



Appeal Decision

Site visit made on 24 April 2023

by J Reid BA(Hons) BArch(Hons) RIBA

an Inspector appointed by the Secretary of State

Decision date: 10 May 2023

Appeal Ref: APP/T1410/W/22/3309206

2 Priory Road, Eastbourne, East Sussex BN23 7DZ

- 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 Andrew Benn against the decision of Eastbourne Borough Council.
 - The application Ref 220167, dated 28 February 2022, was refused by notice dated 29 April 2022.
 - The development proposed is construction of one bed detached chalet bungalow with two off street parking spaces and rear garden.
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Decision

1. The appeal is dismissed.

Main issues

2. The main issues are the effect that the proposed development would have on:
 - the character and appearance of the surrounding area, and
 - the living conditions of the future occupiers regarding private outdoor amenity space.

Reasons

Character and appearance

3. The appeal site is situated within a mainly residential area, and it is reached from the south west end of Great Cliffe Road near its junction with Priory Road. The nearby dwellings range from one to 3 storeys tall and include detached, semidetached and terraced dwellings, most are pitched or flat roofed, and most include reasonable to good sized gardens and on-site parking. The mansard style 3 storey building next door at 2 Priory Road includes a hipped roofed back outshoot which would adjoin one side of the site. The bungalow at 2 Great Cliffe Road lies close by on the other side, and the site backs on to the end of the back garden of 4 Priory Orchard Terrace. The openness between the backs of the dwellings that face Priory Road and the nearby dwellings in Great Cliffe Road contributes positively to the local suburban character.
4. The proposed 2 storey chalet style dwelling would be set back a little less from Great Cliffe Road than the outshoot at 2 Priory Road and a little further back than the front of 2 Great Cliffe Road. However, its scale would fail to respect the generally larger dwelling forms and plot sizes close by. Because the dwelling and its parking spaces would be nearly as wide and as deep as the

site, the proposal would look harmfully squeezed in, and its bulky form would unacceptably erode the important openness between the existing buildings.

5. Because parked vehicles would take up the space between the front of the dwelling and the back edge of the pavement, they would dominate the site's frontage. As there would only be an enclosed tightly constrained yard at the back, there would be little room around the dwelling to provide a setting for it. The dwelling's rear facing dormer would be nearly as wide and almost as deep as the back of the dwelling. So, whilst the dwelling would not be so overbearing that it would harm the nearby occupiers' living conditions, its dominant and intrusive impact on the views from the backs of the nearby dwellings and their back gardens would be detrimental to the local character. Thus, the proposal would be unacceptably built up and incongruous.
6. The dwellings at 47 and 49 Langney Rise, and Wayside Terrace have acceptable back gardens, the flats at 51 Langney Rise have an attractive setting, and all of them respect the established development pattern and sense of place. The other recent developments referred to by the appellant are further away, where the site specific circumstances are different, so they provide little support for this damaging scheme.
7. Therefore, I consider that the proposed development would harm the character and appearance of the surrounding area. It would be contrary to Policy D10A of the Eastbourne Core Strategy Local Plan (CS) which seeks high quality design and respect for context, Policy UHT1 of the Eastbourne Borough Plan (LP) which aims for development to harmonise with the appearance and character of the local environment respecting local distinctiveness, and LP Policy UHT4 which seeks respect for local distinctiveness.

Living conditions

8. The only private outdoor amenity space would be the shallow hard surfaced yard at the back of the dwelling. Because it would be largely edged by tall solid boundary treatment, the dwelling, and the outshoot next door, it would be unacceptably enclosed. Because there would be little open outlook from the yard or from the ground floor of the dwelling close by, the future occupiers would be likely to feel harmfully hemmed in. Moreover, there would be barely any room outside where the future occupiers and a visitor or 2 could, say, sit or eat in comfort, enjoy the sunshine, hang washing, and grow some plants in pots and/or planters. Whilst the site is a roughly 20 minute walk from the beach and other public open spaces, that would not compensate for the proposal's unsuitable and insufficient private outdoor space.
9. Thus, I consider that the proposal would harm the living conditions of the future occupiers regarding private outdoor amenity space. It would be contrary to CS Policy B2 which aims to protect the residential and environmental amenity of future residents, and the National Planning Policy Framework (Framework) which seeks a high standard of amenity for future users.

Other matters

10. Materials were not a concern of the Council in its reasons for refusal, and as they could reasonably be controlled by condition if the proposal were to be otherwise acceptable, I agree. The potential to convert the dwelling to 2 flats or a 2 bedroom dwelling, and the aim for the dwelling to be occupied by a

family member, do not outweigh the harm identified in the main issues. The appellant's concerns about the Council's response to enquiries made before the appeal was submitted are not relevant to my findings.

11. The Council cannot demonstrate a 5 year supply of deliverable land for housing. The shortfall is significant. So, the Framework's presumption in favour of sustainable development is engaged. The proposal aims, amongst other things, to make efficient and effective use of the site, which is within a reasonably accessible location. The other benefits would include a welcome new home for its occupiers, jobs during construction, and its future occupiers' likely support for local shops and services. However, as the harm identified in the main issues above would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole, planning permission should not be granted.

Conclusion

12. I have found that the proposed development would be contrary to the Development Plan when taken as a whole. The other considerations in this case, including the Framework, do not outweigh that conflict.
13. For the reasons given, the appeal should be dismissed.

J Reid

INSPECTOR