



Appeal Decision

Site visit made on 9 March 2023

by J Hobbs MRTPI MCD BSc (hons)

an Inspector appointed by the Secretary of State

Decision date: 5 April 2023

Appeal Ref: APP/B1415/D/22/3299358

129 Parker Road, Hastings TN34 3TP

- 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 Rimas Kalikas against the decision of Hastings Borough Council.
 - The application Ref HS/FA/21/01130, dated 13 December 2021, was refused by notice dated 3 March 2022.
 - The development proposed is retrospective permission for two storey rear extension, ground floor 5.7m deep and first floor 3.7m deep; construction of a 2.3m retaining wall with gabion cages.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Appellant has indicated on the application form to say the works had started but did not indicate the works had been completed. However, significant time has passed since the Appellant submitted the planning application and the Council has considered the scheme as a retrospective application. At my site visit I observed a rear extension which matched the submitted plans and I have considered the appeal on that basis.

Main Issues

3. The main issues of the appeal are:
 - the effect of the appeal scheme on the character and appearance of the area; and,
 - the effect of the appeal scheme on the living conditions of occupiers of 129 and 131 Parker Road, with respect to outlook, sunlight and privacy.

Reasons

Character and Appearance

4. The appeal property is in the middle of a long row of semi-detached houses. As these properties have been extended and amended there is some variance in their design. However, there is a general consistency to the pattern of development due to the size and siting of the properties, within similarly sized, long and narrow plots. Most of the properties include hipped roofs.
5. There are a significant number of extensions and alterations to the rear of the properties in the area of varying scale, this includes two storey extensions, the

construction of dormers and installations of roof lights. Generally, the two storey extensions do not cover the full width of the rear elevation of their host property.

6. The appeal property's two storey rear extension expands across almost the full width of the rear elevation, with a small inset from the side elevation. The rear extension protrudes a significant distance into the rear garden; albeit the first floor extension is stepped back from the ground floor extension. The hip to gable extension accommodates the width of the dormer.
7. The first floor extension has been constructed up to the property boundary with 127 Parker Road (No. 127) and close to the side elevation. Given the narrow width of the appeal property and separation to 131 Parker Road (No. 131), alongside the width of the first floor extension it appears cramped when viewed from the rear garden.
8. Combined, the two storey extension, dormer and hip to gable extension has added significant massing to the appeal property. When viewed together the development is bulky and given the narrowness of the plot it appears as overdevelopment of the appeal site.
9. The roofscape is generally characterised by hipped roofs, as such the hip to gable extension appears as an incongruent feature within the roofscape. The inclusion of a gable roof disrupts the pleasing uniform pattern of hipped roofs within the vicinity of the site.
10. Whilst 109 Parker Road (No. 109) has an amended roof, it is a jerkinhead gable and it is an exception within the vicinity of the site. Although, the roof of No. 109 disrupts the pattern of hipped roofs, it is more sympathetic to the character of the area than the appeal scheme due to its design. Nevertheless, the disruption caused to the pattern of development by No. 109's roof does not justify further disruption caused by the appeal scheme, which is considered on its own merits.
11. 205 and 211 Parker Road are located a significant distance from the appeal property. Whilst both accommodate gable roofs, these roofs are not seen in the context of the surrounding roofscape of the appeal site and therefore do not influence the character of the area.
12. Planning permission for a two storey rear extension with a Juliette balcony and the formation of dormer windows on the side and rear elevations of the appeal property was granted in December 2017. That proposal is materially different to the appeal scheme as it preserved the hipped roof, did not extend as far beyond the rear elevation and the first floor extension did not extend to the boundary with No. 127. This is a fallback position but does not justify the greater extent of the development included within the appeal scheme. Likewise, the various extensions to 241 Parker Road (No. 241) are materially different to the appeal scheme as it concerns extensions to the ground floor only and includes a conservatory. As such, it does not set a precedent for the appeal scheme.
13. Given most of the works are to the rear of the property, its effect on the character and appearance of the area is reduced when the property is viewed from public areas. However, the hip to gable extension is highly visible when viewed from the road and the extension to the rear and dormer is visible across

several gardens and from windows of neighbouring properties. As such, the appeal scheme still has a negative impact on the visual qualities of the area.

