



Appeal Decision

Site visit made on 15 May 2023

by Nicola Davies BA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 May 2023

Appeal Ref: APP/B1415/W/22/3298463

Land South East Of Junction Of Church Street adjacent to Arlington Cottages, Hastings, East Sussex, TN35 5BY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Hollyberry Holdings Ltd c/o Innerdale Hudson Architects against Hastings Borough Council.
 - The application Ref HS/FA/21/01073, is dated 23 November 2021.
 - The development proposed is new build residential development comprises of 2no 3 bed semi-detached houses with 2no parking spaces (1no per house), cycle and refuse storage and private gardens.
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Decision

1. The appeal is dismissed and planning permission is refused.

Background and Main Issues

2. This appeal has been lodged following the Council's failure to determine the application. The Council in their appeal statement have put forward reasons for refusal had they been in a position to determine the application. I have considered the appeal on the basis of those refusal reasons as set out by the Council.
3. The main issues in this case are the effect of the proposed development on:
 - a) Local green space;
 - b) Ecology;
 - c) Parking and highway safety; and
 - d) The character and appearance of the area.

Reasons

Local green space

4. The appeal site forms part of wider open space that is identified as part of a local green space in the Hastings Local Plan Development Management Plan 2015 (the Development Management Plan). It is visually and functionally connected to an area of woodland known as Speckled Wood and provides a welcome open green space within the street scene. This green gap contributes to the character and appearance of the street. The loss of this green space would diminish the visual quality of the street scene and the proposal would be harmful for this reason.

5. For these reasons, I conclude that the proposed development would be harmful as it would result in the loss of local green space. The proposal would, therefore, conflict with Policies HN8, HN10, DM1, DM3 and DM4 of the Development Management Plan, Policies EN2, EN3, EN6 and EN8 of the Hastings Local Plan Planning Strategy 2014 (the Local Plan) and the National Design Guide 2019. These policies seek, amongst other matters, development not to result in any net loss of designated green space that is identified by policy for protection for its visual value.
6. The application also identifies the transfer of a portion of land to the local community. However, no substantive details of what this might entail and how this would be secured have been provided. Therefore, this offers little support in favour of the proposal.

Ecology

7. The site is part of a section of woodland at the northern end of the Ore Valley. The planning application was accompanied by a Preliminary Ecological Appraisal that identifies that ecological surveys of the site would need to be carried out, including surveys relating to protected species. Any loss of vegetation at the site as a result of the proposed development could have a negative impact upon ecology. The appellant advises that ecology at the site has fluctuated over the past 20 years. However, for the purposes of this appeal I agree with the Council that insufficient information has been provided to enable an assessment of the impact of the proposed development on protected species and biodiversity.
8. Given the above, a precautionary approach must be taken in view of the sensitivity of the site to host ecology, which may include protected species. The extent of ecology that may be present at the site and potentially impacted by the proposed development needs to be established prior to any permission being forthcoming. Without this in place, this brings the proposal in to conflict with Policy HN8 of the Development Management Plan and Policy EN3 of the Local Plan that requires the protection of biodiversity and for development not to result in any net loss of biodiversity.

Parking and highway safety

9. The site is accessed by a narrow single track leading from Victoria Avenue. The proposal would incorporate two parking spaces, one for each dwelling. However, the Council points out that this falls below the requirements set out by the Highway Technical Guidance, the East Sussex County Council Guidance for Parking at Residential Development 2017. Consequently, future occupiers of the dwellings, along with those visiting the property, would be required to park within the surrounding area.
10. Given the narrowness of the access track this would offer limited opportunities for on street parking. Furthermore, this track provides access to parking and servicing areas at the rear of the commercial premises that front onto Old London Road. It is extremely likely that future occupiers and visitors would wish to park as close to the properties as possible. This would lead to pressure to park vehicles along the track leading to inconvenience and highway safety concerns for those using this access.

11. I acknowledge that the site is located close to a commercial area where services, facilities and public transport are accessible and that the scheme would incorporate cycle parking. This would to some extent reduce dependence on private vehicles. Notwithstanding this, the proposal is for two family sized homes. The occupiers are very likely to rely on more than one vehicle on a day-to-day basis and there would be no provision for visitors at the site. The proposed development would not provide sufficient on-site parking space to accommodate the likely parking requirements of future occupiers. Whilst I acknowledge that electric vehicle charging points would be provided, this would not reduce the need for future occupiers to travel.
12. For these reasons, I conclude that the proposed development, given that it would not provide adequate off-street parking, would diminish highway safety in the vicinity of the site. The proposal, therefore, conflicts with Policy DM4 of the Development Management Plan and the Parking Guidance that seeks, amongst other matters, development to accord with the adopted parking standards.

Character and appearance

13. The residential properties in the area are predominantly Victorian terraced and semi-detached dwellings that have two storey frontages. There is a row of single storey garages west of the site. To the east the properties are predominantly single storey and of varied design, appearance and materials, although Arlington Cottages, immediately to the east is two storeys to the rear where there is a change in land levels.
14. The proposed development, being of modern design, would contrast in appearance with those residential properties in the locality that are of traditional design. Whilst the Council contends the height and scale of the dwellings would be uncharacteristic within the surrounding development, they would be similar when compared to that of the existing Victorian properties.
15. The proposed development would be of different appearance to that of existing development in the area. It would be visible in views along the track street scene and from the woodland that is accessible to the public. However, given the variety of styles of buildings in the locality the proposed development would not be so substantially out of keeping within the area such that would be considered to visually jar with the current context. Consequently, I do not find that the proposal would be visually harmful to the area having regard to its height, size, design, materials and its appearance within the plot.
16. For these reasons, I conclude that the proposed development would not be harmful to the character and appearance of the area. The proposal, therefore, would comply with Policies DM1 and DM3 of the Development Management Plan and the National Design Guide 2019 that seek, amongst other matters, development to achieve a good standard of design.

Other Matters

17. This proposal has sought to address the Council's concerns in regard of an earlier proposal for the site that was for a greater number of residential dwellings. Notwithstanding this, I am required to consider the merits of the proposal that is before me.

18. Concerns have been raised about the Council's processing of the planning application with copies of correspondence between the local planning authority and the applicant's agent having been provided. However, this is not a matter that is primarily before me in respect of this appeal but is an issue for the local planning authority in the first instance. In any event, these concerns would not lead me to alter my findings above.
19. The Council is unable to demonstrate a five-year supply of deliverable housing sites. The proposal would assist in addressing this and be consistent with the Government's objective to significantly boost the supply of homes. These considerations support accepting the proposed development. Notwithstanding this, paragraph 182 of the National Planning Policy Framework indicates that the presumption in favour of sustainable development set out in paragraph 11 does not apply in cases such as this where it has been concluded that the plan or project would adversely affect the integrity of a habitats site, amongst other matters.

Conclusion

20. Whilst I have found in favour of the appellant in terms of the effect of the proposed development upon the character and appearance of the area, this does not overcome the identified harm in relation to the other three main issues.
21. Having regard to the above findings, the appeal should be dismissed and planning permission refused.

Nicola Davies

INSPECTOR