be relatively affordable, would add to the housing stock and mix in the area. However, despite the need for more housing and the shortfall in the Council's supply of housing land, the benefits would be relatively limited in this instance given the scale of the development. Therefore, the adverse impacts on the character and appearance of the area, neighbouring residents' living conditions and highway safety that I have identified would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.
26. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, to indicate that the appeal should be determined otherwise. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

B Pattison

INSPECTOR

