



Appeal Decision

Site visit made on 8 February 2023

by J Hobbs MRTPI MCD BSc (hons)

an Inspector appointed by the Secretary of State

Decision date: 21 March 2023

Appeal Ref: APP/B1415/D/22/3311076

9 Kite Close, St Leonards-on-sea, East Sussex TN38 8DR

- 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 Arri Barry against the decision of Hastings Borough Council.
 - The application Ref HS/FA/22/00617, dated 28 July 2022, was refused by notice dated 10 October 2022.
 - The development proposed is a two storey side extension and internal alterations.
-

Decision

1. The appeal is allowed and planning permission is granted for a two storey side extension and internal alterations at 9 Kite Close, St Leonards-on-Sea, East Sussex TN38 8DR in accordance with the terms of the application, Ref HS/FA/22/00617, dated 28 July 2022, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The extension hereby permitted shall be carried out in accordance with the following approved plans:
 - Location Block Plan (ref. 1021-2022-LBP)
 - Block Plan with Dimensions (ref. 1021-2022-BP)
 - Proposed Two Storey Side Extension & Internal Alterations (ref. 1021-2022-1)
 - Sectional Elevation – Street Scene (ref. 1021-2022-2)
 - 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.
 - 4) The extension hereby permitted shall not be occupied until the ensuite bathroom window within the rear elevation has been fitted with obscured glazing, and no part of that window that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. The window must include obscure glass to a minimum level of obscurity equivalent to Pilkington Texture Glass Level 3, or similar. The window shall be maintained in that condition thereafter.

Main Issue

2. The main issue of this appeal is the effect of the proposed development on the character and appearance of the area.

Reasons

3. Kite Close is a wide road and includes footpaths on either side, properties are often set back from the road and include driveways. The appeal property is located within a corner plot, between the road and a cul-de-sac and the garden of the appeal property wraps around to the side of the house. These features combine to create an open and spacious character.
4. The design of the appeal property is largely replicated by other properties within the cul-de-sac and towards the other end of the road. A number of these properties benefit from two-storey side extensions and the appeal property benefits from extant planning permission for a single storey side extension. As such, side extensions are common in the area within these types of properties.
5. Whilst the proposed two storey extension would lead to built development closer to the property boundary, it would occupy the same footprint as the single storey extension approved under the extant planning permission. The increase in height of the proposed two storey extension compared to the approved single storey extension would increase the sense of enclosure around the access to the cul-de-sac. However, only to a relatively limited extent given the extension is set back from the property boundary and is shorter than the existing roofline. The proposed extension would also be set back from the front elevation. Accordingly, it would not appear bulky or have an intrusive presence in the street scene and it would respect the character and appearance of the area.
6. The proposed side extension would lead to development in front of 8 Kite Close (No.8). However, the proposed extension would be a significant distance from the front elevation of No.8, due to the siting of No.8's front garden and two car parking spaces between the properties. The car parking spaces are already partially enclosed by the appeal property's boundary fence. Although the height and siting of the proposed extension may increase the sense of enclosure around the parking spaces, it would be to a very limited extent given the extension would only be observed over the fence.
7. Furthermore, the proposed extension is materially different to the existing side extension at No.3 Kite Close. That extension is built to the same height as the original house and right up to the property boundary. In any event, I have dealt with the appeal on the basis of the evidence before me and my own site observations.
8. I conclude that the proposed extension would not have a harmful effect on the character and appearance of the area. The proposed extension therefore complies with Policy DM1 of the Shaping Hastings, Hastings Local Plan, Development Management Plan, September 2015, which requires proposals to protect and enhance local character. The appeal scheme is also in accordance with the National Planning Policy Framework and National Design Guide which indicate decisions should ensure developments are sympathetic to the local character and illustrates how well-designed places can be achieved.

Other Matters

9. The appeal site is located within a Great Crested Newts (GCNs) Red Risk Zone and within a 250m pond buffer. The Council in their evidence has not advised that GCNs would be harmed or that any mitigation would be required through a

suitably worded condition if permission were to be granted for this proposal. Moreover, I have no evidence to suggest where the pond or buffer is located in relation to the proposals.

10. The Council refer to an informative and standing advice from Natural England. Considering this and in the absence of evidence that GCNs would be harmed, as the appeal is to be allowed it does not alter the acceptability of the appeal proposal. However, the Appellant should be aware of their responsibilities under the Conservation of Habitats and Species Regulation 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended).

Conditions

11. The Council has indicated the conditions that it considers would be appropriate. I have considered these in light of the Planning Practice Guidance.
12. A condition specifying the time limit and approved plans is necessary as this provides certainty. I have imposed a condition specifying materials are to match the existing building in order to safeguard the character and appearance of the area. In order to protect the living conditions of No.8, the ensuite bathroom window is required to be obscurely glazed and fixed when less than 1.7m above the floor.

Conclusion

13. The proposed development complies with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweigh this.
14. Therefore, for the reasons given above I conclude that the appeal is allowed, and planning permission is granted.

J Hobbs

INSPECTOR