14. Support for the scheme from an interested party is noted; however, it does not alter my assessment on the acceptability of the appeal scheme.
15. I conclude that the proposed development would have a harmful effect on the character and appearance of the area. The appeal scheme is therefore contrary to Policy DM1 of the Shaping Hastings, Hastings Local Plan, Development Management Plan (DMP), September 2015, which indicates that all proposals must reach a good standard of design which protect and enhance local character.
16. The appeal scheme is also contrary to Paragraph 130 of the National Planning Policy Framework (the Framework) which indicates that decisions should ensure developments are sympathetic to local character. It is also contrary to guidance contained within the National Design Guide which suggests well designed new development should respond positively to the surrounding context beyond the site boundary.

Living Conditions

17. As part of the development, the Appellant has levelled out a section of their rear garden to accommodate the rear extension and form a patio area. The properties on Parker Road are located on a steep hill. As such there was already mutual overlooking across rear gardens. However, the levelling out of the area immediately to the rear of the extension has led to the ground level being significantly raised adjacent to the boundary with No. 127.
18. As No. 127 is downhill from the appeal property, the increase in ground levels immediately adjacent to the boundary has significantly increased the amount of overlooking of No. 127's rear garden from the appeal property's garden. The most private area, immediately to the rear of No. 127, is particularly affected by the recontouring of the land. A privacy screen of a similar height to neighbouring boundary treatments would not overcome the harm caused by overlooking. I therefore consider that the extent of the overlooking of No. 127 has increased to a harmful extent.
19. Given No. 131 is located uphill of the appeal property, I do not consider that the recontouring of the rear garden of the appeal property has increased overlooking to the rear of No. 131 to a harmful extent.
20. The raised patio area to the rear of 83 Parker Road is materially different to the appeal scheme as there are limited views to the neighbouring property downhill from it and the inclusion of a privacy screen further restricted these views. As such it does not set a precedent for the appeal scheme.
21. The appeal property without the rear extension, previously restricted sunlight to the rear of No. 131 due to the orientation of the buildings. The appeal extension further reduces sun light experienced by residents of No. 131. As No. 131 is located uphill from the appeal property, the loss of sunlight experienced by its residents is somewhat mitigated. However, given the height, massing and siting of the extension close to the boundary of No. 131 I conclude that the extension will overshadow the rear windows and garden of No. 131 to a harmful extent.

22. Whilst large extensions have been permitted at 31 Parker Road and No. 241, these extensions are materially different as they are only single storey. As such, they do not block as much sunlight as the appeal property's two storey rear extension.
23. It is accepted by both main parties that the proposed development does not have a harmful effect on the amount of sunlight experienced by residents of No. 127 due to the orientation of the buildings.
24. The tall rear extension is built up to the boundary with No. 127 and close to the boundary with No. 131 and extends a significant distance beyond the rear elevations of both neighbouring properties. Nevertheless, there are no direct views of the rear extension from neighbouring properties. The significant fall in the ground levels across the rear gardens means the neighbouring residents benefit from extensive views across the gardens. Given the lack of direct views and the neighbouring residents ability to look out a significant distance across gardens, the rear extension does not have an overbearing effect on neighbouring residents.
25. I conclude that the appeal scheme has a harmful effect on the living conditions of residents of No. 127, with respect to privacy, and No. 131, with respect to sunlight. The appeal scheme is therefore contrary to DMP Policy DM3 which indicates that permission will be granted where the use of scale, form, height and mass of any building avoids adverse impact on the amenity of neighbouring properties. The appeal scheme is also contrary to Paragraph 130 of the Framework which suggests that decisions should ensure that developments create places with a high standard of amenity for existing and future users.

Conclusion

26. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict.
27. Therefore, for the reasons given above I conclude that the appeal should be dismissed.

J Hobbs

INSPECTOR