
Appeal Decision

Site visit made on 12 July 2023

by Elizabeth Lawrence BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th July 2023

Appeal Ref: APP/B1415/D/23/3320272

264 Elphinstone Road, Hastings, TN34 2AG

- 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 Les Jones against the decision of Hastings Borough Council.
 - The application Ref HS/FA/22/00937, dated 23 November 2022, was refused by notice dated 10 March 2023.
 - The development proposed is described as alterations to front driveway, removal of existing steel gates and front boundary wall, first floor extension over existing side extension, hip to gable roof extension with front and rear dormers and raised patio area (part retrospective).
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Decision

1. The appeal is allowed and planning permission is granted for alterations to front driveway, removal of existing steel gates and front boundary wall, first floor extension over existing side extension, hip to gable roof extension with front and rear dormers and raised patio area at 264 Elphinstone Road, Hastings, TN34 2AG in accordance with the terms of the application, Ref HS/FA/22/00937, dated 23 November 2022, subject to the following conditions.
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: SP-0226.01, SP-0226.02, SP-0226.03, SP-0226.04 Revision C, SP-0226.05 Revision C, SP-0226.06 Revision C, SP-0226.07 Revision C and SP-0226.08 Revision C.
 - 2) The materials to be used in the construction of the external surfaces of the works hereby permitted shall match those of the existing dwelling.
 - 3) A 1.8 metre-high obscure-glazed screen to the north of the flank edge of the raised patio area shall be installed prior to the first use of the decking area. The privacy screen shall thereafter be retained and maintained.

Preliminary matters

2. It is noted that the description for the proposal refers to it being part retrospective. As planning permission cannot be granted retrospectively, I have deleted this from the description in my decision.
3. Most of the works have been carried out and accord with those granted under planning permission reference HS/FA/21/00661. The main differences between the approved and proposed schemes include the deletion of the approved front and rear extensions, the extension of the approved raised patio area to the rear

of the dwelling and the insertion of a dormer window and two roof lights in place of three roof-lights on the front roof-slope.

Main Issue

4. The main issue is the effect of the proposal on the character of the surrounding area.

Reasons

5. The appeal property is located within an informal and verdant suburban area where the ground levels fall away to the east and south. Within the northern part of Elphinstone Road the dwellings on the eastern side of the road sit at a lower level to the highway and there are panoramic views to the south and southeast between the dwellings and the trees and shrubs to the front of the dwellings. The dwellings on the western side of the road sit at a higher level to the highway and are largely screened from the street scene by a tree and shrub belt. Some of these dwellings are served by The Byeway which is a narrow road immediately to the rear of the tree belt.
6. The dwellings within Elphinstone Road comprise a diverse mix of bungalows, chalet dwellings and two storey dwellings which include a variety of shallow and steeply pitched gabled and hipped roofs. Collectively they include a variety of design features including projecting hips and gables, flat roofs, flat and pitched roof dormers, eyebrow dormer, wall dormers and roof-lights.
7. Immediately to the north of the appeal dwelling is a two storey house with a detached pitched roof garage within its front garden. Both the house and the garage sit at a higher level to the appeal property and are partly screened from the street scene by mature boundary planting. To the south of the appeal site is a split-level house with one pitched and one false pitched roof additions to the front. These additions and the side boundary planting screen the main house from much of the street scene.
8. The appeal dwelling is located on the eastern side of Elphinstone Road and comprises a detached bungalow that has been converted to a dormer bungalow. It sits below the highway and below the two-storey dwelling immediately to the north. There is a small front garden to the front of the dwelling that slopes down steeply to the east and along the front boundary is a tall fence above a low wall and tall metal gates.
9. Policy DM1 of the Hastings Local Plan Development Management Plan 2015 (DM), seeks to ensure that new development protects and enhances local character, taking account of the context of the surrounding neighbourhood. Paragraph 130 of the Framework, similarly seeks to ensure that development is sympathetic to local character and maintains a strong sense of place.
10. The appeal dwelling is largely screened from the wider street scene due to its recessed position, the proximity of the adjacent dwellings and the mature planting within the street scene and the adjacent gardens. Where it can be seen the appeal dwelling appears as one of three individually designed dwellings with a variety of roof forms, ridge heights and fenestration.
11. The proposed flat roofed front dormer extension has already been constructed. It sits within the middle of the resultant front roof slope below the main ridge line. There are generous sized gaps between the dormer window and the front

and side eaves lines and it is recessed behind the existing front projecting gable. As a result of these factors the proposed dormer extension appears modest and subservient to the host dwelling. Although smaller, the proposed dormer is not dissimilar in form to some of the dormer windows in The Byeway and those further to the south along Elphinstone Road. It also blends in with some of the flat roofs along the northern stretch of Elphinstone Road and is readily assimilated into this varied street scene.

12. The proposed roof lights on the front roof slope break up the horizontal lines of the side extension/new roof and the removal of the front metal gates and boundary wall/fence would soften the appearance of the property within the street scene. The proposed rear dormer would sit below the ridge and above the eaves heights and would be set in from the side walls of the dwelling. As a consequence, whilst large it would blend in with the diverse rear garden environment.
13. Finally, the proposed raised patio would be visually uncluttered and would relate appropriately to the ground levels at the rear of the dwelling. However, in view of its proximity to the boundary with the rear garden at 266 Elphinstone Road, I agree with the council that a privacy screen should be provided along the northern edge of the patio. This is to minimise overlooking over the rear garden at No.226. As suggested by the council this can be secured through the imposition of a condition and I note that the appellants have raised no concerns regarding the suggested condition.
14. The council has also suggested conditions relating to the use of matching external materials and adherence to the submitted drawings. These conditions are necessary to ensure the completed proposal respects and blends in with the host dwelling and in the interests of certainty.
15. I conclude on the main issue that the proposal would respect the character and appearance of the surrounding area. Accordingly, the proposal would comply with DM Policy DM1.

Elizabeth Lawrence

INSPECTOR